HOUSE OF ASSEMBLY

Tuesday 27 March 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated his assent to the following Bills:

Road Traffic Act Amendment,

Magistrates Act Amendment.

PETITION: SCHOOL STUDENTS

A petition signed by 288 residents of South Australia praying that the House urge the Government to provide increased resources for school students with learning difficulties was presented by the Hon. G.J. Crafter.

Petition received.

PETITION: O-BAHN

A petition signed by 96 residents of South Australia praying that the House urge the Government not to establish an O-Bahn busway or arterial road along the former Glenelg trainline was presented by Mr Becker.

Petition received.

PETITION: AUSTRALIA DAY

A petition signed by 23 residents of South Australia praying that the House urge the Government to legislate to provide for the Australia Day public holiday to be observed on the twenty-sixth day of January each year was presented by Mr Becker.

Petition received.

PETITION: ADELAIDE AIRPORT

A petition signed by 81 residents of South Australia praying that the House urge the Government to resist any attempt to relax the curfew hours at Adelaide Airport was presented by Mr Becker.

Petition received.

PETITION: MARINELAND

A petition signed by 231 residents of South Australia praying that the House urge the Government to reconsider the closure of Marineland was presented by Mr Becker.

Petition received.

PETITION: ABORTION

A petition signed by 73 residents of South Australia praying that the House urge the Government to prohibit abortions after the twelfth week of pregnancy and the operation of free-standing abortion clinics was presented by Mr Becker.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 20, 84, 103, 105 and 133.

POLICE COMPLAINTS AUTHORITY REPORT

The SPEAKER laid on the table the report of the Police Complaints Authority for 1988-89.

PUBLIC WORKS COMMITTEE REPORT

The SPEAKER laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

RN2400 Tod Highway Karkoo to 2 km south of Wanilla upgrading and reconstruction.

Ordered that report be printed.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Industry, Trade and Technology (Hon. Lynn Arnold)—

Port Pirie Development Committee—Report, 1988-89.

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

Classification of Publications Board—Report, 1988-89.

By the Minister of Labour (Hon. R.J. Gregory)—

Workers Rehabilitation and Compensation Act 1986—Regulations—Disclosure of Information.

MINISTERIAL STATEMENT: WORKCOVER ALLEGATIONS

The Hon. R.J. GREGORY (Minister of Labour): I seek leave to make a statement.

Leave granted.

The Hon. R.J. GREGORY: Mr Speaker, in the House last Wednesday, 21 March, the Leader of the Opposition and the Deputy Leader asked me two questions containing nine claims of alleged rorts—as they put it—being carried out against WorkCover. At the time, I requested the Deputy Leader to supply me with further details of the four cases he mentioned. Further requests were made both to the Deputy Leader and the Leader for details, particularly names or claim numbers, which would allow WorkCover to quickly and effectively access their records.

I should point out that, since it began in September 1987, WorkCover has handled about 140 000 claims. On Thursday of last week, I received a reply from the Opposition refusing to supply the information. The Leader claimed he had an informant in WorkCover, and he said:

> Were I to provide the further details you seek, I believe this could expose the identity of my informant and I am not prepared to do that.
>
> You would be aware that section 112 of the Workers Rehabilitation and Compensation Act provides penalties against officers of WorkCover who divulge information.

Indeed, I am now aware of those provisions—for a $3 000 fine—and, Mr Speaker, we can only speculate on the Leader's role in perhaps aiding and abetting a breach of the law.

WorkCover advises me that the supply of names or claim numbers would not necessarily identify an individual officer in the corporation. The Deputy Leader, so the letter states, has the name for each of his alleged cases. They will not be supplied because, according to the letter, I 'have demonstrated that (I) do not have an open mind on these matters'. In other words, the Opposition is prepared to make claims in this Parliament without supplying the evidence to allow them to be conclusively dealt with, if, in fact, they do have that evidence. The letter does state that this information would be made available to a full and independent parliamentary inquiry into WorkCover.

Mr Speaker, the Opposition is telling the Government to set up an inquiry into WorkCover based on unsubstantiated allegations on which they claim to have further information. If the Opposition was sincere about tackling any rorts in WorkCover, to put it plainly, it would put up or shut up. Either it supplies the hard facts required to absolutely deal with these claims—or drop them.

I can report to the House that WorkCover has advised me that none of the allegations as they were made in this Parliament can be substantiated in any way that indicates fraud, abuse or a 'rort' against WorkCover.

The Leader's first claim concerned 'an expensive wedding dress purchased for a worker on compensation with a hand injury'. Given the information provided, this allegation remains unfounded. Claim number two: 'A man given $30 000 worth of rehabilitation which entitled him to a fully paid holiday in Yugoslavia'. Again without more detailed information this allegation remains a rumour. WorkCover's senior rehabilitation advisors tell me that they have found no evidence of WorkCover purchasing overseas air tickets nor of the corporation arranging any travel overseas for any claimant. Claim number three concerned the alleged construction of a brick retaining wall at someone's house. Again, WorkCover advised that, without the details the Opposition is withholding, this claim remains unsubstantiated.

Claim number 4 alleged WorkCover built a $70 000 ramp at someone's house, with the Leader saying the house was sold without WorkCover realising any return from the home improvements. To this stage, WorkCover has built only two ramps at homes, both for people who became paraplegics. The most spent on either of these wooden ramps was about $5 500. It is amazing to suggest that wheelchair ramps improve the value of a property; in fact, they devalue homes and WorkCover does not compensate anyone for lost house value due to modifications.

The fifth case relates to special therapeutic chairs that would not be taken back by WorkCover after rehabilitation. WorkCover does provide special chairs for people who require them and who could not return to work without them. If the chairs are needed to enable people to return to and stay at work permanently, the chairs are provided permanently.

I now turn to the Deputy Leader's four claims. Despite the odds, WorkCover believes it knows of the first case the Deputy raised, that is, the apprentice with the bad back allegedly seen disco-dancing and rollerskating, who later appeared before the Industrial and Commercial Training Commission. Unfortunately for the Deputy, the accusations of the apprentice dancing and skating are still unsubstantiated at this stage. However, the apprentice did appear before the Industrial and Commercial Training Commission, along with a rehabilitation provider who attended at the request of the apprentice's lawyer. The outcome of the hearing was that the employer withdrew his application for the apprenticeship to be terminated, thus helping to keep the worker in employment. No evidence can be found to support the Deputy's other three claims without the names that he says he is withholding.

These are the allegations that are supposed to be 'rorts', or frauds and abuses. None of these allegations, as they stand, indicate anything improper, and they certainly provide no support for a call for a parliamentary inquiry. They do justify, however, the need for an inquiry by the public and the media into the motives and behaviour of the Opposition in ths matter.

I feel most deeply for people who are injured at work, as do the other members of the Government. But it seems that this is not shared on the other side of the House. The Opposition has focused its attack on WorkCover on people who are among the most disadvantaged in the community. I understand that the way it has raised this issue has caused great distress among people going through rehabilitation and among the disabled commuity. The Opposition has not expressed concern about the high levels of injury in the workplace. Instead, it is complaining about spending money on the care and rehabilitation of people who have been disfigured, maimed or rendered para or quadraplegic in work-related accidents. It is about time the Opposition ceased its attack on the victims of work injury and supported appropriate efforts in injury prevention, rehabilitation and compensation.

QUESTION TIME

CRESTWIN

Mr D.S. BAKER (Leader of the Opposition): Will the Premier explain why the Government did not make inquiries with the State Bank of Victoria before saying it was satisfied about the financial viability of the company, Crestwin, and its principal, Mr Bill Turner, the former proponents of the Marino Rocks Marina; and, in view of information I will now put to the House, will the Premier immediately review the Government's procedures for checking the viability of proponents of major developments in South Australia?

The Opposition first raised questions about the financial viability of Crestwin and Mr Bill Turner on 8 August last year. In response to further questions, the Premier said on 12 September last year that the Government was quite satisfied with the financial substance of Mr Turner and Crestwin, and on 17 October he said that the Government had not sought information from the State Bank of Victoria in making this assessment 'because it was not relevant.'

On 20 September last year the Premier had announced that a company, of which Mr Turner was still the major principal, would undertake the Marino Rocks development. However, I have now obtained information which shows that, by 1 September last year, Crestwin and Mr Turner's private company, W. & B. Turner Proprietary Limited, had defaulted on 14 loans to Tricontinental, a subsidiary of the State Bank of Victoria. Those loans were worth $50.8 million and had accrued interest of almost $5.5 million at the time of default. These defaults occurred between May and September last year and, therefore, raise serious questions about the thoroughness of investigations that the Premier has claimed were made into the viability of Crestwin and Mr Turner.

The Hon. J.C. BANNON: I thank the Leader for his further information. I might say that, at the time he refers

to last year, there were more than questions about the financial liability of Crestwin. There were, in fact, quite severe allegations of all sorts of personal misdemeanours, misbehaviour and character assassination which was absolutely disgraceful. I ask members to cast their mind back to that time and understand why anything that was put by the Opposition would have been clouded in some considerable suspicion because, quite clearly, the Opposition was simply trying to milk the situation for all it could and it was totally reckless in what it did to people's personalities and reputations. On that occasion the now Leader of the Opposition was set up as the bunny to ask one of the questions which later had him apologising to the principal in respect of the way the question had been interpreted.

Mr D.S. Baker: You cannot substantiate that.

The Hon. J.C. BANNON: There was no apology.

The SPEAKER: Order! The Leader of the Opposition had absolute silence when asking his question: the Premier has the same rights.

The Hon. J.C. BANNON: I find it interesting that the Leader—now he is in that position and can call his own shots—returns to that scene which I thought was the old Opposition style. In respect of the procedures for checking out financial viability, obviously that has to be kept under constant review. In retrospect, perhaps a more thorough investigation should have been undertaken. I am speaking here only from memory, but I do recall at the time that reference was made to litigation taking place over particular financial matters involving Mr Turner and Tricon. They were part of the public domain and have been referred to. Therefore, they were obviously part of any investigation in relation to the Turner companies.

At the end of the day, as the House will recall, we were not dealing with Mr Turner: we were dealing with Mr Burlock and, subsequently, the company Glenvill which, as I understand, at this time has executed a joint venture agreement in relation to this project and is currently looking at introducing other partners into the project. So, it is as well for the Leader of the Opposition to raise these things, but I think he ought to put them in a better historical context. If the purpose of his question is to say that a Government must be constantly vigilant in these matters, I would agree with him.

WORKCOVER

Mr HAMILTON (Albert Park): Will the Minister of Labour advise the House what steps are taken by WorkCover to monitor the services and costs incurred by rehabilitation providers, and do these providers have the power to extend a worker's time off work? Given some of the unsubstantiated claims made by the Opposition last week, I have been asked by a number of constituents to raise this question with the Minister of Labour to seek his response.

The Hon. R.J. GREGORY: This is an important question. One could be excused for thinking, from the Opposition's questions last week, that the rehabilitation providers for WorkCover roam around spending as much money and time on every case as possible. This is simply not true. Rehabilitation providers are contracted to WorkCover under strict conditions and their performance is closely monitored. They are the people who work directly with injured workers to get them back to work. They are overseen by WorkCover's rehabilitation advisers. If the corporation is not happy with the performance of a provider, it acts to end its relationship with that provider—and that has happened in the past.

The providers must seek approval if they are spending above certain amounts on individual cases. They need approval from an adviser if they are to spend over $2 000; from the Rehabilitation Manager if they are to spend over $5 000; and from the Chief Manager, Prevention and Injury Management, for sums greater than $20 000. Providers must also keep WorkCover informed at key points in every rehabilitation program, for instance, when a worker commences job seeking. The rehabilitation advisers review every provider's case management files once every four to six weeks. Spot checks are also carried out.

All of this, along with contact between injured workers and the rehabilitation advisers, amounts to a very close monitoring of the providers. Much has been made by the Opposition, in its unsubstantiated allegations of WorkCover 'rorts', of rehabilitation providers keeping people away from work. Providers do not have the power to issue medical certificates—only doctors can do that—and workers cannot receive WorkCover payments without a current medical certificate.

Rehabilitation providers are an important part of the process of getting injured workers back to work. WorkCover has advised me it will certainly not consider any relaxation in its monitoring of this important group. Indeed, the corporation is planning financial audit training for its rehabilitation advisers to further improve their skills in monitoring the bookwork of providers. It is also developing additional guidelines in relation to the purchase of rehabilitation aids and equipment. All this is evidence of WorkCover doing its job in keeping tabs on its contract providers.

MARINO ROCKS MARINA

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is to the Premier. Following his assurance to the House on 11 October last year that the development of a marina at Marino Rocks would not proceed until the Government was satisfied with the financial *bona fides* of the proponents, is the Government satisfied that the present proponents of the project have the ability to fund and complete the project and, if so, has this taken into account any financial liability the present proponents inherited from Mr Bill Turner?

The Hon. J.C. BANNON: I would certainly confirm that such a project would not proceed if we were not satisfied with the substance of those undertaking it—

Mr S.J. Baker interjecting:

The Hon. J.C. BANNON: —and seeing the colour of their money, effectively. That is the situation. Last time, as the Deputy Leader interjects, there was no difference at all. We had not made commitments that required that point of financial transfer or the conferring of rights in any development, and that remains the situation. As I said a moment ago, in answer to a question from the Leader of the Opposition, the project is still under assessment in the planning area. Work is proceeding with the Department of Environment and Planning, the Marion council and the joint venturers' consultants going through the SDP and section 63 process, as announced. Meanwhile, Burlock and Glenvill have executed a joint venture agreement, and a number of others will be involved in that. Of course, the ANZ has a role by holding certain mortgages. All those matters must be resolved before this project gets the go-ahead. It is as simple as that, and I can certainly provide that assurance.

TEACHER RETRAINING

The Hon. T.H. HEMMINGS (Napier): Can the Minister of Education explain to the House why teachers from secondary school campuses in my area are attending training courses at Craigmore High School and the Technology School of the Future? In today's editions of the *Australian* and the *News* there are reports of about 230 teachers from the six high school campuses that make up the Elizabeth/Munno Para College going back to school. The report indicates that the teachers are learning how to use new computer equipment which, I understand, was purchased for the college recently through a local supplier.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. It does sound somewhat unusual for teachers to be returning to school themselves, but there is a perfectly good reason for that, and I was pleased to see that the program received some prominence in today's *Australian.* About 230 teachers from the schools making up the Elizabeth/Munno Para College are currently undergoing training programs.

This is another important step in the Government's action to strengthen education and employment opportunities for young people in the northern metropolitan area of Adelaide. This area has traditionally had sustained high levels of youth unemployment and very low participation rates in the senior secondary years of education, and they are both matters that we intend to redress by way of a number of measures.

As the honourable member indicated, the Elizabeth/Munno Para College was created in the Elizabeth/Munno Para area as a result of the work done by the Joel committee, which was chaired by the former administrator of the Lyell McEwin Hospital, Mr John Joel. That brought about a substantial redirection of education in those northern suburbs, and indeed an enormous fillip in the capital works program for those schools, as a result of our ability to dispose of one of those school properties also as a result of a substantial decline in the number of school enrolments in that area.

In addition, $450 000 was provided to those schools as part of the Year of School and Industry Program to strengthen the use of technology and education. Those funds are assisting in upgrading technology equipment at the six school campuses that form the college. For example, nearly 100 high quality IBM compatible computers from a local supplier are now installed at that college. At the same time, a training program for teachers was found to be necessary and is currently under way. The outcome will be that better skilled teachers will go back into classrooms to improve the skills of students. Teachers know that they must build on the skills they gain from their initial training and classroom experience because their students face a world of rapid technological change.

Increasingly, young people are using technology, such as computer-aided design, learning through the use of robotics and using word processors to write essays and scientific projects, indeed, right across the curriculum. By gaining new skills the teachers will not only enhance teaching in traditional technology subject areas but also strengthen the use of technology in study areas including English, history, home economics and art. Cooperation with the Elizabeth College of TAFE will mean that TAFE instructors will support the teachers at Craigmore High School while other teachers go back to school at the unique Technology School of the Future at Technology Park.

MARINO ROCKS MARINA

Mr MATTHEW (Bright): I direct my question to the Minister for Environment and Planning. Why has the Government so far not responded to an official report completed four months ago which shows that the proposed marina at Marino Rocks may silt up and be polluted by rubbish carried by floodwaters?

I have in my possession a copy of a report completed last November by Dr W. V. Priess as a geological survey for the Department of Mines and Energy. The report is entitled 'Geological features of significance at the Marino Rocks proposed marina and recommendations for their preservation'.

In part, the report investigated the problem of potential sediment discharge into the marina and came to the conclusion that, with the construction of a breakwater at this site, sediment from stormwater run-off would accumulate and the marina may silt up. It also found that pollution of the marina by rubbish carried by floodwaters may also be a problem. One recommendation of the report was that the Department of Mines and Energy should be kept fully informed of progress in planning and developing the marina and be consulted for specialist geological advice, but I have been informed that the department has not so far received any response to its report.

The Hon. S.M. LENEHAN: I will be very pleased to get a report on the facts that the honourable member raised.

GENETIC ENGINEERING

Mr FERGUSON (Henley Beach): Has the Minister for Environment and Planning considered the possibility of regulation of the release of genetically engineered micro-organisms into the environment to control plant production in South Australia? Similarly, has any consideration been given to the regulation of embryo transfers of genetically engineered embryos?

The release of genetically engineered genes and organisms, to some extent, has been controlled in the United States by civil court action. In South Australia, there is no doubt that the State Parliament has jurisdiction over this matter, and the differences between civil law in the United States and South Australia make it difficult for any organisation or person worried about what might have happened to the release of the reconstructed genes to do anything about it. Generically engineered micro-organisms have been released in South Australia without any Government approval (and that occurred in June 1987 at the Waite Agricultural Research Institute in Adelaide). Some people are concerned that a horrible mistake might occur with the release of organisms into our ecosystem and that this might have far-reaching effects.

The Hon. S.M. LENEHAN: I thank the honourable member for his interest in this matter, and I know that that interest is shared by a number of other members of Parliament, including the member for Murray-Mallee, who has raised this matter in the House over the time that I have been here. The question itself covers two areas: the release into the environment of genetically manipulated organisms of a non-human nature which includes plants, animals, bacteria, etc.; and, secondly, the transfer of genetically engineered embryos. In relation to the first part of the question, the release of genetically engineered organisms is covered by national guidelines which involve approval by the Institutional Biosafety Committee of the particular institution proposing the release, and an assessment by the Genetic

Manipulation Advisory Committee. In some cases, the Australian Agricultural and Veterinary Chemicals Council is also involved in the assessment, since the term 'chemicals' in this context is being amended nationally to include organisms, which is something that did not occur in the past. Following assessment, the proposal is forwarded to the relevant State agency for consideration and approval.

In South Australia, the Department of Agriculture is the relevant State agency for organisms that act to control pests or diseases in a way that is similar to the control of pesticides. Such proposals are considered by the Register for Agricultural and Veterinary Chemicals. However, for other organisms which do not fulfil this purpose, the present situation is that no State agency has been assigned responsibility. This unsatisfactory situation is acknowledged, and a meeting of relevant agencies has been called for early April of this year to address the matter.

Briefly, to address the second part of the question in regard to the transfer of genetically engineered embryos, can I remind the House that the Reproductive Technology Act of 1988 governs the regulation of human embryo transfer, but the Act does not address the issues which appear to be at the centre of this particular question. That Act does not address genetically engineered genes and organisms in plant production in South Australia. These are subject to the national guidelines approved by the Genetic Manipulation Advisory Committee.

MARINO ROCKS MARINA

Mr LEWIS (Murray-Mallee): My question is directed to the Minister for Environment and Planning. In view of the recommendations in the Department of Mines and Energy report referred to in the previous question from the member for Bright, will the site for the proposed marina at Marino Rocks be moved 200 metres or so to the north? As well as the silt and pollution problems, the report reveals that the proposed site of the marina is located in an area which has been declared a geological monument. The report identifies 12 points of geological interest and states:

> Ideally, there should be no interference with such a site.

I remember studying those when I was doing matriculation geography; they are still there. At the minimum, five sites are nominated in the report as being essential for preservation, and this would require the southern boundary of the development to be moved 200 metres or so to the north.

The Hon. S.M. LENEHAN: I thank the honourable member for his question and acknowledge his interest in this particular part of South Australia. As I said in answer to the previous question, I would be pleased to obtain a very detailed report and to give the honourable member the assurance that his points will be looked at very carefully when I bring back the report.

HOUSING

Mr HOLLOWAY (Mitchell): Can the Minister of Housing and Construction say whether prices for housing and land are expected to rise rapidly in the near future and whether the strong demand for HomeStart loans has had an impact on prices in the residential property market? An article in today's *Financial Review* reports that across all sectors the Adelaide property market represents good long-term value for investors.

The Hon. M.K. MAYES: The article in the *Financial Review* deals with the South Australian economy and is well worth noting. It states:

> While the pace of economic growth around Australia slows due to the impact of tight monetary policy, the South Australian economy has continued to weather the storm and offers some degree of prosperity into the 1990s. Economic activity remains relatively strong, with the manufacturing, rural and building and construction sectors fueling growth. While this is expected to slow over the next two or three years in line with the national economy, South Australia is still likely to out-perform most State economies. The Bannon Government, recognised as one of the best economic managers of State Governments in Australia, has continued its drive to sustain a climate in which entrepreneurial drive, innovation and investment thrive.

The SPEAKER: Order! There is too much noise in the Chamber, and the Chair cannot hear the Minister's response.

The Hon. M.K. MAYES: It is worth noting this relevant and astute article from the *Financial Review* detailing the performance of the State Government. One of the major factors in this success has been the Bannon Government's ability to maintain house and land prices at affordable levels. Whichever review one wants to refer to, the facts are there and the figures speak for themselves. The *Financial Review* highlights the strong demand for residential property in South Australia while also noting that 'the cost of land and housing remains far cheaper than in most other States'. On Saturday morning I opened one of the new Hickinbotham display villages, and information given to me by people involved in the industry reinforces that comment. One major industry source is clearly reported as saying:

> The State Government's deliberate and effective policy of keeping land prices as low as possible, and its involvement as a joint venture partner in releasing large tracts of residential land, have underpinned the stable and relatively low prices of Adelaide housing.

If one looks at this Government's policies on the Urban Land Commission and the HomeStart scheme—which members opposite have criticised, knocked and endeavoured to undermine since it was first announced—one can see how successful they have been in relation to the provision of private dwellings in this State. In fact, according to the Real Estate Institute of South Australia, the average price for a family home in January 1990 was $102 000, whereas in October 1989 it was $105 500. This is a significant indicator of the affordability of housing in this State and the fact that we as a Government have committed ourselves to providing land which the average family can afford.

With 8 600 HomeStart registrations and 3 009 referrals, it can be seen that this is providing important support to many young families in particular, but to South Australian families as a whole, in connection with home purchase. From talking to industry sources it is apparent that, in recent months, purchases of a proportion as high as 40 per cent of dwellings have been supported by the HomeStart scheme.

I believe that that is a very significant factor in supporting the State economy and providing an affordable home to many South Australians. That initiative on the part of this Government, its far-sightedness and its ability to institute these programs has been of great benefit to all South Australians.

STIRLING COUNCIL

The Hon. B.C. EASTICK (Light): I direct my question to the Premier. Is it the intention of the State Government to sack the Stirling council and appoint an administrator if the council refuses to meet $4 million of its Ash Wednesday bushfire debt?

The Hon. J.C. BANNON: That is a very provocative way of putting the situation in relation to the Stirling coun-

cil. However, I make it clear that, first, the Stirling council has a liability for some $14 million in damages, which it is required to pay as a result of findings in the court and the settlement arising from that finding of negligence on the part of the council. Therefore, liability exists. Secondly, the State Government has worked very hard to ensure that that liability does not cripple the District Council of Stirling or its residents in terms of the services and facilities that they receive in the local government area. On the other hand, it would be totally irresponsible for the State Government simply to pick up the liability and reimburse the Stirling council for that sum of money. I think that there would be very many other local government areas and, of course, very many citizens in South Australia who would object very strongly indeed to that proposal. In the process of trying to find an appropriate settlement, the State Government has worked with the Local Government Association, which also is acutely aware of the problem as I have stated it.

The situation as it has evolved is that, first, the Government was able to provide loan funding to the Stirling council—the payment of interest on which was supported by the Local Government Association and not by the Stirling council itself—which has maintained the situation and allowed payments to be made. However, that arrangement terminates at the end of this month. In its place must be set up better long-term arrangements. The important decision that the Government had to make was the extent to which it could find some means of financing that obligation and the extent to which the council should contribute to its obligation.

A committee was established that went into great detail in respect of the Stirling council's assets rating capacity, relative rate levels compared with other local government bodies and relative debt commitments in relation to other local government bodies. Its conclusion was that it would be appropriate for Stirling council to pay $7 million of its obligation and that we would have to find some other way of financing the rest of the debt. The Stirling council rejected that out of hand, protesting that it was well beyond its capacity. Initially, it offered a contribution of $1 million and, subsequently, as I understand it, that offer was increased to $2 million.

The Government has made a further assessment and is very conscious of attempting to come to a reasonable solution as far as the ratepayers and the viability of the Stirling council are concerned. We have resolved—and, in fact, the Minister of Local Government advised the council of this last Friday—that we will require the council, by the various means that have been discussed, to find from its own resources $4 million—not $7 million, but $4 million. I understand the current position of the council is that it rejects that proposal and says that it is beyond its capacity.

In fact, the Government believes very strongly that, first, it is well within the capacity of Stirling council, that it would not impose unreasonable rate levels on residents and that, indeed, the rate increases that would be necessary would not, in any way, be beyond the general level of CPI and other anticipated rate increases. Secondly, the Government believes that the resulting debt in finding that $4 million would not put Stirling council's proportion of debt servicing into the higher bracket. In other words, the services and facilities in that district could be maintained while the council met that obligation.

I find it very surprising that the Stirling council, as I understand it, without more than an hour or so of consideration of the Minister's formal communication, simply rejected that out of hand. I should like to place firmly on the record that it is not the responsibility of the State Government and of the taxpayers of South Australia, or of other local government areas, unreasonably to subsidise and support the financial problems of Stirling council. We made a reasonable offer to it which picks up about 70 per cent of its obligation, leaving it with a residual 30 per cent or so. I believe that is sustainable, and I hope that the council will look again at that situation and assess the figures that we present to see that that is reasonable.

The council has requested a meeting with me and with the Minister of Local Government, and we are at present moving to establish that as a matter of urgency. I would hope that the Local Government Association can also be involved and that we will be able to move from a position of confrontation to one that is reasonable. However, I should like to make it quite clear that we believe that the Government has gone as far as is reasonable in this situation with our request to Stirling council that it should find $4 million of its obligation.

BUSHFIRES

Mr De LAINE (Price): Will the Minister of Emergency Services inform the House of the effectiveness of an underground shelter as a means of preserving life when threatened by a bushfire? The recently published and excellent booklet 'Will You Survive?', and the 'Beat Bush Fires' and 'Farm Fire Protection' sheets of Operation Firesafe, all sponsored by the fire services of South Australia and the State Government Insurance Commission, outline many measures to protect life and property. However, no mention is made of an underground bushfire shelter. It has been put to me that this type of shelter would be the ultimate lifesaving facility if people are trapped in a bushfire situation.

The Hon. J.H.C. KLUNDER: I thank the honourable member for his question. There is no doubt that a properly constructed underground bushfire shelter would have a considerable chance of saving lives during a bushfire. Such shelters are, however, very costly and the Country Fire Services tells me that they are not warranted in the vast majority of cases and probably would not provide any more safety to the occupant than any other properly designed, constructed and located dwelling.

Research in Australia, particularly after the 1983 Ash Wednesday bushfire, found that ordinary dwellings incorporating commonsense bushfire prevention measures will provide adequate shelter for residents during the passage of a bushfire. In addition, the research showed very clearly that the chance of a home surviving a bush fire is significantly improved if it is occupied during and immediately after the passage of the fire front.

The CFS, together with all other rural fire services in Australia, promotes the home as a safe refuge during a bushfire, provided that bushfire prevention measures are taken prior to the fire starting and coming through. The CFS spends considerable time and resources improving public education regarding safety and survival and bushfire prevention, and it provides a service to people who are in the process of building in the Hills to let them know what does and what does not constitute safe planning for buildings in a bushfire zone.

In providing advice to the public, the CFS is actively aware of its responsibility that such information is the best available, that it is reliable and places the least financial burden on the community to achieve the protection of life and property from a fire. The concept of underground fire shelters being the ultimate life saving facility is not con-

sistent with the CFS board's strategies to achieve both public safety and the minimising of damage to community assets caused by fire.

Further, the CFS advice does not rely on any one single factor alone to protect life or property. The public is advised to plan for fire safety through improved building design and siting, spark-proofing existing dwellings and annual hazard reduction around the house and property.

WORKCOVER

Mr INGERSON (Bragg): Why did the Premier and the Minister of Labour mislead the House last week about employer attitudes to increasing the maximum WorkCover levy to 7.5 per cent; and will the Government reconsider its refusal to have a full and independent inquiry into WorkCover fraud and abuses?

Last Wednesday, the Minister of Labour claimed that some of the six employer representatives on the WorkCover Board had supported an increase in the maximum levy to 7.5 per cent. On Thursday, the Premier supported the Minister's claim. I now have in my possession minutes of a meeting at which the board made the decision to recommend the levy increase to the Government. I quote from those minutes as follows:

> An employer representative suggested that the Chairperson advise the Government that the motion 1 (referring to the levy increase) was not passed unanimously and that it was opposed by all employer board members.

The minutes also note employer concern about lax administration of the scheme. Another employer representative proposed that a working party be established to look into tighter administration of the scheme and benefits. It has been put to me that what these minutes demonstrate is further justification for an inquiry into WorkCover administration rather than the argument put by the Minister that employers support a life in the levy.

The Hon. J.C. BANNON: As I said, I think, last Thursday in reply to the honourable member's question, his problem is lack of adequate information. Today he is quoting from minutes of a formal decision that was only part of the process that resulted in this Bill coming before Parliament and, in fact, I understand—and this was the basis of both my answer and that of the Minister of Labour on this question—that there are employer representatives who support this level of levy only in the context of certain other changes being part of a package that might be presented. In fact, the motion and the minutes that the honourable member quotes were based on that specific decision in the absence of those other qualifying points.

Mr Ingerson interjecting:

The Hon. J.C. BANNON: No, the Minister was asked about the levy. It was suggested that these quoted rates were totally out of court as far as employers were concerned—totally unacceptable, not supported. In fact, the levels were discussed and were arrived at with some general consensus and certainly with some support of employer representatives, but they saw it as part of a total package, which has not, in fact, been completed. In the absence of that, they will not support the levy. That is the situation. That is as I put it last Thursday and that is what the Minister of Labour was talking about last Wednesday.

INTERPRETING SERVICES

Mr GROOM (Hartley): Will the Minister of Ethnic Affairs advise the House on progress with regard to the reorganisation of interpreting services in South Australia and improving the professional standards for interpreters and translators? Interpreters and translators provide a critical service to ethnic communities in South Australia and, indeed, elsewhere. Some years ago, I think in about 1983, the National Accreditation Authority for Translators and Interpreters was established as an independent body and is funded by the Commonwealth and the States. South Australia is represented on this body. Not only has the authority itself been very active in promoting the improved professional standards of interpreters and translators but also the State Government has been active in moving to reorganise interpreting services provided by the South Australian Multicultural and Ethnic Affairs Commission.

The Hon. LYNN ARNOLD: I thank the honourable member for his question. I can advise with respect to the language services function of the South Australian Ethnic Affairs Commission that the reorganised centre is already up and running. Members may recall that before the last State election I promised that such a development would take place to enhance the level of interpreting services available in South Australia. The previous decentralised arrangement was altered.

We now have a centralised arrangement that provides seven days a week, 24 hours a day services. It is available not only for the agencies that traditionally use the interpreting services, particularly the South Australian Health Commission and the hospitals under that commission as well as the Courts Department, but also much more widely to the general community. Indeed, we are providing services on a recoup basis to the wider community and I understand from advice I have had from the Multicultural and Ethnic Affairs Commission that the level of recoup that has been achieved by what could be referred to as sales of interpreting services, for example, to the business community, is ahead of program. That is both good news and also a tribute to the work of the staff of that centre. It is up and running.

The official opening of that centre will take place next Monday at 10.15 a.m. at the new premises at 122 Frome Road. I believe that that will be an important and symbolic occasion identifying the importance of interpreting services in our community. With respect to the National Accreditation Authority for Translators and Interpreters (NAATI), the honourable member correctly identifies the role of this body in promoting the need for improved standards in interpreting and translation services. For example, NAATI has established five levels at which interpreters and translators may be accredited. It has been active in the holding of tests throughout Australia, and has compiled a register of accredited interpreters and translators, which is updated annually. It has instigated the establishment of the Australian Institute of Interpreters and Translators, and it is currently promoting the introduction of registration and licensing procedures for practising interpreters and translators in Australia.

ZHEN YUN

Mr BECKER (Hanson): Will the Minister of Industry, Trade and Technology confirm that Zhen Yun Hotel Australia Pty Ltd or a related company has sought State Government financial involvement to build an international standard hotel at West Beach and, if it has, what extent of Government financial involvement is being sought; and will the Minister also say whether the Government responded with a proposal to provide funds to Zhen Yun at concessional rates of interest and, if so, was this aimed at keeping the project alive until after the Federal election?

The Hon. LYNN ARNOLD: I have no knowledge of the matters raised by the honourable member. I will obtain a report and find out whether there is any shred of evidence to support the assertions made by the honourable member to this House, but I have no knowledge of any of those claims.

RECREATION AWARDS

Mr De LAINE (Price): Following the outstanding success of the South Australian recreation awards, first presented in 1989, can the Minister of Recreation and Sport inform the House whether this is to be an annual event and whether any improvements are to be made to the format?

The Hon. M.K. MAYES: I thank the honourable member for his question. It is certainly an important event, and I think the growth of the recreation awards concept within the community has brought into focus not only recreation but also the organisations and many of those silent achievers who support clubs and organisations throughout the State—the many thousands of people who do not receive the glory or the recognition that others may receive. The awards, which have been held over the past couple of years, will continue. Last year's award ceremony was a great success. The delight of the successful recipients of the awards and the nominations, as well as feedback from the associations, reinforced the outstanding success of the presentation night.

The board of the South Australian Recreation Institute, the judging panel and the institute staff have given a good bit of time in evaluating and suggesting ways in which we might streamline and improve the presentation for this year and following years. It is important to note that we look at the way in which we promote the whole event and encourage community awareness. The new look event, with sponsorship and support from the community, was a tremendous opportunity for sponsors to come in behind recreation. It is the first time that that has occurred in this way in Australia.

More than 500 people were present at the recreation awards night and, certainly, the breadth of involvement of community organisations, from scouting groups to community clubs, sporting organisations, walking groups, recreation associations, including the elderly and the many other organisations that had a part to play in the award presentations, gives a wide picture of what is happening within the recreation area and the support that that has in the community. We hope to expand that through other award presentation events, by increasing our media involvement and certainly by looking at our sponsorship base to achieve the presentation of more awards.

I think the success relates basically to the medium which affords recognition of the organisations and to increased community awareness of the range of organisations involved; it gives them a profile. It is a worthwhile process which provides a platform on which the Recreation Institute can build its base and relationship with the rest of the community. The night is very enjoyable, and I am sure that everyone who has been involved would endorse my comments. I look forward to being able to support the continuation of the recreation awards. I look forward to the 1990 awards and those in the future.

CHLOROFLUOROCARBONS

Mr MEIER (Goyder): Does the Minister of Industry, Trade and Technology acknowledge that the new code of practice for minimising the loss of chlorofluorocarbons during the fitting, servicing and repair of automotive air-conditioning systems is causing an excessive impost of many thousands of dollars on small business, and what action is the Minister taking to help businesses so affected? Regulations currently before this Parliament seek to minimise the emission of CFCs and halons into the atmosphere from air-conditioners. Many small rural businesses have contacted me expressing alarm at the costs involved in meeting the new requirements. The machine to reclaim the gases costs in excess of $4 000. An exemption certificate costs $50 for each business. Each employee who services an air-conditioner has to pay $50 for an accreditation certificate plus the costs of a TAFE course. Employers believe that they will have to pay these costs.

The 20 per cent sales tax on the reclaimer machine alone is over $700. It has been put to me that if the Government is serious about promoting a clean environment at the very least the $700 sales tax should be removed. One garage proprietor in a leter to me stated:

> The Government should seek to enlist the aid of all repair workshops to clean up the country and encourage us to do that, maybe even give us financial assistance to do that, not try to slug us with yet another impost on the motor garage proprietor. Soon we'll need a licence to go to the toilet.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: First, I inform the honourable member that I will have to refer his question to the Minister of Small Business in another place. The honourable member raised the issue of sales tax. Unless things have changed in the last hour or so it is my belief that that is still a Federal Government and not a State Government matter. The issues raised with respect to the greenhouse effect are very important issues for the entire community; they are issues that have to have responses by all the community—by government, the business sector and individuals. They are issues that require everyone to make an effort to try to bring about the changes necessary to prevent further damage to the ozone layer. I would have thought that not one member of this place would take issue with that statement. Therefore, I would have thought that not one member of this place would want to take issue with the fact that all of us have to bear some of the burden involved in making that effort.

In relation to how that can best be done with respect to the business sector of this State, last year I asked the South Australian Council on Technological Change to conduct a study on what could be the pro-active responses of industry in South Australia to meet what will become the increasingly regulated environment, limiting such things as the use of CFCs and the emission of carbon dioxide. The report on that study, which has been under way for some months now, I expect to receive within the next few weeks. The study will establish some broad principles that could apply for industry promotion in a time of increasing environmental challenge.

The important point that needs to be made is not that one particular sector will be taken out and separated from all the others; rather, an attempt is being made to have a response for all industry and the impact on many sectors of industry rather than just one. The South Australian Development Fund, which exists under the Department of Industry, Trade and Technology, on occasions does provide assistance to companies where they are seeking *(a)* to increase their employment, or *(b)* to maintain part of their contribution to the economy of this country.

I am not certain of the extent to which the issues raised by the honourable member would be eligible under the

criteria of that fund, but I will have that matter checked out. As to the extent that the matters raised by the honourable member come under the control of my colleague the Minister of Small Business; I will consult with her. At this time of grave challenge to the globe environmentally, everyone in the community—business as well—must share the cost of making the necessary changes. I take this opportunity to clarify a matter raised in my previous answer. I presume that the member for Hanson had been referring to the present development of Zhen Yun, not the previous one in December 1988 which had a Marineland component involved in it. My answer was so couched.

The SPEAKER: Order! That relates to a previous question. If the Minister wishes to make a personal explanation after Question Time, we could certainly provide the opportunity for him then.

FUNDRAISING

The Hon. J.P. TRAINER (Walsh): Is the Minister of Education, representing the Minister of Consumer Affairs, aware of complaints of insufficient money reaching charities and community groups from commercial companies that offer to raise funds through door-to-door selling in return for using the charities' names to promote their products? Is this problem being monitored by the Department of Public and Consumer Affairs? I refer to an article in the *Advertiser* of 17 March, as follows:

> The Australasian Institute of Fundraising . . . which represents 150 fundraisers in South Australia, has . . . complaints from members who say they have been approached by commercial organisations offering to sell small articles such as pens or sweets on behalf of fundraisers. Complaints included:
>
> a confectionery seller that offered charities a 4c donation for each $2 bag of sweets sold by children door-to-door using the charity's name;
>
> a jeans retailer who wanted to use a charity's name on its 'seconds' because the jeans company would only sell rejects to fundraising organisations;
>
> a religious charity collecting door-to-door to support 'street kids' which allowed its collectors to pocket 50 per cent of the money they gathered.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I guess that for many years complaints about door-to-door activities have been coming to this place. Indeed, legislation currently provides for the control of door-to-door sales activities. However, for transactions which amount to less than $50, the current law in this State does not apply. Obviously, the Consumer Affairs Department does monitor the situation and receives complaints, and does study trends occurring in practices within the community. It is disturbing when children are involved, and also when the names of reputable charities are involved in some activities which may be regarded as less than desirable. I shall be happy to refer the matter raised by the honourable member referred to my colleagues in another place for investigation.

RACE BROADCASTS

Mr. OSWALD (Morphett): I address my question to the Minister of Recreation and Sport. What plans does the State Government have to extend mid-week race broadcasts to regional country areas not covered by 5AA? For two years now, the Government has had the extension of race broadcasts to country regions on its agenda, but no decisions have been taken. Apart from providing a service to the racing public in the three codes, the TAB and the industry are losing potential turnover which could be of value to the development of racing clubs.

The Hon. M.K. MAYES: I will just bring the honourable member up to date; 5AA is an independent body and has, due to commitments—

An honourable member: It's under your control.

The Hon. M.K. MAYES: Well, it is not under my control; it is under my accountability. The Broadcasting Act makes clear the independence of the board of 5AA. I do not issue instructions to 5AA, and I have not done so. When the member for Bragg has previously insinuated that the Government should be taking direct action in regard to 5AA's management matters, I have indicated that I am not prepared to do that. From its decisions and utterances when the licence has come up for renewal, this would not be seen as acceptable to the Australian Broadcasting Tribunal.

I am not prepared to give the 5AA board directions. Obviously, the TAB board is responsible for promoting its services to the community, and I have had discussions with the former Chairman in relation to the covering of country broadcasting. Also, I took up this matter with the ABC when it reduced its services to the community and time and time again I have advocated that rural communities be entitled to the same radio coverage as metropolitan listeners.

I am happy to have this matter examined through the appropriate and proper channels. A standing request exists, from me as the Minister responsible, to those authorities to consider the continuation of those services. Certainly, when the ABC reduced its services I was greatly concerned. I will look at the decisions reached by these independent bodies and see whether I can assist in providing an improved service to the rural community.

RURAL ASSISTANCE BRANCH

The Hon. T.H. HEMMINGS (Napier): My question is to the Minister of Agriculture. Is it proposed to reorganise the Rural Assistance Branch of the Department of Agriculture?

The Hon. LYNN ARNOLD: I thank the honourable member for his question and his interest in this matter. Following commitments made by the Government before the last State election, a number of matters are already under investigation. First, as was promised before the last election, future appointments to the Rural Assistance Branch of the Department of Agriculture will have built in to the job specifications the advice that it is preferred that applicants have financial expertise. That will add to the stock of financial skill within the branch.

Another point made before the last election is that a policy advisory committee should be established at ministerial level to advise me and the Government on the policy changes that should be considered in relation to rural assistance. Further, the Government has made a commitment to set up a screening committee to deal with certain types of application for rural assistance.

With respect to the wording of job specifications, this is already taking place. The ministerial policy committee and the departmental screening committee are the subject of a report—which I have considered—by the department. I am making some alterations to the recommendations provided in that report, but I assure the honourable member that both committees will be in place in the very near future. The screening committee will operate in a manner similar to that which advises the South Australian Housing Trust.

An honourable member interjecting:

The SPEAKER: Order!

SIR JOSEPH BANKS ISLANDS

The Hon. P.B. ARNOLD (Chaffey): My question is to the Minister of Fisheries.

Members interjecting:

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

The Hon. P.B. ARNOLD: Will the Minister assure the House that, as part of the new management plan, recreational line fishing will not be prohibited in the Sir Joseph Banks group of islands in Spencer Gulf? This group of islands comprises 20 islands in Spencer Gulf north-east of Port Lincoln. It is one of South Australia's most popular recreational fishing spots, particularly for spotted whiting, snapper and snook. However, there is concern that, under the new management plan to be implemented for the Sir Joseph Banks Group Conservation Park, recreational fishing in this area could be severely restricted.

The Hon. LYNN ARNOLD: I will obtain a report on this matter and bring back a reply.

PERSONAL EXPLANATION: ZHEN YUN PROJECT

The Hon. LYNN ARNOLD (Minister of Industry, Trade and Technology): I seek leave to make a personal explanation.

Leave granted.

The Hon. LYNN ARNOLD: Today, during Question Time, the member for Hanson asked me a question about the Zhen Yun project at Marineland with respect to the Government's financial involvement. In my answer I attempted to make a personal explanation about this matter and you, Sir, quite properly pulled me up. I did so purely to assist the House in case any further questions were to be asked about this matter, but I appreciate that this was not a proper thing to do. I answered that question on the premise that the Zhen Yun proposal referred to by the member for Hanson related to a hotel and convention centre complex without a marineland facility, a matter which has been the cause of much discussion over the past 15 months.

Mr LEWIS: On a point of order, Mr Speaker, do Standing Orders allow members, including Ministers, simply to stand up and provide the House with information when they have not been, nor claim to have been, misrepresented?

The SPEAKER: Order! There is no point of order. Leave was granted for the Minister to make a personal explanation and that is what he is doing.

Mr Lewis: How can members be expected to know—

The SPEAKER: There is no point of order. The honourable member is not making a point of order and he will resume his seat.

The Hon. LYNN ARNOLD: That being the case, I did not make any reference to the proposal that was put before the community before February 1989, namely, a proposal by Zhen Yun which did include a marineland component. Pages 554 and 556 of the documents that I have tabled in this House provide evidence of some discussions between Zhen Yun and the Government with respect to an equity position that might be taken by the Government to the tune of 5 per cent of the cost of the project. That was a pre-existing proposal which is no longer valid.

SITTINGS AND BUSINESS

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

That the time allotted for all stages of the following Bills:

Controlled Substances Act Amendment (No. 2),
Stamp Duties Act Amendment (No. 2),
Clean Air Act Amendment,
Strata Titles Act Amendment,
Crimes (Confiscation of Profits) Act Amendment,
Retirement Villages Act Amendment,
Children's Protection and Young Offenders Act Amendment,
Industrial Relations Advisory Council Act Amendment,
Explosives Act Amendment,

be until 6 p.m. on Thursday.

Motion carried.

CLEAN AIR ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 694.)

The Hon. D.C. WOTTON (Heysen): The Opposition supports this legislation, although it has a number of questions to ask the Minister. The principal purpose of the Clean Air Act Amendment Bill is, we are told, to aid the administration of regulations relating to fires on domestic, commercial and industrial premises. In her second reading explanation, the Minister said that the amendments are sought in response to requests by local councils which have delegated responsibility for administering the provisions controlling fires in the open on non-domestic premises and fires in the open and in incinerators on domestic premises. I have talked to some of the councils involved and I will refer to that consultation a little later.

The first provision of this Bill seeks to clarify what is meant by a 'fire in the open' and to empower local councils to administer the provisions controlling domestic incinerators used by occupiers of flats and other multiple household dwellings. I believe that the majority of members in this House would be aware of the provisions under the Clean Air Act 1984 and of the regulations attached to that legislation. They would be aware that councils have some responsibility under this legislation and, from what I can gather from discussions that I have had with a number of councils, it is quite appropriate that that should be the case.

There are many instances of neighbourhood problems in relation to the burning of rubbish and so on and, when one looks at it as a nuisance factor that can easily be understood and it is appropriate for local government authorities to be given the responsibility to determine what is right and what is wrong in that area. I am also aware of concerns that have been expressed by people who have unfortunate experiences in a built-up area: for example, having a next door neighbour who insists on burning all sorts of nasties in a 44 gallon or 205 litre drum, or anything else they can find in which to burn rubbish. I understand fully the need to take some action to make it easier for people to put up with those circumstances and, in fact, where possible, to do away with them altogether.

Therefore, the Bill seeks to clarify the position in relation to any fire in the open air—that is, any fire not within a building, unless the products of combustion are discharged into the atmosphere via a chimney. The definition in the Act is a little hard to understand. For the life of me, I cannot see why the wording in our legislation cannot be in plain language. I challenge anyone to look at some of the definitions in this legislation, because I am sure that the lay person would not have the foggiest clue what they are all about. That is a great pity. More and more we are seeing situations where the wording in our legislation is extremely difficult to understand. The mind boggles at some of the objects that people put together with a chimney stuck on top enable them to burn things. I know that is not what

this is all about—it must be a specified facility. As the Minister pointed out in her second reading explanation, it is not a bit of good having a 44 gallon drum with a chimney on top, because people will not get away with that.

A number of councils have requested that they be placed on schedule 6 of the clean air legislation to give them more powers in determining what people can and cannot do in relation to backyard burning. I believe that the Noarlunga council is already on the schedule. I was interested to read a newspaper report attributed to the Noarlunga council city manager, Mr Chris Catt. Mr Catt stated:

> The introduction of the regulations followed lobbying by the council to enable a total ban on backyard incinerators.

Further, he stated:

> ... the controls would not affect commercial burning and were aimed at improving air quality. The regulations are an attempt by the council to reduce pollution ... We recently instigated a complete waste disposal service with 240 litre bins being supplied to all residences.

That is fine, but I have some concerns about the big bins that are now being distributed around the place. It is just too easy for everything to be thrown in, given that we are very conscious of the need to recycle: and the need to put goodness back into the soil through mulch, etc. The provision of these bins makes it too easy for people to discard everything. That is what the Noarlunga council has decided to do and we are told that it is already on schedule 6. We are also told that the Thebarton, Glenelg, Henley and Grange and Unley councils have applied to have the delegated authority provided under this Bill.

When I first made contact with the Local Government Association, it did not know very much about the situation. As a matter of fact, I made two or three telephone calls to the LGA to find out what it thought of this legislation, because the association itself had not received representations; in fact, it knew very little about it. The association then rang back to say that it had spoken with a few individual councils and, yes, there were some councils—and I have referred to them—that were very keen to be able to use these regulations.

The legislation we are considering today has a fair bit of strength behind it. The Bill provides authorised officers with specific power to require a person to extinguish a fire when it contravenes the regulations. I am concerned about the liability problems in that area. I can imagine that that would be difficult for some local government officers. I am concerned not only with this legislation but with other legislation that we have debated recently in this place where more power and responsibility has been given to local government.

I have had the opportunity to speak to only a couple of officers who will be responsible for carrying out these requirements under this legislation. One of those officers has expressed some concern in that regard: he wonders about the liability factor. But, I imagine that other officers will be concerned about the same thing. We also realise—and the Minister mentioned this in her second reading explanation—that offenders may refuse to comply with the directions of an officer and the officer is empowered to extinguish the fire personally or through another appropriate agency. I am not too sure how that will work. I hope it works well. I presume that if the fire is burning in the metropolitan area the MFS would be called and the offender would pay, or whatever the case may be. I am interested to see how practical that is and how it works.

The other question that I have been asked to put to the Minister relates to the responsibility of councils. As an example I will refer to the Murray Bridge council, which has a built-up section and a section of open land. Can that council apply these regulations to one section and not to the other? I am getting nods from the other side of the House so I presume that that is the case. However, I would appreciate some clarification from the Minister, because I can see that that is necessary. I would be interested also to hear from the Minister how much interest is being shown. I have referred to the councils that have applied to be placed on schedule 6, but I would be interested to know whether other councils have made inquiries. The Opposition supports that part of the legislation, at any rate.

I have a real concern about clause 5. I can see some problems with that clause, which amends section 64 of the principal Act and which provides:

> Section 64 of the principal Act is amended by inserting after subsection (3) the following subsection:
>
> (4) A regulation prescribing a fee for the purposes of exemption from section 30b of this Act may fix the amount of the fee by reference to the quantity of prescribed substance used or sold during a specified period.

We are told that this relates to the regulations covering ozone depleting substances and that the fees have already been fixed at $50. However, as some of the fees are based on the quantity of substance used or sold by an applicant during the previous calendar year, it is felt necessary to provide that such a fee, which we are told could be viewed as being a tax, can be fixed by way of regulation. As the regulation came into operation on 1 February 1990, this amendment will be backdated to that date. I have sought information regarding that matter, and I must say that I am not convinced that it is necessary that it should be backdated to February 1990. I would be interested to hear from the Minister why that is necessary. Some explanation has been provided to me, but I am not satisfied that that is the case, and I would be interested to hear from the Minister about that provision. It is my intention to move an amendment in that area at a later stage.

In consultation with the Conservation Council, I have also learnt of some concern which has been expressed by the council. It made representation when Bill No. 101 of 1989, relating to ozone depleting substances, was being debated. It has supplied me with a full page of recommendations that it put before the Minister at that time, some relating to exemptions and the publication of exemptions in the *Gazette* in regard to labelling and a number of other issues. It is not my intention to go through all of that representation that the Conservation Council made at the time, but it has come to me and expressed concern that its representation was not taken on board. I am told by the Conservation Council that it was advised that the regulations would pick up its concerns. It is of the opinion that that is not the case and it is disappointed that the Government has not recognised the strong representation that it made in a number of those areas. I would also be interested to hear the reasons why the Minister was not prepared to run with some of the recommendations that were made by the Conservation Council at that time. I do not know whether the Conservation Council has made an ongoing representation about some of those issues, but I would be pleased to discuss those matters with the Minister at a later stage and to show her some of the correspondence that I have received if there is any uncertainty about it.

The Opposition supports the Bill generally. I have concerns about the practicality of some of the provisions in the legislation. I have a very real concern about the liability factor as it relates to officers of local government who will be given fairly wide sweeping powers under this Bill. I also have concern about backdating the date of operation of the Bill to 1 February 1990. I have real concerns about that,

but I will take the opportunity to speak to that aspect more fully at the appropriate time.

Mr FERGUSON (Henley Beach): I also express support for this legislation. I should like to say at the outset that I absolutely support the member for Heysen in his call for plain language in our legislation. South Australia probably leads the rest of Australia with regard to plain language, but there is always a need for improvement. If one compares the language in our legislation with the language in the Federal legislation, for example, one can see the great difficulties for any person, other than someone trained in the legal profession, picking up and trying to understand the legislation that goes through the Federal Parliament. I agree with the member for Heysen about the need for plain language within our Legislature, and I hope that we will continue along that line. Over the years that I have been associated with the House, the calls have increased for the continued introduction of plain language, and I hope that continues.

I look forward to the day when backyard burning is banned altogether within my own electorate. I know that this will upset a certain portion of the electorate who have already expressed a point of view to me following a press release about the power to be given to local government regarding the banning of backyard burning. However, I think that, so far as the environment is concerned, the benefits far outweigh any disadvantages that there might be. As time goes by and as councils improve their rubbish pick-up systems, I look forward to the day when backyard burning can be eliminated altogether.

In saying that, I must give due praise to the Deputy Premier who, a couple of years ago, introduced amendments to the Clean Air Act that have very much improved the environment of suburban and other areas. The power that was then extended to local government has, in my view, considerably improved the environment, but this Bill actually clarifies the situation. I am very pleased to see that local government will be given the power to control domestic incinerators used by occupiers of flats and other multiple household dwellings. I imagine that 'other multiple household dwellings' refers also to strata title units. In the past decade my electorate has had a very large increase in the number not so much of flats as of strata title units and multiple household dwellings.

From time to time, like every local member of Parliament, I have had complaints put to me about someone in the unit next door who delights in lighting fires, and it seems to me that it is a form of occupation for some people, who just love to light a fire day after day. Goodness knows how they find the material to keep those fires going, much to the annoyance of their neighbours.

Mr Hamilton: Probably from the printing industry.

Mr FERGUSON: My colleague refers to the printing industry. That industry has, indeed, been a problem in this regard, because it has to get rid of its offcuts and unused ink in the bottom of cans. The machines are wiped off from time to time with flammable liquids and some companies would prefer to use open fires rather than go to the expense of having their material picked up by a waste disposal firm. This legislation will, in fact, correct that problem, because it will give councils the power to control open fires in non-domestic premises.

The issue of fires in non-domestic premises has concerned me over the years. There is not a great deal of industry within my electorate but some companies that are sited in the area cause pollution, one being a company that modifies oil by reconstituting motor oil, thereby creating a waste product. In years gone by that waste product was disposed of by people lighting fires in the open and it is gratifying to note that it is beyond doubt that this Bill will give local government absolute power to do something about that.

I referred previously to the prospect of the end of backyard burning. I give due praise to the two councils within my electorate, which have decided in recent years to collect rubbish and other things which people wish to dispose of and which in years gone by were not collected. Indeed, one council has said that it will take away anything that two men can lift onto a truck.

Mr Hamilton: Is that Woodville?

Mr FERGUSON: Yes, that is the Woodville council. It has done a great job in recent years in collecting that rubbish, thereby extending a service to the ratepayers that allows them, virtually, to clean up their backyard without resorting to open fires, which cause their neighbours problems.

I am also pleased to note that power will be given to local government in respect of non-domestic fires in 205-litre drums—under the old imperial measurement, the old 44 gallon drums. It was the practice of service stations to pour the oil that they took from cars during an oil change into a 44 gallon drum and then, from time to time, to set that alight. A great cloud of black smoke from one service station would descend over the whole area of my electorate. This was not a practice of just one service station; several service stations disposed of oil in that way. From time to time people would think that a major fire was burning becaue of the smoke emitted from the fire. I am glad to say that the amendments to the Act two years ago put an end to that practice, and this Bill will make it an absolute certainty. I am glad that this power will be given to local government. The member for Heysen was concerned about the power that will be given to an authorised local government officer to put out fires. I am not at all concerned about that.

The Hon. D.C. Wotton: I was concerned about the liability.

Mr FERGUSON: I listened carefully to the honourable member's comments and I understand the liability problem. I would be very surprised if the liability problem were not covered by the council's own insurance. It is extremely comprehensive and, indeed, the insurance that covers officers of local government is expensive and extensive. I would be very surprised if it were not covered, but no doubt the Minister will be able to answer that query in her reply.

I am not at all concerned about the power that will be given to an officer, because many times, as a local member, I have been approached by householders who live in the vicinity of glasshouses. For many years glasshouse operators and nearby residents have been and, indeed, still are in conflict regarding the problem of fire. It was, and to some extent still is, a practice for glasshouse proprietors on a cold frosty morning to set alight motor car tyres between the glasshouses to make sure that the frost would not affect the tomatoes. Of course, everybody knows the nuisance value of a fire the basis of which is motor car tyres: black, heavy smoke settles down over everything. There has been a difficulty of communication between the proprietors and local government officials. I have no hesitation in supporting a proposition whereby, if a person is warned three or four times and if the practice still continues, someone can come along and put out the fire. That concept presents no problems at all with me because of the nuisance value of these fires in terms of nearby households.

Horticulture and suburban settlements do not fit easily together. My concern has been lessened over the years because the number of glasshouses is decreasing and thus

this problem is not so great, but there are still several glasshouses within my electorate and I hope that the proprietors cease the practice of burning fires early in the morning to keep the frost away, thereby causing a problem to their neighbours.

I am not at all conversant with the horticultural industry, but there must be a way of solving the problem without causing the nuisance being experienced by householders in the area. I am extremely happy to see that this proposition is embodied in the Bill. I congratulate the Minister and department on the work that they have done with these amendments, and I hope that the Bill receives the support of all members.

Mr GUNN (Eyre): I want to make only a brief contribution. First, let me say to the member for Henley Beach, as someone who has used fire in burning-off operations all my practical life, that I do not intend to stop, and I do not believe that anyone in the agricultural field will be willing to stop this practice.

Members interjecting:

Mr GUNN: I understand that this measure relates purely to the metropolitan area and that there are exemptions for the agricultural sector. I would like to say one or two other things. First, if this is to be the beginning of a prohibition on the burning off of household rubbish, there must be an improvement in the present system and a more regular collection of rubbish undertaken by councils or whoever is responsible.

I have a residence that I sometimes use in Adelaide, and I find it most difficult to remove rubbish, unless I am lucky enough to have a ute down in Adelaide. True, improvements were made through providing larger containers for the removal of household rubbish but, if this measure is designed ultimately to stop people from burning rubbish in their incinerators, we will certainly have to improve the system of rubbish collection. I believe that people ought to be able to burn rubbish in incinerators, and I support the comments of the member for Heysen in respect of liability, which will be a physical liability.

I can imagine what will happen if an aggressive inspector type of character—one of those people who race around the countryside with far too much regularity—puts a hose on the fire of someone burning rubbish: in my judgment, he will get a 'bunch of fives' or get the hose put back on him. When people draft such measures, I believe that they are pandering to the needs of a few vocal people. Next, the Government will try to ban combustion heaters and, already, I understand announcements have been made. Will there be an attempt to ban pot-belly stoves and combustion heaters? I can guarantee that that will involve the same sort of mentality as that responsible for this legislation.

However, my main concern about the Bill and the regulations relates to the impact on people in rural communities regassing their air-conditioners. Members opposite shake their heads. The member for Flinders also has probably had people contacting him and going around the twist about this, but I will say more about this matter later. I am particularly concerned about this legislation being just the first step towards making life more difficult. A few years ago while in the United Kingdom I was pleased to have the opportunity to visit a farmer. I arrived at the farm on a warm day, and we were told that the farmer was about to do some burning off. My wife was pleased and said, 'Good, there is nothing my husband likes more than lighting fires.' The farmer told me that we were to burn in 25 yard strips. It was not a bad day and I said that I would burn against the wind and burn the lot; I said, 'You're wasting a lot of time.' The farmer went into a great explanation about the law in the United Kingdom, pointing out that such burning would create too much smoke.

I warn the House to be careful about following that line, because this Bill could be the first step towards making life more difficult for people who want to burn off so as to reduce fuel consumption in the process of sowing their crops. I have nothing more to say about the Bill, but I sincerely hope that it will not be the beginning of a blanket ban on people using incinerators, combustion or pot belly stoves, because I have some concern about that matter.

Mr HAMILTON (Albert Park): For a number of reasons my comments will be brief. I support the Bill, which is part of the Government's ongoing program to enhance the environment. Unfortunately, there are still people who ignore the Clean Air Act provisions involving backyard burning. I am at a loss to understand why today anyone would want to burn rubbish in the backyard, especially based on my experience of the Woodville council's activities in removing rubbish. Why would people want to burn rubbish, unless they get some form of pleasure from it.

I agree with the comments of the member for Heysen, especially as I understand the position of the Noarlunga council. Although I believe that backyard burning should be banned, that is not the Government's position. I agree wholeheartedly with the provision of the powers contained in the Bill to enable council officers and certain other authorities to extinguish backyard fires. I recall a couple of years ago when a dear old lady in my electorate was hell bent on lighting fires in the incinerator contrary to the Act. On a number of occasions Woodville council fined this 80 year-old lady, who refused to pay the fine, and members can imagine the problems the council would have had in gaoling such a person for non-payment. It was difficult for me as the local member to try to influence the council in respect of that person. In its wisdom, the council withdrew the summonses, but it gave her a bit of a rough time.

I can appreciate the sort of problems that local councils can have. As I understand it, the Bill enables council officers to enter properties and extinguish fires such as I have described, and I certainly support the measure. Because of the time factor, and because I know that the Minister is anxious for me to curtail my comments, I simply commend the Minister and the Government for introducing a further Bill to enhance the environment in this State, and I look forward to the day when backyard burning is illegal.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I thank members for their contributions, particularly the member for Heysen and the member for Henley Beach, as well as the other members who have contributed, namely, the member for Albert Park and the member for Eyre. I will just address a couple of the points quickly in answer to the member for Heysen's queries. Councils expressed concern to the member for Heysen about whether they could delineate the areas in which they could have prohibited burning. The simple answer is 'Yes'. In fact, Noarlunga council already has that situation.

The Act applies only to townships or municipalities, so it would be quite appropriate for the council of Murray Bridge to apply restrictions to the township of Murray Bridge but not to the outlying areas. In fact, the whole concept was designed to improve the cleanliness of the air in townships and municipalities. The member for Heysen asked me how many councils have shown interest. Noarlunga council was the first council—I am delighted to say that my electorate is wholly contained in the Noarlunga

council area, and on a number of occasions I have publicly congratulated the council—in South Australia to take the step under the provisions of the Act. Again, I congratulate the council and indicate that four other councils have already applied and three other councils have already indicated an interest. So, in answer to the honourable member's questions, eight metropolitan councils have expressed an interest or have already moved to ensure that there is total prohibition of burning within their areas.

The honourable member asked how fires would be put out. I imagine that the council inspector or the person who is responsible for implementing this legislation will pick up the garden hose and put out the fire; or, if the fire was larger than that, call on the services of the Metropolitan Fire Brigade. I guess that commonsense would dictate what happened in relation to a fire. I believe that most people, when the facts are pointed out to them, will put the fire out for themselves.

The other matter raised was the concerns of the Conservation Council. I quickly read the letter that the honourable member passed on to me. It contains a number of matters that relate to the Act and concerns the control of chlorofluorocarbons, but it does not relate to this Bill. However, my officers will take up any outstanding matters with the Conservation Council so that they can be successfully resolved. I think that that matter will and should be addressed to the satisfaction of everyone.

It is more appropriate that I speak to the honourable member's amendment during the Committee stage. There are a number of good reasons for clause 5 coming into force on 1 February. I again thank all members for their contributions, and I thank the Opposition for its support of this Bill. I look forward to its provisions coming into effect to ensure that the environment, particularly in South Australia's cities and towns, is a much cleaner and healthier one for all citizens.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. D.C. WOTTON: A lot of concern has been expressed by people in rural areas about the introduction of legislation that concerns spray drift. When is it likely that we will see such legislation introduced?

The CHAIRMAN: That question is not strictly relevant to the clause but, if the Minister has a brief reply, I am sure it can be accommodated.

The Hon. S.M. LENEHAN: This is a matter of concern, mostly to the rural community. I am aware of the issue to which the honourable member referred. The Director-General of the Department of Environment and Planning and the Director-General of the Department of Agriculture have established a working party to canvass a number of the issues and options. The best possible solution would be for them, in consultation with the affected areas in the community, to come up with solutions and recommendations. This is the way we are heading at this stage. I cannot give a definite answer about when I will be back with amendments, because we have to work with the rural community to get the best possible solutions. If amendments are needed I will give the honourable member quite a bit of warning about it.

The Hon. D.C. WOTTON: I only wanted to clarify the situation. I was not so much expressing a concern on behalf of those who wanted to see legislation introduced but, rather, outlining the concern of those who had some misunderstanding and concerns about legislation being introduced.

Clause passed.

Clause 2—'Commencement.'

The Hon. D.C. WOTTON: I move:

Page 1, line 13—Leave out '(except for section 5)'.

During the second reading stage I expressed a concern about this clause. We have been told that the regulation referred to came into operation on 1 February 1990 and it is proposed that this amendment be backdated to that date. I am always uneasy about retrospective legislation, although I know that in this case we are only talking about a month. I have talked to Crown Law and Parliamentary Counsel and I understand what is trying to be achieved. One of the concerns about ozone depleting substances relates to the fact that the fees are based on the quantity of a substance used or sold by an applicant during the previous calendar year and, because of that, it was felt necessary to provide that the fee, which is being viewed as a tax, could be fixed by regulation. I am strongly opposed to backdating the provision to 1 February 1990, and nobody at this stage has been able to convince me otherwise.

The Hon. S.M. LENEHAN: The honourable member is quite right about the reasons. The reason why we chose 1 February was that that was the date on which the ozone depleting substances regulation was partly promulgated. Retrospective legislation is required simply to ensure that there is no argument against the fact that a fee is being levied. If we apply it at the same time as the regulation relating to ozone depleting substances it makes it clear that we are talking about an exemption fee and not about taxes or anything else.

I was given advice that this should occur to ensure that there was no misunderstanding and so that the legislation would be absolutely clear to anyone reading it. I point out, because I know that the honourable member is concerned about retrospective legislation, that the fee will not operate until 1 June. So, no-one will be disadvantaged. We have ensured that the industry, which will have to pay this exemption fee, is aware that it would be operational from 1 June. The date of 1 February was inserted to cover ourselves legally. There is no intention to backdate and charge people this exemption fee. I am happy to put that on the public record. That is not only the intention of the department; it has been stated to the industry, and I am happy to state it to the Parliament.

The Hon. B.C. EASTICK: I appreciate the point of view expressed by the Minister, but it does not get away from the fact that this clause seeks to validate an improper action that was taken, for whatever purpose, in the past. That is where we have to be especially careful—that we do not create a precedent. The Minister placed on the record that it was intended that no-one would have to pay the fee retrospectively and that there will be no problem in that respect, but the Minister would know that the clear view of the courts is that it is not the intention of Parliament that is taken into account, although in some cases it is now looking at the law in relation to what Parliament sought to achieve. The judges of the Supreme Court on a number of occasions have told members of this place that they will interpret the actual words, not what Parliament thought or wanted to provide. In its present form the Bill allows a person to be disadvantaged in relation to action taken from 1 February to the present time. The Opposition has no problem with this measure being effective as from the day the Bill is assented to.

I appreciate that this is a little different in the sense that it seeks to authorise or validate a regulation which has already been gazetted. The regulation should not have been gazetted; there was no authority for the regulation to have been gazetted. I believe that the Subordinate Legislation Committee will look seriously at that matter because it

indicates a serious flaw whereby the actions of Executive Government—not by intent—have circumvented the authority of this Parliament. That is the matter we are arguing about. Even if it were tens of thousands of dollars that the State was going to miss out on, I do not believe that we should take the opportunity to look back and seek to validate something that was not valid in the first instance.

A classic case that was before this place in years gone by created a great deal of furore, but the argument was won over the days that it was contested. Of course, I refer to the Warming case in relation to licensing fees. No-one on this side was at all happy with the rorting that went on at that time, but at least they were working within the law. In this situation, the law laid down by way of regulation from 1 February was invalidly or incorrectly exercised and I suggest that we, as a Parliament, should not do anything that will give it some air of respectability. That is a small factor in respect of the purpose for which we are here, but it is significant. I seriously suggest that we follow the course of action that my colleague, the member for Heysen, has offered to the Committee, that is, deleting it from the legislation.

The Hon. D.C. WOTTON: I am sorry that the Minister will not respond, because some serious concerns have been expressed by my colleague the member for Light: first, unease about the legislation's being back-dated; secondly, the possibility of the setting of further a precedent in this regard. (I know that we are looking at only a couple of months but, nonetheless, it is a precedent); and, thirdly, the Government's lack of authority to proceed with the setting down of the regulation in the first place. The Minister has not answered any of those questions put to him by the member for Light. I stress to the Minister that this is a matter that we will consider in another place because we feel strongly about it.

The Hon. S.M. LENEHAN: I accept the right of members to make their points, and I understand the points that they are making. However, I do not agree with them, and I have put clearly on the public record the intent of this clause of the Bill, why it is there, what it intends to do, and that, in fact, none of the charges will come into operation until 1 June. In that sense, there is no retrospectivity, except merely to ensure that there is protection and to make it clear that it is not a tax; indeed, it is an exemption fee. Crown Law has advised that it is important to have it in there. I do not think that it is an improper action at all. I respect the honourable member's right to have a point of view, but I do not agree with it.

The Hon. B.C. EASTICK: I draw to the Minister's attention that it is the Parliament which makes the decision and not Crown Law. Crown Law can give advice by all means. But, there is an obnoxiousness in respect of the inclusion of these words in this legislation because it asks Parliament to validate an improper action. I will ask one question of the Minister: with the removal of these words, what loss is there to the passage of the measure; what loss is there to the totality of the legislation which is before us? I suspect the answer is 'none'. I believe that the Minister should address herself to that question.

The Hon. S.M. LENEHAN: The simple answer is that I was advised that it was open to challenge. I wanted to ensure that we did not open up a whole can of worms. The fact is that, as it stood previously without that clause, it was open to legal challenge. I want to ensure that that is not the case. There is no intention to have any retrospectivity, back-door charging or taxing. I clearly laid that on the table in my response to the initial move by the member for Heysen. I do not believe that I can add any more than that; it is a simple case. It is quite clear. If the honourable member does not accept what I am saying, that is his right. However, I do not believe that it is a problem or an issue because, if we are making sure the legislation works and it is not open to any kind of challenge, surely that is the intention of the Bill.

The Hon. D.C. WOTTON: I am disappointed that the Minister has not accepted this amendment. It is a serious matter, and we on this side have tried to emphasise the seriousness of the situation and question the Minister in that regard. I urge members of the Committee to support the amendment.

Mr BECKER: Could the Minister please advise the Committee as to how much money is involved in these fees and the financial impact of having them set as from 1 February 1990? The Minister's second reading explanation states:

> The opportunity is also taken to amend the Act in relation to the power to make regulations fixing fees for exemption from the prohibition against the sale, use, etc., of ozone depleting substances. Regulations have been made fixing these fees, but, as some of the fees are based on the quantity of substance used or sold by an applicant during the previous calendar year, it is necessary to provide that such a fee, which could be viewed as being a tax, can be fixed by way of regulation. As the regulations came into operation on 1 February 1990, it is provided that this amendment will be backdated to that date.

Therefore, the Minister must have some idea of what the budget impact would be in that regard.

The Hon. S.M. LENEHAN: I can answer the honourable member's question. The charge will be $50. Those companies who are actually importing CFCs into South Australia—and four companies are involved—will be charged 10c per kilogram. I would like to put that into some sort of context, because the cost per kilogram for CFCs is $5 to $7, so it will not be a large impost on a company. We believed that it was a sensible and reasonable amount to charge for the provision of the service; it is an exemption fee.

The fees have been agreed to by the industry and, as I said, it is 10c a kilogram. I understand that the United States has moved to tax CFCs at something like $4 a kilogram. I think that if one looks at what we are doing one will find that it is a commonsense approach agreed to by the industry and, I would hope, by Parliament.

The Hon. B.C. EASTICK: The position still remains that if someone has fouled up the system, if someone has taken action before they had authority to do so, the quickest way to make sure it will not happen in this or any other legislation is to make an example of it. I believe we are making an example of this, and I suggest that all members look seriously at supporting the amendment.

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, Such and Wotton (teller).

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

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

Amendment thus negatived; clause passed.

Clause 3—'Interpretation.'

Mr INGERSON: My council—the Burnside council—is concerned about a particular definition in this clause. The council sees difficulty in policing the 44 gallon drum with the chimney placed on the back. Will any guidelines, direc-

tions or suggestions be given to councils in relation to the utensil that people will be able to use for burning if the council decides to support this legislation in its area.

The Hon. S.M. LENEHAN: Of course, the intention of this clause is to ensure that people who want to be very clever and get around the definition of an incinerator would not be able to do so. It was made very clear that the legislation refers to receptacles in backyards used for burning and open fires, and the sort of barbecue that allows a plate to be removed so that it can be used as an incinerator. The whole intention was not just that the spirit of the Act be adhered to but that there would be some clear guidance. If the honourable member's council is not clear and if there are some situations where people attach some sort of chimney to the back of a 44 gallon drum in order to get around the legislation, I can assure the honourable member that the department will draw up guidelines that will help councils to implement this legislation.

Mr BECKER: Will the Minister give the Committee a guarantee that these regulations will now be workable? Over the past 10 or 12 years I have had a continual stream of complaints about residents burning all sorts of rubbish in their backyard incinerator—particularly the brick incinerator. Even though the department has put out some excellent publications—and I have used quite a lot of them in letterboxing the neighbourhood to alert people not to use backyard incinerators or to use them only between 10 a.m. and 3 p.m.—there is still the odd fool who lights an incinerator at 7 a.m. to burn a few excess dead fish or whatever, let alone leaves and other rubbish. We have a few of them in my electorate. They totally disregard any advice or information given to them. One complains to the council and the relevant officer scratches his head and gets around to it by 3 o'clock in the afternoon and, of course, the fire is out by that time. My constituents and I want a guarantee that the legislation or regulations we are now considering will work, that they can be policed and that we can get rid of backyard incinerators once and for all.

The Hon. S.M. LENEHAN: I understand the problems that we all face as members of Parliament. One thing we can do as a State Parliament is provide the proper legislative ffiframeworkand, to use a cliche, to make it as watertight as we can. It is then up to individual councils in terms of their response time if somebody rings complaining or reporting something. I do not know how we can legislate to say that individual councils have to ensure that an officer from the council attends immediately.

As members of Parliament we can only bring to the attention of various councils the importance of this legislation. We have given them a legislative framework with which they can ensure that our mutual constituents live in some kind of peace and harmony with one another without having their washing ruined or the smell of dead fish permeating through their house at 7 a.m. or 8 a.m. and so on. But, in terms of the problem of the response time, I cannot give a guarantee that every council will be able to do that.

An honourable member interjecting:

The Hon. S.M. LENEHAN: Certainly. The other thing is that council officers will accept an affidavit from a complainant, so that might get around the fact that someone lights up at 7 o'clock in the morning knowing that the council officers do not come on duty for two hours. When the council officers attend, if the fire is out, they will be able to accept an affidavit properly signed by the complainant. When these things start to happen, hopefully commonsense will prevail in most cases. The community will become more aware that it is antisocial, when living in close confines, which some of the constituents in the honourable member's area do, to rush out and start burning at all hours of the day and night. I am not sure whether any councils in the honourable member's electorate have applied for a complete prohibition. I know that Glenelg council is one, but that is out of his area.

An honourable member: Henley and Grange has.

The Hon. S.M. LENEHAN: Henley and Grange has. Those councils which have applied should be congratulated and encouragement should be given to other councils to apply for the same kind of prohibition.

Clause passed.

Remaining clauses (4 and 5) and title passed.

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

That this Bill be now read a third time.

The Hon. D.C. WOTTON (Heysen): As I mentioned at the beginning of the second reading debate, the Opposition supports this legislation. I have expressed a particular concern and attempted to have an amendment supported regarding the retrospective clause. I am disappointed that the Committee did not accept the amendment, but I am pleased that it recognises the importance of the legislation overall. Therefore, the Opposition supports the legislation as it comes out of Committee.

Bill read a third time and passed.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 22 March. Page 790.)

Mr INGERSON (Bragg): The Opposition supports the Bill, but it intends to highlight some of the inconsistencies and areas which it believes will be very difficult for the Government, or for that matter any Government, to administer. Just prior to the election the Government made a commitment to move very quickly to introduce penalties that would severely penalise those who were found to be involved in supplying, administering or possessing cannabis and/or any of the other specially controlled drugs in relation to use with young children. We strongly support this action. However, there are many inconsistencies with this Bill. Before talking about those inconsistencies, I should like to talk about the Bill as we see it, and, as I go through it, I will make comments in relation to the inconsistencies.

The Bill seeks to increase certain drug penalties substantially and to provide specifically for penalties where a drug of dependence or a prohibited substance is supplied, sold or administered to a child or where a person is in possession of a drug of dependence or a prohibited substance for the purpose of the sale, supply or administration of that drug. In the area of possession there are significant difficulties, and I will refer to them later.

The Bill refers to cannabis being sold, supplied or administered to a child, and to a person being in possession, within a school zone, of a quantity in excess of the prescribed amount, which the Bill does not fix. We want to take up that matter with the Minister later, because it seems to me that, having moved the private member's Bill in the last fortnight and having it accepted by the House, it is important to prescribe within the Bill, and consequently the Act, the actual amount. It seems ridiculous that, in the case of cannabis and/or heroin or any of the other dependence drugs of concern in our society, we are not specific about the quantities that we want to control under an Act. I brought up this issue the other day. The main reason why

we specifically introduced the private member's Bill was to make sure that we specify the amount and that that is not dealt with by regulations.

We are concerned that the penalties and the prescribed amount are airy-fairy. We believe that Parliament should discuss this matter now because last week the Government recognised that the prescribed amount of cannabis needed to be reduced. Yet, within a week—I correct that, for that matter on the same day as the legislation was debated in the House—another piece of legislation dealing with similar products was introduced and no specific amount is prescribed.

The Bill refers also to drugs of dependence or prohibited substances other than cannabis or cannabis resin, and the penalty where the amount again exceeds the prescribed amount. It is noted that, in relation not only to cannabis but to heroin or other hard drugs, such as crack or whatever, the amount is not prescribed.

The penalties are very severe and we support this. In commenting on the severity of the penalties, we also recognise and support the Government's statement that introducing and increasing penalties is not the only answer. There is a need to recognise that education is very much part of the control and use of these extremely dangerous drugs which, in my view, should not be used in the community at all. I know that is an extreme point of view, but it is my view. I think that any education process that enables our children clearly to understand the problems of drug use can only be of benefit to them.

I am concerned about one particular sentence in the Minister's second reading explanation. Regarding the problems of young children, or of children generally, in relation to their life's opportunities, peer group pressure, and so on, the Minister stated:

> Young people are bombarded with media images of success, style and material wealth.

It seems to me, reading that sentence in context with the rest of the paragraph, that we are saying that those three particular issues are something for which we should not be striving. Whilst that is an aside, it is important to note that a Minister should make those specific comments. I think that we should be striving for those things, and we should be encouraging our children to strive for them. In the context of this paragraph, I think that statement is totally unnecessary. I could say that it is a little bit of a socialist exercise and I infer that. It just seems to me that we should not be talking about that sort of thing in the context of this Bill.

For other offences not involving a child or school zone, the penalty relating to amounts in excess of the prescribed amount of cannabis is to be $500 000 and imprisonment of not more than 25 years and, in any other cases, $50 000 or imprisonment for 10 years. These penalties are consistent with the very severe penalties that the Opposition has supported for some time and we support the Government because there is no doubt that the peddling and trafficking of drugs to our children is one of the major concerns in our society. It is a concern that is expressed at almost every school council meeting I attend, whether it is a primary or secondary school. It is of concern to young people who come to my house and to my children. It is a major concern in our society and it is an area in which Governments and Oppositions support strong action. Having said that, I point out that it is only in the past week or so that we have seen determination from this Government to increase the penalities and, as I said last week, we are happy to see that.

This House has already taken the decision to reduce the amount of cannabis and resin to which these tough penalties for possession, supply etc. apply. Such decisions of this House also ought to be reflected in this Bill, because they are very important and relevant. Regarding possession, sale, supply or administration in a school zone, I believe that the Minister should state what prescribed amounts are proposed and, seek to have those amounts incorporated in the Bill in another place.

I believe that the Government will have extreme difficulty in relation to the definition of 'school zone'. TAFE colleges and campuses, kindergartens and child-care centres have all been omitted from this Bill. That seems a bit odd when thousands of children are directly involved in these centres. The Minister would be aware that many children under the age of 18 years go to TAFE colleges for all sorts of excursions, and it seems a bit odd that that has been left out of this Bill.

The measuring of an area within 500 metres of the boundary of a school will be an interesting exercise. In Committee we will ask the Minister to explain how the 500 metre limit is to be measured. That will be a very interesting exercise. If one lives alongside a school or is within 500 metres or just outside the 500 metre limit, how does the case of the simple use of marijuana apply? There are many other possibilities that must be considered in relation to this 500 metre limit. Given that there is a maximum penalty of $1 million, I believe that fairly specific boundaries must be shown in relation to these schools. Whilst in no way do I condone the carriage or possession of cannabis, people will carry it and will say that they use it for personal use, yet if they are within the specific boundary of 500 metres of the school the penalty for possession is significantly more (double) than for offences under other parts of the Act. This whole area of definition will be very difficult to administer.

It was pointed out to me this morning in relation to one electorate that, if kindergartens, child-care centres and all the primary schools were included, the total electorate would be covered by this 500 metre rule. That is the sort of matter that requires clarification. I ask the Minister to clarify that either in reply or in Committee.

Whilst we realise that this proposal was brought up by the Government during the State election, we believe, whilst the general thrust is accepted by the Opposition, that it is gimmicky. Where the Bill relates in particular to school zones, there will be tremendous difficulty in administering this part of the law.

Section 45a of the Act is to be amended. Again, these amounts are prescribed by regulation and, as I have said several times today, I believe that in this serious case of drug use the penalties should be spelt out in the legislation. As the Minister said in his second reading explanation, there have been findings in recent times whereby up to 200 plants have been deemed to be for personal use, and that involves a street value of about $250 000. We support this amendment, but we are still concerned that this sort of penalty is not specified in the Act.

The Opposition supports the Bill. I request the Minister to answer some of our questions in reply. If he does not, we will further question the Minister in Committee.

Mr S.J. BAKER (Deputy Leader of the Opposition): I will address this Bill briefly. In my view some window dressing took place around election time, because I did not believe that the legislation really addressed the key issues that are affecting our schoolchildren. I appreciate that there is a call for greater penalties. We have been at the forefront of that and the legislation now contains some very strong penalties, including life imprisonment and $500 000 fines for those people involved in drug trafficking. I guess I take

a slightly different view on the question of drugs in terms of the mechanisms by which they are supplied. I can tell the House what happened when I addressed schools on this issue and the way in which schools perceive the drug problem.

It is fair to say that schoolchildren, as a group, do not believe that marijuana is either a dangerous substance or a substance that should be taken very seriously as far as the law is concerned. My view is quite different from that. However, for some reason a myth has been created that smoking pot is all right. There is medical evidence now coming into force that smoking marijuana is not all right. There is medical evidence that there is damage to the body and that certain problems can be attributed to the intense use of marijuana.

In my visits to the schools I canvassed the point of view on marijuana. As I said, the prevailing view was that it is not a problem that the legislators should really worry about. They did perceive that the other drugs were a problem, but they were not going to get involved in that process. I might add that when I canvassed them as to how many people they knew who had graduated from marijuana to amphetamines and other more serious drugs (including heroin), everyone in the class could come up with a name, although they did not mention it. Everyone knew of someone who had graduated to one of the more serious substances.

Generally, schoolchildren do not believe that there is a relationship between the two, although it was interesting to note that the people who had gone on to the more serious drugs had tried their hand at the so-called less serious drug of marijuana. I could not and did not try to convince the kids at that time that perhaps there was a relationship; rather, I just drew them out by question so that they could draw their own conclusions. It is imperative that if we are going to have a war on drugs and if we are to have a system of health education in schools that will make some meaningful inroad into the drug problem, which I believe is getting worse—despite some statistics showing downturns in certain areas—we understand what the mechanisms are and why the kids get involved in the smoking of pot.

When I asked the question of a number of schoolchildren from a variety of private and public schools, the answer that invariably came back was that it 'seemed like a good idea at the time'. There is an enormous amount of peer group pressure, as we all understand, to try things that the law says are illegal. It is unfortunate, but that is the way the kids of any age react. When I was at school, smoking was frowned upon, yet by the age of nine some were congregating behind the toilets, or wherever, to try smoking cigarettes. It just happened to be the thing to do. It was an act of rebellion against authority.

So, nothing has really changed in young people's attitudes to authority. The great problem we now face is that the area that kids wish to reject in terms of authority involves the serious matter of drug abuse. So, in these little class discussions they did get down to the fact that pot really was not a problem but that some of the other drugs were a problem.

My next question was about how the substance was supplied and it was interesting that, in the schools I visited (I do not intend to name any of them in this House), they said that it was rarely provided in the schoolyard, although there are obviously some people at schools who are into drug pushing because it is quite a lucrative little industry. They maintained that the major areas where they tried these things—whether it be marijuana, amphetamines or alcohol in conjunction with relaxation drugs, which is all the go, or whether it be petrol or glue sniffing, or the more serious area involving heroin—were in a social context.

What the kids said to me was, 'Yes, we do know that there are one or two peddlers at school. We tend to steer clear of them because they are bad news but when we go to a party and the pressure is on or when we feel like trying something, we will do it.' The statistics are interesting. A large percentage of the kids attending, say, year 12, have tried pot but the statistics fall away rapidly in respect of the more serious drugs. Everyone confirmed that pot smoking was a prerequisite for experience with harder drugs, yet there was fairly conclusive evidence to suggest that it was not mandatory.

This Bill is an attempt by the Government, which is why the Opposition supports it, to combat the trafficking of drugs associated with the schoolyard. The Opposition joins with the Government in supporting the thrust of what the Government is doing, but I question whether it will be effective. The shadow Minister (the member for Bragg) has already referred to the 500 metre rule. How will people step it out? How will it be related to the schoolyard? Does the person peddling drugs step out the 500 metres and hope that the length of their stride is about 1 metre? How do people put themselves a sufficient distance away to avoid the 500 metre rule?

Mr Ferguson interjecting:

Mr S.J. BAKER: As the member for Henley Beach rightly points out, it still does not get them out of trouble, they are still subject to the law, except that we have put a focus on the 500 metre aspect here. The next question I asked the kids during these little debates was about who supplied the drugs. Invariably, the answer was that it was either another student or a young adult. There were not any big traffickers involved in the groups with whom I discussed this matter.

They said that the dealers managed, by a variety of means, to get a youngster at the school or someone who had been at the school to become involved in selling drugs. People were already involved either through blackmail or addiction. The people who were dealing directly with the schoolchildren were their peers or people who had left the school previously and who had many contacts. These were the same people who went along to the parties and were the more grown-up counterpart. Certainly, it was not the 25-year-old driving around in a Mercedes who got the kids involved. It was the 16 to 19-year-old person who would seem to have kicked authority and who had some standing within certain elements of the school.

I do question whether this Bill addresses adequately some of the mechanisms and the involvement of the people in the process. Does it focus attention on the wrong people? I do not have any ready answer to that. It just raises that doubt in my mind as to whether we are indeed involving ourselves in window dressing at the expense of attempting to address the problem seriously. The problem can be addressed seriously in a number of ways. Obviously, if kids have better information, they will still reject authority but they might think twice about the problems they are facing and whether they should get involved, first, in marijuana, secondly, in the tablet stream, as someone called it or, thirdly, in crack and the synthetic drugs and heroin areas.

I believe that, if we wish to make some serious inroads, we will not solve the problem by focusing on the schoolyard as it exists today and imposing heavy penalties for those people involved in trafficking. I do not believe that the Bill will be effective. To be effective, we have to address the psychology of the children concerned and perhaps give them a different way of kicking authority and of saying, 'I'm grown up, and I can handle anything.' Perhaps we should

give them a different way of saying, 'I would like to try this. I know my parents will frown on it, but it will not give me serious problems.' I believe that most drugs cause serious problems for younger people, and those problems can go on for many years particularly if they get hooked on the very efficient and effective synthetic drugs and the less efficient but equally damaging heroin.

I believe it is important that we as legislators should not indicate to the population that we are addressing a problem and then walk away from it. The answer is with the kids themselves being able to turn their minds to other forms of kicking authority.

If we can understand the psychology of what we are trying to deal with, perhaps we will have more effective laws. If I were to try to get a rejection mode into the minds of schoolchildren I would present the cold hard facts to them, but I know that that is not necessarily effective. When I first started driving a car the statistics did not particularly worry me. I thought that I would live forever. After four years of driving, despite writing off three cars, I still believed that. There is no perfect system of convincing children in their formative years to be responsible, but we have some very good mechanisms for at least making them think about what they are doing and, if they indulge once they may not indulge a second time. That really goes back to keying the mind into some of the processes.

We have very good evidence about the abuse of 'light' drugs, including marijuana and even cigarettes, and very good information about synthetic drugs and heroin abuse. That information can be presented in a very constructive fashion to the school-aged population at a time when I believe they may listen just a little. Even if they do not listen the first time, it perhaps touches a bit of their sensitivity, and they listen the second or third time, so that we do not have youngsters—because they tried the substance, liked it and continued to use and abuse it—becoming habitual users by accident, graduating to harder drugs and finding themselves in a situation where they cannot survive.

If I were to tackle the problem in a meaningful way I would not necessarily use this Bill; I would look at the mechanisms—the health and education processes—and use people who have a strong relationship with the kids in the schools. There are now counsellors in schools to sort out behavioural problems. We do not use the cane any more; we are not allowed to use lock-away rooms; so, we now have this whole new growth industry involving children's counsellors.

The answer lies with kids of the same age group who have a strong sense of responsibility and good communication skills. In the many years I have spent on this earth I have found that few people have the capacity, as they grow older, to communicate effectively with those of a younger age. The few people who can are the sort of people who, if it is possible to change a situation I believe will do so. In one or two of the schools I visited where there have been problems with the children the counsellors have been exceptionally good at pointing out why the children in question got into drug abuse and at persuading them to stop. Those people are few and far between. We should consider the talents needed to address the problems involved in this area and say to the kids, 'If you want to kick authority don't use drugs, alcohol or cars to do so. There are other ways of expressing yourself in an adult fashion without turning to abuse.'

We should look at the problems and challenges facing the young members of our society who today grapple with conflicting information that comes from a variety of sources, whether it involves the environment or job futures. When I was at school there was never any question about future job prospects and we were not concerned about the environment because no-one knew about the pollution we were causing. Today there is a lot of psychological pressure on our kids. We have to make schoolchildren feel like useful, contributing human beings, and give them a role and sense of responsibility in their life.

While this Bill puts a flag up a flagpole, I believe it is not necessarily the most effective mechanism to achieve something which I believe should be addressed urgently. I hope that the Government will turn its mind to this.

Mr MATTHEW (Bright): I intended to speak briefly on this matter but a couple of things need to be addressed, particularly the matter relating to a school zone. In the Bill the definition of 'school zone' is as follows:

> 'School zone' means the grounds of a primary or secondary school and the area within 500 metres of the boundary of the school.

While I support the sentiment behind this Bill and certainly would not disagree that to push drugs in the vicinity of a school is a serious crime, I do not believe that pushing drugs is any less serious if that dealing occurs when children are perhaps participating in a school excursion or attending a discotheque organised by a school that is not within 500 metres of the school property. There are times when children are obviously more than 500 metres from the school grounds, and dealers should come under the same penaltaies as apply under the 500 metre rule.

Earlier today the member for Napier talked about students in his electorate who were studying at a secondary or primary school and who were actually leaving that school to attend another institution for the purpose of computer studies. That is yet another example of where students may be more than 500 metres from a primary or secondary school. If they encounter drug dealing in that situation I do not believe that the offence is any less serious. The member for Napier looks a little stunned. I apologise if he was not the honourable member who raised that matter.

The Hon. T.H. Hemmings interjecting:

The SPEAKER: Order!

Mr MATTHEW: The other matter that needs to be addressed is that of a house that is half inside and half outside the 500 metre boundary, in that a fine for an offence of dealing in cannabis or cannabis resin that occurred in the lounge room could be greater than a fine for an identical offence that occurred in the kitchen.

So, while I agree that dealing with drugs in the vicinity of a school is a serious offence, I highlight the fact that it is no lesser an offence to deal with these substances even 501 metres outside of a school boundary. I recommend to the Minister that these issues be taken on board and that the legislation be amended accordingly. It is regrettable that this piece of legislation seems to be surrounded by the electoral hype that created these promises at the time, and I am sure that now the election is behind us the public certainly will not mind if a little commonsense is applied to any legislation that is passed.

The Hon. T.H. HEMMINGS (Napier): I rise to support the Bill. I have been listening closely to the contributions from those members opposite who support the Bill, and I indicate that I share the sentiments that they have expressed. However, I feel they are slightly pedantic about the 500 metre provision.

An honourable member interjecting:

The Hon. T.H. HEMMINGS: The member for Bright says that that provision was created by the Government as part of its electoral hype. I think that is a bit unfair on the

part of the member for Bright. As I understand, that was clear Government policy that would have been introduced regardless of whether or not an election was held. It was an attempt by the Government to, in effect, serve a warning to those people who wish to peddle drugs of any form.

In that respect I include encouraging youngsters to become involved in glue sniffing because I believe there is an ulterior motive behind that practice. It will get people dependent on all sorts of drug, whether it be alcohol, petrol or glue sniffing. Ultimately, I believe that the drug peddlers want them to go on to marijuana or the other hard drugs that are available. The clear message to those peddlers is that, if they go down that track of trying to entice the younger members of our community into sampling those 'delights', the full weight of the law, and the increased fines and so on which are in the Bill, will be brought down upon them.

The Deputy Leader said, 'We will not net any big dealers.' No, we will not because of the insidious way these people operate. The big dealers and traffickers do not go down and sell at the street corner or in the schoolyard to school kids; they have their network. However, this is a clear warning to those people. The way I see it—and the Minister may correct me in his response to the second reading—is that the hefty fines provided in the Bill apply equally to some 17 or 18-year-old kid hanging around a schoolyard or within 500 metres. I am not worried if anyone steps out of that 500 metres, because the message is clear: lay off of our kids. Then, if we work back up the pipeline to those people who are handling and peddling drugs to schoolchildren, they will bear the full weight of the fines in the Bill.

Also, this Bill makes perfectly clear that this legislation alone is not the answer. I am sure that everyone agrees that that it is not the answer; it is an education process. The Deputy Leader—and I pay credit to him—has been going around to schools and talking to schoolchildren about the dangers of drugs. Peer pressure within schools can sometimes outweigh all the good work done by the Education Department in making young schoolchildren aware of the dangers of drugs. I have seen the education process that is presently under way—such as the Learning to Choose and the Free to Choose programs—and it has been very successful because it talks to schoolchildren in a language they understand. It points out that there is a better alternative and a better lifestyle that they can follow. However, I accept the fact that peer pressure plays a part.

Drugs have never been part of mine and my immediate family's scene, and I thank God for that. I do not say that my family and I are anyone special but I learned a valuable lesson from the high school in my area, where glue sniffing was widespread. Thankfully, glue sniffing is on the decline perhaps because there are other means of 'getting your kicks' out there in the school communities. Again, I think this education program that the Minister talked about in his second reading explanation will play a part. However, I have a little more faith in the youngsters in our community. Councillors are going into the school communities and talking to youngsters about their problems, but one of my biggest areas of concern is that in many cases parents have abrogated their responsibilities about setting the correct guidelines for their children to operate under; they prefer to leave that to the educators in our society. However, I see that as money well spent.

Unfortunately, the Deputy Leader seems to think—and I use his terms—that that is a 'growth industry' that we can do without. However, I think that the education of our schoolchildren in respect of the dangers of the whole range of drugs is money well spent. I note in the Minister's second reading explanation that over $1.5 million is being spent on various education programs, and I congratulate the Government in that regard.

To those members opposite who find some problem in coming to terms with the 500 metre provision and the prescribed areas provision I point out that the Minister will be only too pleased to explain them when we go into Committee. I believe it is an important step in the right direction, and that everyone is getting their act together to highlight the dangers of drug taking to the younger members of our community. I have my own views in respect of the penalties. I think that in some respects the penalties are manifestly too low, but that is something that will be reviewed by the Government as we see how the legislation works. I am sure that, if the fines and terms of imprisonment are considered to be too low, that the Government will address them at some future date.

Mr SUCH (Fisher): I support the general thrust of this Bill which, as the member for Napier correctly points out, is in essence designed to protect children particularly from drugs. I suggest that anyone who peddles drugs to children represents the lowest form of life. Briefly, my concern is with the definition of 'school zone'. I am not trying to be difficult, but I do not think that it goes far enough in terms of the reality of school life. As one honourable member mentioned earlier, children go on organised school excursions during the Adelaide Festival, during the Fringe and at many other times during the year. Obviously, that is a deficiency in respect of the school zone notion.

Children also often attend camps, either within the metropolitan area or without and attend ski resorts, and the like. I would see that as another potential area of danger for children, particularly in respect of drug peddling. I know from my own experience that children frequent campuses of the SACAE to attend laboratory workshops for extended periods which may run into several weeks. They also attend swimming schools and other physical activities at tertiary campuses. So, these are further deficiencies which are not tackled by this notion of a school zone. Also, children travelling to and from school would not be covered by the 500 metre rule.

As I indicated earlier, I am not trying to be difficult. However, during the Committee stage I will be interested to hear whether the Minister looked at extending the notion of the school zone to include school based activities, off campus activities and travelling to and from school. The thrust of the Opposition case is to support this legislation in an endeavour to protect children from those who seek to pedal drugs to them.

Dr ARMITAGE (Adelaide): I wish to add my voice to those of members on this side of the Chamber in support of the general thrust of this Bill and, once again, to attempt to point out to members of the Government the illogicality of what they are doing. As I understand, the point of the Bill is to stop the sale of drugs to young children and, as I said, I agree with that. The seriousness of the crime lies in actually selling the drug and not whether it is sold at school, in Rundle Mall or wherever. What is wrong with drug dealers giving or selling drugs to children is the fact that it is to children, and it does not matter where it happens—the geography is irrelevant.

The member for Napier said that the purpose of the Bill is to serve a warning on drug dealers that they ought not peddle drugs to youth. I agree completely, but drug dealers are eminently smarter than these laws, so they will sell them 550 metres away from schools. If we are serious about wanting to stop the peddling of drugs to youth, we should

have the same penalties in this Bill, but they should be for selling drugs to children as defined, that is, to a person under the age of 18 years.

It seems to me that the 500 metre idea signals Parliament's attempt to indicate how seriously it views drug peddling to children but, as I said before, the seriousness of this offence relates to the fact that drugs are being peddled to young people and not that they are being peddled to young people at point A or point B. Having a school zone as provided in this Bill is illogical. It is saying to people, 'Don't sell drugs to children here, but the lesser penalties over there mean that it is not as serious a crime.' This is illogical and I intend to pursue this point in Committee.

The Hon. D.J. HOPGOOD (Minister of Health): I thank members for the attention they have given to this measure. A fairly broad range of topics has been raised. If it was 1973, when I first stood in this place as a Minister defending a Bill, I probably would be inclined to go on for an hour or an hour and a half responding to some of the points raised. However, I have been here a long time and I am aware of the fact that I have the support of the House for this Bill, so I will concentrate on those matters raised which are germane to it.

As a general philosophical proposition, the Government agrees that legislation is not the sole answer to this question. Counselling, education and the way in which peer group pressure is channelled are very important. Practically any of these aspects could be described as necessary but not sufficient conditions for addressing the problem. I say the same thing about legislation. If members argue that legislation is not, of itself, sufficient, I agree, but surely it is necessary. Legislation must have a deterrent effect otherwise we would all be unemployed because society would have no use for the particular talents we exhibit in this place from day to day. It is true to say also that legislation has—if I use the term correctly—a normative effect: there are people who obey the law because it is the law.

Indeed, the law can sometimes be changed ahead of public opinion, which, in turn, produces a cultural shift. However, if we go too far—and the classic instance of this is prohibition in the United States which related to one of the two most common drugs abused by society—we will not get the sort of cultural shift that we want. On the other hand, I can think of one or two cases in recent times relating to the environment where legislative change a little in advance of public opinion had a cultural effect: it changed people's attitudes and perceptions. It was not so long ago that burning in an incinerator in a suburban backyard was regarded as a fairly harmless procedure.

The Hon. T.H. Hemmings: Sunday afternoon sport.

The Hon. D.J. HOPGOOD: Precisely, a Sunday afternoon sport, particularly out there in Munno Para, by those people who treat the member for Napier so well at election time. Nonetheless, there have been changes in the law and, more and more, local government is prohibiting backyard burning in its areas. There may be some minor infractions of the law, but for the most part people say, 'All right; that is the law, I will obey it.' The seat belt legislation is another case of a change in the law in advance of public opinion. Some people saw this legislation as being an unnecessary invasion of an individual's civil liberties; however, once it became law, people obeyed.

The controls I introduced on vegetation clearance were obviously in advance of public opinion and, although there was some evasion of that law, for the most part the law abiding owners of agricultural broad acres in this State said, 'Okay, we understand it; we don't like it, but we will obey the law'—and they did. To finalise, because I realise I am slightly labouring the point, when the former Liberal Government introduced laws on littering it was probably perceptive enough to realise that the number of prosecutions that would occur under that legislation would be very few and far between. Therefore, in a rational sense, it might be said that the deterrent effect of that legislation would be very slight if it is taken in the context of someone saying, 'Somebody has just been fined 50 bucks; I had better not do that because I might be fined 50 bucks.' I cannot think of an instance where anyone has been caught or fined for littering in this State under that legislation. There may have been some, but the fact of the legislation produced a cultural shift.

An honourable member: Not for long, though.

The Hon. D.J. HOPGOOD: No, but there has been some maintenance of behaviour. Far fewer people are littering these days than was once the case. In some cases that is because they have children sitting in the back seat who tell them off every time a cigarette butt goes out the window, but it is also because there have been changes in the law to produce this cultural shift. While we concede that laws alone in relation to drugs are not sufficient, we know that if we change the laws there will be some change in people's perception of what is acceptable and not acceptable human behaviour, and any increase in penalties has a similar effect. So, that is why we are doing what we are in this legislation. The Government wants to effect a cultural shift in people's attitudes towards certain sorts of behaviour.

We know that what we are talking about today is illegal and has been so for a long time but, by putting stress on certain forms of illegal activity and increasing penalties in relation to those activities, the Government hopes for further modification of human behaviour in this State. The examples I have just given in relation to changes in the law that have occurred under either political Party when in Government give us a degree of optimism.

In any event, it seems to me that the Opposition must agree with me because it is supporting the Bill. It would not be supporting the Bill if it thought that it was a waste of time or, indeed, if it thought that it would somehow confuse the law or clog up the courts; it would do the responsible thing and speak against the Bill in an attempt to vote it out. It is not doing that and I therefore assume that the Opposition, as a group of rational people, agrees with me at this point that there may be very few arrests—let us hope that there are no arrests—under this legislation. Nevertheless, the deterrent effect—the normative effect—will be something that people will find is of some benefit to us in this national campaign against drugs.

The member for Bragg took me to task in relation to a sentence in my second reading explanation. It is necessary that I refer to it and I will quote it again—although the honourable member has already quoted it:

> Young people are bombarded with media images of success, style and material wealth.

That is a matter of fact. I did not go on to say whether I applauded or deplored these media images. What we go on to infer from this is that, where people find that they are not able to attain those media images, that creates some degree of internal conflict. There is no doubt about that. One of the solaces or refuges from that internal conflict—that feeling that I am worthless because I am not as rich or as good looking as X or Y on the television—is drugs. That is all that I am saying. I am prepared to go further and say that I do not believe that because a person does not chase material wealth he or she is any less a person than someone who does.

I take issue with the member for Bragg if that is what he is saying. I put it on the line: my set of values is that there are those people who seek material wealth and those who do not. I am not judgmental at that point. However, it is a sad fact that not everyone can attain high levels of material wealth or, for that matter, a high degree of beauty or physical perfection, or success in whatever fields they undertake, and there are those who feel that they have let themselves down—and drugs is one of the refuges. That was the point being made. Where that is allied with peer group pressure to succeed in particular directions, often not in a material direction, that dilemma is that much more intensified.

The member for Fisher raised a matter that I should perhaps mention here and now before I conclude my remarks, although it could have been left to the Committee stage of the Bill. He refers to the fact that, these days, with our modern theories of education, schools, as it were, move around the place; that the total enrolment of a school, such as one in the honourable member's electorate—the Happy Valley Primary School—is not necessarily, at any one given place or time, actually in that school. The students may be in a museum; they may be in the gallery of this place listening to Question Time; or they may be on some scientific excursion looking at the fossils in the rocks at Port Noarlunga or something like that.

The Government has partly anticipated that in the wording of this legislation, but not entirely, because it seems to me that the honourable member raises a problem that is unanswerable. The Government has partly anticipated this problem by providing that the zone around the school is not the only place in relation to which offences may attract the penalty; proposed new paragraph *(da)* of section 44 provides:

> . . . whether the offence occurred within a school zone or at or near any other prescribed place.

That enables us, if in the light of the experience of the legislation we think it is reasonable, to pick up the point that one honourable member opposite made about TAFE colleges; we may well do it that way. However, on the other hand, given the mobility of schools in the way the honourable member has indicated, of course, there is simply no way in which that can be covered.

One cannot have a law which will anticipate every place to which a group of children might go and which will provide for the appropriate penalties. That is something that we have to live with. I know that, in any event, even if this legislation were not to proceed, the penalties for trading in drugs for children are very severe indeed and it is always open to the Parliament to increase those penalties if it wants to do so. This is a limited measure and I think that members have indicated that they understand why this limited but important measure has been introduced in this way. I thank them for their support to date and I look forward to their support through the Committee stage and the third reading of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr INGERSON: One of the most important issues is the administration of the Act. Clause 3 *(d)* provides:

> . . . 'school zone' means the grounds of a primary or secondary school and the area within 500 metres of the boundary of the school.

In the second reading stage I clearly expressed my concern about that definition and, in his reply, the Minister touched briefly on this matter. How does the Minister see the 500 metre rule being interpreted? Whilst we in this place may see that it is reasonable to put a ring around a school at a distance of 500 metres, we know that the law is interpreted far more precisely in the courts. How will this provision operate?

The Hon. D.J. HOPGOOD: Although it is certainly true that in the courts there are always arguments about meanings and nuances, the rule *de minimis non curat lex* also applies: the law is not concerned with trifles. Therefore, it seems to me that perhaps we could be a little too fastidious in the way in which we try to define it. I could not rule out the possibility that, eventually, this may have to be done by way of regulation. It may be that a number of mini maps will end up in the gazette, and that will make the issue absolutely clear. I hope that will not be necessary.

My interpretation of what has been put here would simply be that, if a person is less than 500 metres, as the crow flies, from the boundary of the school, as defined by a line that goes from that person, at right angles, to the boundary of the school, that person falls within the ambit of the increased penalties. That is as I would interpret our intention in this legislation. If the courts find by way of experience that that is not precise enough, it seems that it will be necessary, by prescription, to put it on a map so that people will know. However, for now, that is my interpretation of how the legislation would operate.

Mr INGERSON: Whilst I understand that the Minister does not want to be pedantic, the reality is that someone who goes before the court arguing about a distance of 501 metres will have a very smart and highly paid lawyer arguing that they were outside the area. It is an absurd position in which to place the community: that we might not only have to draw maps, but, more importantly, to put signposts out in the community showing where the 500 metre barrier is around a particular prescribed place. That takes it to that extra extent and that is a major concern.

I am also concerned that the Minister is prepared to say that a series of maps might have to be drawn, because there are many schools in our community. I am sure that, if the Government is serious about prescribed places, there will be as many prescribed places under this law. The pinball parlours have been used as an example in the Minister's second reading explanation; there are many of those in the community. If we talk about placing this 500 metre circle around those, we shall have a tremendous number of regulations with all these examples and diagrams that the Minister has put forward as a possibility. It seems to me that, whilst the Minister is being very easy in his explanation, it is a major concern. We believe that the community has some rights in this area. Whilst we strongly support the reason for this being included in the legislation, there are some strong civil liberty arguments as well that need to be considered in introducing this 500 metre rule.

The Hon. D.J. HOPGOOD: The first thing to be said is that at the boundary there are always arguments that could be raised, but that does not necessarily mean that the legislature runs away from the principle that it is trying to establish. Again, I make the point that I do not particularly mind if we never have a prosecution under this clause. I hope that that would mean that the provision is working and that the deterrence has been effective.

An honourable member interjecting:

The Hon. D.J. HOPGOOD: It is a possibility as well. But, again, I make the point that the Liberal Party in office from time to time brought down legislation in relation to which it was quite sanguine about whether or not people were caught, but was concerned about the normative effect of the legislation.

Members interjecting:

The Hon. D.J. HOPGOOD: I am reminded by one of my extremely knowledgeable colleagues, the member for Albert Park, that for many years there were strictures on the consumption of alcohol within a certain distance of a dance hall. Of course, people went outside that area, but it had the effect of keeping the drug called alcohol away from the dance hall. We are merely making the point that it can work in the same way here. There was the added problem with alcohol that it was not an illegal drug. Here we are talking not about adding an offence to the statute book but about increasing the quantum of the penalty in certain circumstances.

Mr BRINDAL: Earlier, reference was made to the fact that the law can incline towards pedantry. Therefore, I ask whether the Minister has considered redefining his definition of 'primary school' and 'secondary school'. I point out that the Minister of Education has declared the Burra school a community school, and I think the school at Kingston is a community school. Having read various examples relating to the law on blood-alcohol content, and the lengths to which defence lawyers will go to prove that their client is not guilty of an offence, I ask the Minister to consider the definition of 'school', because I am quite sure that somebody will say that such and such a school is not a primary or secondary school, it is a community school, a Christian school, or some other kind of school?

The Hon. D.J. HOPGOOD: This matter was raised during the drafting of the Bill. We took advice on it, and that advice was that such schools contain either a secondary or a primary component, or both, and, as such, would fall within the definition. I thank the honourable member for his assiduousness on that point. It occurred to me, but I was assured by the Government's advisers that it was covered by the present wording.

Mr S.J. BAKER: I note that a new definition for cannabis, which includes the seed, has been inserted. What is the status of the case that was lost on a technicality, or has it been deemed that that was the one that got away and we will make sure that the law prevails from here on?

The Hon. D.J. HOPGOOD: No, I do not think we can say that it is the one that got away in the sense that there was any foul-up. The judge in that case took detailed argument in relation to what the seed of a cannabis plant consisted of, because in the parent Act there was reference to fibrous material, on the ground that fibrous material for the most part was not productive of the cannabinoid drug. The defence lawyer was able to argue that the seed was surrounded by a husk, that that was fibrous material, and that therefore it came within the exemptions of the legislation. Two courses of action were open. One was for Crown Law to appeal against that decision and see what a higher court made of it. That was obviously going to take time. There is a good deal of cannabis abuse which occurs through the use of seed rather than the outer portions of the plant, and, for that reason, we decided on balance to bring it in here and fix it up on the spot.

Mr MEIER: The Minister, in his response to the second reading debate, indicated that legislation is such that we cannot perhaps close all loopholes. Certainly he indicated this hopefully as a step in the right direction. I am somewhat concerned that in clause 3 we have the definition:

> 'school zone' means the grounds of a primary or secondary school and the area within 500 metres of the boundary of the school.

An example was brought to my attention last week, which I still have to follow through further, of some students entering particular business premises on a reasonably regular basis. From what I was told about it, I would not be surprised if drugs were supplied to those students when they entered those premises before school—I do not know whether they enter those premises after school—and, on my calculations, they would be more than 500 metres from the school. It will still allow many problems. I do not know whether it will be dealt with here, but what would the situation be if a person, who had a drug problem or habit and perhaps disposed of drugs to help pay for that habit, had his residence within 500 metres of a school, too? Would that person get double the fine, or is that a different situation? Whilst the intent of the legislation is obvious, I still question whether it would not be easier to say, 'Let us forget about the 500 metres and make it a *carte blanche* ban throughout township areas.'

The Hon. D.J. HOPGOOD: The ban is there anyway. We are not creating a new offence here; we are merely increasing the quantum of the offence in certain circumstances which we are defining. The honourable member is saying that perhaps we should define a little more. If that argument is pushed too far, all we are saying is, 'Forget the 500 metre distance from the school; simply increase the penalties.' Apart from the fact that we effectively increased the penalties only last week under a private member's Bill that was introduced by the member for Bragg, who speaks for the Opposition on this matter, it seems to me that we lose an important principle that the Government is trying to incorporate, namely, 'Keep away from the kids.'

If the penalties are merely increased, the fact is not being grasped that children spend a good deal of their time at school (in fact, apart from their own homes, that is where they spend most of their lives until they are 16 or 17 years of age), and these places can be and are targets for some degree of distribution of drugs and maybe even more so in the future if the proper course is not taken. I understand what the honourable member is getting at but I simply come back to the point that we have already increased the general penalties, and we now deem it appropriate to increase the penalties in these circumstances.

As for the person who is on drugs and lives next to the school, they had better shift; that is tough. The Government thinks it is so important that we are prepared to countenance discriminations such as that because of the importance that we attach to it.

Mr MEIER: I must admit that I have absolutely no sympathy with any person who uses or pushes drugs whatsoever. From that point of view I would have to endorse fully the sentiment that those persons had better shift, but I would not want them to come into my area. I might have one or two as it is. Is it 500 metres as the crow flies, or is that the shortest route along a roadway or path?

The Hon. D.J. HOPGOOD: I have responded to the member for Bragg on this. I would define the 500 metres as the crow flies, along a line which is perpendicular to the boundary of the school.

Dr ARMITAGE: The Minister said that the message behind the Bill, and we all agree with this, is 'keep away from the kids'. I contend that, being logical, what this Bill is saying is, 'Keep away from the kids provided they are 500 metres from point A'. It is not saying 'keep away from the kids' at all.

The Hon. D.J. HOPGOOD: I refer the honourable member to clause 4 *(a)* (1), which makes quite clear that it is an offence to sell or supply to a child wherever it occurs, but the thrust of the Bill is that, in these circumstances, possession itself attracts these penalties.

Mr BRINDAL: Like other members, I do not condone the pushing of drugs by anybody. However, I am still worried about the 500 metres in that I have calculated that a minimum of 10 per cent and as high as 20 per cent of the

residences in my electorate would fall within the school zone. While I fully accept what the Government is trying to achieve here, what concerns me is that we will create an injustice in the law, that if one happens to live within a school zone one level of penalty applies within the privacy of one's residence, and if one lives outside that school zone another level of penalty applies. I heard the Minister say that the Government was prepared to wear this. That is fine, but I must place on record I have always grown up in the belief that all people are equal before the law. I believe this creates an inequality and, as such, it could be said to violate a certain degree of civil liberty of the people concerned. I have no worries about that 500 metres if it is applicable to public places such as roads, but within a person's residence I do not think it is fair and the Minister and the Government should reconsider that matter.

Clause passed.

Clause 4—'Prohibition of manufacture, production, sale or supply of drug of dependence or prohibited substance.'

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

Clause 4, page 3, lines 32 to 39—Leave out subsection (6) and insert the following subsection:

Where a person is found guilty of an offence involving cultivation of not more than the prescribed number of cannabis plants and the court is satisfied that the person cultivated the plants solely for his or her own smoking or consumption, the person is liable only to a penalty not exceeding $500.

A concern has been expressed that new subsection (6) of section 32 as currently drafted in the Bill could enable commercial growers of cannabis to cultivate plants in small groups of 10 plants and thus avoid the high penalties of this section. The new subsection has been recast to make it clear that the $500 penalty will be available only in relation to offences involving cultivation of 10 or fewer plants and, even then, the court still has to be satisfied that the cultivation was for the defendant's personal consumption.

In other words, where in the present draft it is broken up into two sections, we roll it into the one so that, getting back to these clever lawyers that the Opposition seems to think are all over the place, the clever lawyer will not be able to use *(b)* against *(a)*. I commend the amendment to the Committee.

Amendment carried.

Mr INGERSON: In my second reading speech I referred on several occasions to the fact that prescribed quantities are not mentioned in the Bill. It seems to me that where we are prepared to prescribe a distance in relation to a school zone we ought to be much clearer in this instance—because of the severity of the penalties and the severity of the whole process we are talking about—in what we want and write this into the Act. It seems to me that because it is such a serious offence it is a reasonable request to make. I ask the Minister why prescribed quantities are not included in the Act, as he would be aware of the previous occasion on which we included them (and on which they were accepted by the Government).

The Hon. D.J. HOPGOOD: I should certainly have picked this up in my reply to the second reading debate. The 500 metres is a novelty, a completely new approach to this matter. It seems for that reason to be appropriate that it should actually be set down in the Act itself. However, the quantities which attract particular penalties have always been fixed by regulation and, in fact, a particular provision in the parent legislation—section 63 (3)—makes it clear that it is done on the advice of an advisory committee, so some degree of technical expertise is imported into the whole matter.

The way in which it would work is that the advisory committee makes a determination. It then goes to the regulatory process and finishes up in the *Government Gazette*. I have pages of the *Government Gazette* in front of me, and I make it clear that all other jurisdictions approach this in exactly the same way. In Victoria, New South Wales and Tasmania it is all done by prescription. To be consistent, what the honourable member wants us to write into the Act is paragraph 6 on page 1493 of the *South Australian Government Gazette* of 9 May 1985 and paragraph 7 on page 1494 of the same *Gazette*. There is a table, the third schedule, on page 1492, which has prescribed amounts in kilograms of cocaine, methadone, morphine, opium, pethidine, oxycodone, and so on. Again, on page 1497, coca leaf, heroin, lysergic acid and various other such chemical substances are listed.

As I say, it has always been the case that we have given ourselves the flexibility of prescribing the quantities which attract these higher or lower penalties, and it seems only reasonable that we should do the same thing. In relation to the honourable member's amendment of a week ago where we did pick up a particular amount, we still allowed ourselves the flexibility of prescribing below that amount in future if that seemed to be appropriate. So, I apologise, but that is the explanation I should have given at the end of the second reading debate.

Mr INGERSON: I accept the Minister's explanation but I do not agree with it. In very serious situations such as this, and having already accepted the precedent in this same area less than a week ago, I think it is reasonable that we place the prescribed amount in relation to not only cannabis but any other prescribed drugs of this particular category in the Act. The only thing that the Minister seems to be concerned about is a piece of paper. We do not seem to worry too much about the volume of paper involved in any other Act. All we are really talking about is having a few extra pages attached to the Act instead of the regulations.

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

Mr MEIER: Paragraph A, in part, provides:

A. For the following offences . . .

(2) being in possession, within a school zone, of a drug of dependence or a prohibited substance for the purpose of the sale, supply or administration of the drug or substance to another person:

As I stated earlier, this provision will put people who live within 500 metres of a school in a category different from that applying to normal people. The paragraph includes the 'supply or administration', and in the case of administration there could be a party in one of the houses and a person could offer a drug as defined here to another person.

If the house was raided, there would be no reason why that person would not be subject to the $1 million fine and a prison term not exceeding 30 years. Perhaps the Government has introduced this provision because it believes that its budget is not up to scratch. The Government could collect millions of dollars at the snap of a finger. I say that in a humorous tone, but the Minister said earlier that he would be surprised if there were many abuses under the legislation; in other words, many convictions. I hope that the Minister will say to the law enforcement authorities, 'I want you to police this Act, once it comes in, as hard as you can—not simply to gain the money, but it could be a windfall as well—because it will help stamp out any sort of trafficking in drugs.'

Whilst I have no sympathy for the drug users, sellers and suppliers, people in the wrong house at the wrong time will have double the fine and, in a sense, it makes the offence of murder look relatively minor compared to the sale or administration of drugs.

The Hon. D.J. HOPGOOD: Perhaps I was misunderstood about the whole question of the 500 metre zone. Let me make it absolutely clear: in respect of the 500 metres zone we are amending the penalty in respect of possession for sale. On behalf of the Government I have already admitted that some degree of discrimination will apply as to whether one is inside or outside that zone. Some of the examples put up so far in the debate have not been strictly relevant to the amendments, because we are dealing with possession for sale. In the case of possession for personal use the expiation fee arrangements, which were debated in this place last week, would continue to apply.

As to the whole matter of revenue and the rest of it, we expect that the Police Force will enforce any law with the maximum enthusiasm that it has, given the resources available to it. I reiterate what I said earlier: one would always hope that, when one passes a law and increases penalties, the deterrent effect will be such that no infringements of the law will occur.

Mr MEIER: The Minister says it is only in the case of sale, but the words are 'sale, supply or administration of the drug.' That is not just for sale.

The Hon. D.J. HOPGOOD: That is merely to distinguish it from the verbiage in the Act that refers to possession for personal use. One would need to refer to the relevant sections in the parent Act, which are not actually before us now. I will undertake to get more information for the honourable member.

Mr INGERSON: I earlier asked the Minister how he could justify printing all these regulations separately instead of putting them in a particular Act. This is the type of important social legislation that we should be bringing back to Parliament regularly. Generally, the public sees any legislation that relates to cannabis or any of the hard drugs as being important legislation that should be debated here on a regular basis if the Government chooses to make changes to the legislation. This is very special social legislation. I accept what the Minister said earlier, that in the majority of instances the changes are made by regulation, but because this is important social legislation—accepted as such by both the Opposition and the Government—will the Minister reconsider the situation? It is the Opposition's intention, depending on what happens in this place, to consider amending the Bill in another place.

The Hon. D.J. HOPGOOD: It is always somewhat of a matter of judgment as to what one puts in a piece of legislation and what one secures by way of regulation, given that regulation does not altogether remove parliamentary scrutiny because, through the Subordinate Legislation Committee and its report to the House, parliamentary scrutiny remains. One would hope that one would not have to keep bringing the legislation back to the House time after time. One would hope that one would get the general principles right, here and now, so that it is unnecessary to bring it back. We know in some of the areas that it is necessary from time to time to make changes. It has been generally felt in all of the jurisdictions around the place that the flexibility of the regulatory power is an important one. There is a sense perhaps that one should even extend that somewhat to the designer drugs field.

In the area of pharmaceuticals it seems that a new drug comes on to the market every day and one can hardly be surprised if, from time to time, the chemists who work for the criminal elements in the community are also able to exhibit similar sorts of ingenuity. That means that a minute change to the molecular structure of a chemical substance may produce something that is not covered by legislation. It would be nice in a sense to be able to cover that by some sort of regulatory mechanism, which is still subject to parliamentary scrutiny but which nonetheless means that there is the flexibility of doing something quickly rather than having to wait for the Parliament to be in session or for the Minister involved to be able to win his place in the queue to get his or her measures debated in the Chamber. I have to take issue with the honourable member on this matter. I believe that it does not in any way derogate from the power and strength of the legislation to have these matters determined by regulation.

Mr S.G. EVANS: I am pleased that there has been some attempt to define what is a school area. This will assist school principals and the police. There has been some difficulty in certain parts of my electorate. If at some time in the future these provisions could be extended to cover kindergartens, child-care centres and other areas where children congregate, it would please me immensly because that would cover nearly my entire electorate.

Mr BRINDAL: I wish to take up with the Minister the problem that was raised by the member for Goyder. In the principal Act the definition of 'supply' is as follows:

> ... provide, distribute, barter or exchange, and includes offer to supply:

I understand that, because the words 'barter or exchange' are included in the definition, it is necessary to include the word 'supply' in this clause. However, as the member for Goyder pointed out, if a party takes place in a house and canabis is provided or distributed at that party, the person is guilty of an offence under this provision and that offence incurs a different penalty than would otherwise be the case. I understand why the word 'supply' is included in the Bill, since the definition of the word includes 'barter' but, as the same definition has a number of other meanings, that would tend to negate what the Minister previously said.

Mr Lewis interjecting:

Mr BRINDAL: Yes, within the school zone.

The Hon. D.J. HOPGOOD: If an individual can establish personal possession, these penalties do not apply—the expiation applies. It is perfectly clear from the wording of the Bill that if I supply the honourable member with an illegal substance at a party in my house, which may happen to be within 500 metres of a primary school—which, in fact, it is—then I would certainly fall under this legislation. The Government is quite open in having that discriminatory process because of the strength of our concern about these particular problems.

Clause as amended passed.

Clause 5 passed.

Clause 6—'Expiation of simple cannabis offences.'

Mr INGERSON: The second reading explanation made special reference to the Government's believing that 10 plants were the appropriate threshold. What is the time frame for producing regulations that go with this Bill? It seems to me that there is some urgency about this matter and, because this Bill does not stand alone—it needs the regulations to go with it—the regulations need to be implemented fairly soon.

The Hon. D.J. HOPGOOD: I agree with the honourable member. I am advised that the general outline of the regulations are already drawn but that they need fine tuning. I point out that in the absence of the regulations the present position will apply, and it is a position that has applied for some time. Our concern in making this definition by way of regulation is simply that there has been a great deal of argument in the courts as to what 'personal possession' might be in terms of a the quantity of material. We believe that this will save a lot of argument in the courts. It is not necessarily a strengthening of the law as such but it is

certainly a streamlining of the law to allow for the more expeditious processing of these cases. In any event, it is certainly important that we bring the regulations down as soon as possible, and I give that commitment.

Clause passed.

Clause 7—'Regulations.'

Mr INGERSON: The second reading explanation states that this clause is consequential on the recommendation of the advisory council. What does that mean?

The Hon. D.J. HOPGOOD: I refer the honourable member to section 63 (3) of the parent Act to which I made reference earlier in the debate. I now have it in front of me, so I can quote it. It provides:

> No regulation shall be made prescribing an amount relating to a drug of dependence or prohibited substance for the purposes of section 31 (2) or section 32 (3) or (5) except upon the recommendation of the advisory council.

The advisory council, of course, is set up under the statute itself: it is established under Part II and is called the Controlled Substances Advisory Council. Section 6 (2) of the Act makes clear that it consist of nine members appointed by the Governor, upon the nomination of the Minister. They are as follows:

> *(a)* one (the Chairman) is an employee of the Health Commission;
> *(b)* one is a medical practitioner;
> *(c)* one is a member of the Police Force;
> *(d)* two are persons who, in the opinion of the Minister, have qualifications and extensive experience in the field of chemistry, pharmacy or pharmacology;
> *(e)* one is a person who, in the opinion of the Minister, has had extensive experience in the manufacture or sale of substances or devices to which this Act applies;
> *(f)* two are persons who, in the opinion of the Minister, have a wide knowledge of the factors and issues involved in controlling the manufacture, sale and supply of substances or devices to which this Act applies;
> and
> *(g)* one is, in the opinion of the Minister, a suitable person to represent the interests of the general public.

That is the context in which it is operating.

Clause passed.

Bill read a third time and passed.

MINISTERIAL STATEMENT: MARINELAND

The Hon. LYNN ARNOLD (Minister of Industry, Trade and Technology): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: This statement follows a question asked earlier today by the member for Hanson regarding the West Beach redevelopment. I have been advised by the Director of the Department of Premier and Cabinet that, in ongoing discussions with the Special Projects Unit of the department regarding delays with the project, Zhen Yun Hotels Australia Pty Ltd has put forward a number of alternatives with the view to a resolution of current matters holding up the development.

These discussions are still continuing and no agreement has been reached. We expect these discussions to conclude in the near future. While the detail of those discussions must remain confidential at this stage, I can inform the House the Government has no intention of providing 'funds . . . at conessional rates of interest' to Zhen Yun.

RATES AND LAND TAX REMISSION ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

REAL PROPERTY ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

WAREHOUSE LIENS BILL

Returned from the Legislative Council without amendment.

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 21 March. Page 686.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the Bill before us and congratulates the Government for introducing the three measures contained therein. We do have some difficulties in relation to the detail of the legislation, but we generally support its thrust. It is timely legislation which canvasses four matters. First, in respect of couples living in a *de facto*, relationship, exemptions have been available and rules have applied as if that couple were married under the law. That is contained in a number of pieces of legislation. Indeed, it is contained within the Stamp Duties Act in respect of the conveyancing of land. In relation to that, it is appropriate that we be consistent, and the principle of the five-year rule that pertains is incorporated in the legislation. The Opposition supports the thrust of the legislation but has a minor difficulty with the wording of the definition of 'spouse'. The definition in this Bill is somewhat different from the definition of spouse shown elsewhere in the Act, and we will be moving an amendment accordingly.

Secondly, in relation to the transfer of motor vehicles, dissatisfaction occurs on occasions with the purchasing of motor vehicles. When the 1923 Act came into being, I presume it was some time later when the question of motor vehicles was addressed. However, in the consolidated 1975 Act there was a provision that, if a person was not satisfied with a motor vehicle that was purchased and returned it, that person was able to obtain a refund of stamp duty. A period of seven days was not appropriate because it did not leave sufficient time for a person who was so dissatisfied with a motor vehicle to return it and then actually obtain a refund. Somewhat later, the seven day rule was changed to a 30 day rule. This Bill changes it to a three month rule, which means that if a person who has bought a motor vehicle—whether it be new or used—is dissatisfied with it and returns it then the dissatisfied customer can obtain a refund of stamp duty within that three month period.

Whilst the Opposition congratulates the Government on that provision, we would argue that a wider consideration should pertain; in particular, that if a contract becomes void because of lack of performance—say, in the case of the vendor in these circumstances—then that person who has paid the stamp duty should have the right to recover it at any time. However, we believe that the three month rule is good because it provides the parties concerned with sufficient time and responsibility to apply as soon as possible after the motor vehicle has been returned. We believe that the allowance in the Act should be at any time, but the three month rule is acceptable. We believe it is only fair that any extensions beyond three months should be at the discretion of the Commissioner.

Thirdly, I refer to the closing of loopholes in respect of instruments relating to one transaction. There are many

examples in the past where property, land or businesses have been sold or transferred in part. Those part transfers have been, in many cases, deliberately constituted to avoid stamp duty. It is well known that, whilst the legal profession is unbelievably expensive, it is less expensive to draw up a number of legal documents to avoid stamp duty than it is to pay stamp duty. Members would understand that the principle of people paying their due and just tax must be adhered to. The fourth issue is quite vexed because a large number of areas will now come under the discretion of the Commissioner. It shall be the commissioner who will decide whether there is a oneness in a transaction, making it a single transaction—the oneness being that the Commissioner can deem that a group of transactions undertaken within a 12 month period is one transaction, if indeed there is a commonality in the people concerned.

The Opposition, whilst generally supporting the proposition and the principle, has some reservations about the way in which that will operate because there is no simple method of appealing the Commissioner's decision. It is important—and members of the House will recognise this—that, if an employer is upset about payroll tax having to be paid, that employer has recourse to the Payroll Tax Appeals Tribunal. Under this Act, the Commissioner has almost sole discretion because the only way in which someone can dispute a decision by the Commissioner is to take it through the Supreme Court. That is a very expensive unwieldly process and the only people who win out of that process, of course, are the lawyers who argue the case before the Supreme court.

A number of changes have been made. I want to make some reference to areas of difficulty in the legislation, and later I will explain why certain amendments will be moved by the Opposition. It has been argued that the rules relating to motor vehicles should be the same as those relating to land where a spouse is exempt from duty if, indeed, it is the family home. It is a problem that has been raised with us, but we do not necessarily agree that that principle should extend to the motor car, because we will go to a whole range of other instruments which, to my mind, evade the tax that should be paid. I believe it is important that everyone plays under the same set of rules. If people deliberately set up instruments to avoid paying the tax, they should be treated as being responsible for the due and just tax under the Act.

I am not here to argue about whether stamp duty is too high and I am not here to argue that stamp duty is inequitous because we all know that the Government requires revenue to operate the affairs of State. What I do argue is that, if there is a set of rules, everyone should play by them. In principle, we have said that people should not be able to evade their responsibility because of technicalities, and those technicalities are being tidied up by way of the amendments before us.

There is a particular problem, which each State treats somewhat differently, in relation to how the Commissioner should perceive a single transaction when multiple instruments are involved. In a decision of the Supreme Court in *Old Reynella Village Pty Ltd v the Commissioner of Stamps*, the Commissioner succeeded in his attempt to aggregate a series of transactions never within the contemplation of the provision. Other changes have been made interstate in an attempt to grapple with this vexed question, 'When is a series of instruments associated with one transaction?' I do not think that any State has come up with a magic set of rules to cover the peculiarities which lawyers seems able to come up with.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: I do not take what the Minister says as correct; a number of lawyers on his side of the fence exploit the law very adequately. It has been suggested that the New South Wales approach is somewhat preferable to the rules before this House. The New South Wales legislation provides:

(3A) Where there are executed two or more agreements for the sale or conveyance of separate parts of, or separate estates or interests in, any property in New South Wales—

(a) pursuant to one transaction relating to the whole of the property; or

(b) that together evidence or give effect to what is, substantially, one transaction relating to the whole of the property,

one of the agreements shall be charged with the same *ad valorem* duty to be paid by the purchaser or person to whom the property is agreed to be conveyed as if it were a conveyance of the property agreed to be sold or conveyed for the total consideration for the whole of the property to which the transaction relates and shall be stamped accordingly and the other agreement or agreements shall be charged with the duty of $10 each.

Another authority in the book *Stamp Duties* makes the following comment:

It should be noted that difficult questions of fact may arise under section 41 (3A) as to whether the two agreements are 'substantially one transaction relating to the whole of the property' and injustices may occur. For example, a remainderman may seek to buy out two successive life tenants to secure for himself the fee simple. He may negotiate separately or together with each life tenant. In this case are the considerations payable to each life tenant to be aggregated? Similarly a third party might negotiate with each of a life tenant and remainderman for the purchase of their respective interests so as to secure the totality of Blackacre without any thought of stamp duty avoidance and presumably find the consideration aggregated under section 41 (3A).

If one takes away the legal jargon—because I always have difficulties with the way in which lawyers express themselves—this means that, if a person says, 'I want to buy this property' and then buys the next property and the property thereafter, according to these rules it could be concluded that that amounts to one transaction and is subject to aggregation. Obviously, this is not the intent of the legislation and the Opposition proposes some changes which should ensure that fairness prevails.

A number of other examples exist where a person buys up property via instruments and where aggregation would apply under the very simple rules provided in this legislation, yet those transactions could and should be deemed separate. The most common is the sale of all lots in a single subdivision, whether or not the lots comprise a single certificate of title or are represented either wholly or in part in a number of certificates of title. Another example is the sale of units owned separately. Because they are bought by the same person, their purchase is regarded as one transaction. Clearly, that is not the intent of this legislation. The 'oneness' rule could be applied in those circumstances and the amount of stamp duty could escalate as a result.

A question is raised about the removal of that part of the Act which refers to primary producers and the transfer of land. I imagine that there has been a set of rules to this effect provided under the Act since 1923. Whilst wider provisions are incorporated under this Act, there is a question about whether the principle about primary production should be retained, and I would move accordingly.

The question of interstate jurisdiction is not properly addressed under these amendments and I raise the hoary old question, which I mentioned previously, of right of appeal. Finally, I see a problem with one clause which places a responsibility on the person executing the instrument to be not only aware of the instrument that he or she is executing but to have knowledge of other instruments that might have some relationship to the instrument for which that person is responsible. We do not believe that this

provision should remain in the legislation because, as the Minister would be well aware, it would be difficult for someone who has no knowledge of the circumstances if, for instance, a person came to the door and said, 'We wish to have some property transferred or sold; I would like you to execute the deed.' Indeed, the Commissioner of Stamps could look through the documents and say, 'This is part of a number of instruments that have been executed, so I will regard it as one transaction.' The person executing that deed is then responsible and subject to a $5 000 fine under the Act. If we say that that $5 000 fine should pertain and that the rules are as set out, this would mean that every person who goes to a broker will have to be asked the question, 'Have you been responsible for any other transactions in the past 12 months?' before the deed can be executed. This is unwieldy and, of course, the reverse onus of proof would apply. The legislation provides that it shall be a defence, but we do not believe that this principle should be contained in the legislation.

A question arises in relation to section 71e as to the double liability—the payment of stamp duty twice—but I am reasonably satisfied that the amendments will cover this situation and that the minor problem resulting from this section will be remedied. I commend the Bill to the House. The simplicity of the legislation is very good—

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: As the Minister says, he is noted for that. Parliament should endeavour to ensure that legislation is drafted in common English. On reading this Bill at 1 o'clock in the morning, I had to go through the legal jargon about four times to undertstand the impact of the amendments. During the seven years in which I have been in this Parliament we have talked about simplicity of legislation. The time is ripe to think about the way in which Bills are put together so that any person off the street can understand them. I would defy anyone to read the Stamp Duties Act and understand what it is all about. If we make it simple so that everyone can understand it, the legal profession might be out of a job. People would be able to defend themselves and that would not be a bad thing. The only time we would need legal representation would be in criminal cases. I commend the Bill to the House with the amendments that have been signalled.

Mr GUNN (Eyre): I wish to raise one or two matters. I have a very limited understanding of the Stamp Duties Act. I went through it very carefully, but I do not think that I am any wiser than I was before I started. I have had a bit of practice at reading these documents and I, like most people in the community, am not particularly keen or overjoyed at reading these complicated pieces of legislation. My concern is what they really mean or, in this case, how much the Government will plunder from the pockets of the unsuspecting public. One has simply to look at the Auditor-General's Report for the 1989 financial year: stamp duty revenue was some $346 million. Of that amount, $226 million came from conveyancing and transfers of mortgages, that is, procedures dealing with land.

My two questions relate to agricultural and pastoral land. Will the Minister advise the House whether these amendments will force people to pay stamp duty where, for example, two people own a Crown lease, perpetual lease or a piece of freehold land and, like most things, after a certain time they decide to divide the operation, each taking their half? Of course, a new title will be issued. Will that transaction require the payment of stamp duty? The people actually own the land; they are not getting any further benefit; they have merely decided to change their management structure; they wish to own the land in their own right and to operate it individually. In addition, where people own land in trust—and that is a common way to own land today—and if one partner wishes to—

An honourable member interjecting:

Mr GUNN: It is a simple way to transfer land. Where people currently own land in trust and one partner wishes to buy the other out of the trust, will that transaction be subject to stamp duty? In conclusion, stamp duty, in itself, has a detrimental effect on many people, particularly those who are having difficulty making ends meet. Due to the iniquitous assets test that applies to people involved in agriculture, there are many people who wish to transfer their holdings to their family but who, because of the amount of stamp duty involved, cannot afford to do so. That then precludes them from being entitled to the old age pension. In my view that entitlement is the right of every taxpayer in this country. I do not believe that there should be an assets test. The pension should be taxable; all the nonsense would then be cut out.

An honourable member: Like the UK system.

Mr GUNN: Yes, like the UK system. I entirely agree with that. Many people are being denied the old age pension because their family cannot afford to pay stamp duty. I understand that the New South Wales Government has agreed to look very closely at this issue and it may pass legislation along these lines. I have had a great deal of correspondence with the Premier on this matter in relation to a number of cases in my electorate. When he responds, will the Minister address himself briefly to that subject; it is important, as there are people who, if they could take the pension, could allow their family economically to remain on the property? They could still help their family on a part-time basis and that would solve some of the problems of which the Minister is quite aware.

These people certainly are not well off or wealthy: they are battling to make a living. If two families have to attempt to make a living out of one operation, it is not viable. These matters have been brought to my attention in my capacity as a member dealing with rural issues. I would appreciate it if the Minister could briefly explain these things to the House.

Mr LEWIS (Murray-Mallee): I do not recall ever having seen you, Mr Deputy Speaker, in that august position of responsibility—not that that detracts in any way from the capacity of the House to pursue the matters before us in this instance. I trust that any comment you wish to make you will take the liberty of making in due course.

My first point does not echo but certainly underlines the point made by the member for Mitcham. I am concerned about the variations that appear in the proposed legislation where they relate to the way in which we define 'spouse' and especially the way in which—dare I use the term—the more libertarian definition might emerge from the terminology contained in the Bill. I nearly used the word 'liberal', although that would have misled people. The Minister may well answer the point I make and give the House the assurance that I seek.

In this day and age, where we begin to include people who are not married in law, 'spouse' could include people who live with other people of the same sex, or people who live with other people of both sexes and regard themselves as belonging to an extended marriage relationship, such as in the film *Bob, Ted, Carol and Alice.* Clearly, this legislation as it presently stands does not exclude, according to my reading, the likelihood that more than two people could be regarded as being eligible for consideration and inclusion

in the general definition of 'spouse'. It could even run to situations where one has bigamist *de facto* relationships that are not multi-sex, multi-person, where one member of one sex or several members of the other sex are in a harem situation. That is bizarre and I am disturbed that the legislation has been written in such a fashion, either by deliberate design or perhaps because of some oversight. Clearly, that definition needs to be clarified.

I am happy to include in the legislation a provision that allows *de factos* in relationships that have endured for more than five years to be provided with the same exemption, because that is the way it appears in the rest of the legislation, not because I am genuinely happy to recognise *de facto* relationships where the people concerned have shown no regard for the law and the way in which it simplifies the administration of society. They show no regard, yet they expect, in return, that society and its laws show regard to them. To my mind, that is daft. A situation could arise, for instance, where a person is married to a person of the other sex in law and they are separated but have not bothered to be divorced and one of the parties to that marriage chooses to enter into a relationship for more than five years with a member of the opposite sex and attempts to transfer the property into joint names between the person who owned the land and who is still married to someone else and their *de facto*.

That creates horrific problems for which everyone else has to pay taxes to get sorted out. Clearly it would end up in the courts, and the people who use the courts do not pay anything like the full cost of their access to the courts when costs are taxed. Therefore, ordinary citizens who seek benefits, privileges and protections from the law should be prepared to acknowledge its existence in establishing their relationships with others when they want that benefit, and when it depends on having established that relationship. Notwithstanding that, this Chamber on other occasions in recent times, at the instigation of the Government, has voted in favour of the five-year association arrangement for recognition of *de facto* relationships between adults, that is, members of the opposite sex. I do not like the notion of these more bizarre relationships that can otherwise arise, and I trust that the Minister did not have that in mind.

The next point relates to overseas ownership of land, in particular, or real estate in general. I share with the member for Eyre some concern about who owns what. Benefits could be derived from somebody who is not a citizen of this country, that is, a body corporate or a natural person. Frankly, my view is that where land or other real property is transferred into the ownership of non-resident aliens, a penalty rate ought to be imposed on the stamp duty. It ought to be differentially higher for such overseas people to discourage them from buying real property, but to encourage them to enter the money market to lend money to Australian citizens, permanent residents or local bodies corporate in order that locals may own the real property and allow the foreign currency that comes in to attract its reward by way of interest on the loan. That would damp down the escalating cost to residents of this country when they otherwise have to compete with non-residents.

In most instances, non-resident interests, be they natural persons or bodies corporate, have earned the profits that they are investing in our real property in other economies. The factors that affect the level of prosperity and the ready cash that they have to invest in our real property are not the same as those factors to which we are subject as citizens of this country. As a consequence, when the economy of the country which is regarded as being the home of the body corporate or alien natural person runs into economic difficulties, the first thing they will unload is their real property here to get cash which they may need to shore up the citadel of their corporate interests offshore. Therefore, they will sell off our real property. In such circumstances, we could find a rapid supply of real property, particularly land, onto our market in Australia well in excess of the capacity of the economy to take it up at existing price levels. There will then be a crash in prices, which will result in a crash in the security being provided through that real property and its values where it underwrites loans for banks and other finance houses. In that case, banks would call in their overdrafts, other bills and financial instruments that they may have against which money has been lent, and they would call them in from natural persons (Australian citizens) and bodies corporate to protect their own interests. That kind of thing has a domino effect in the overall financial market.

Members will not require me to use more explicit terminology to describe the phenomenon. I am sure they can understand the general case to which I am referring in that respect. For that reason, I believe that stamp duty ought to be used in a differential fashion to discourage overseas people from speculative investment in the Australian real property market.

I turn now to the subject of old people. In much the same way as the member for Eyre has ventilated that problem as perceived by his constituents, I have had a similar experience. My view is that people need to be encouraged to place any real property which they have and which they intend to make available for the benefit of their heirs and assigns (in most instances, almost to the exclusion of all others, their children) into the ownership of a trust. In the event that the trust decides to sell it, that is another matter—the trust can do so—but the trust owns it and the vesting order in the trust is several generations in the future and there is no problem, because the living adults, who are the beneficiaries and who are appointed as managers and controllers of the trust from decade to decade and from time to time, and others who can derive economic benefit from the use of that real estate, agricultural land in particular, need to make a living for the family.

As people come and go, in the fullness of time and experience of life, stamp duty is not and should not be payable to the Government as there will be no transfer of interest from that family to any other member of the same family. Members need to recognise that the production cycle and the incomes to be derived from agriculture are very different from other forms of business. It is not only cyclical in terms of price with a wider—often, much wider—distance in time between crests in the cycle, but it is also seasonally influenced. Families which are successful in rural enterprise do not live from pay-day to pay-day, week by week, fortnight by fortnight or month by month, nor in fact year by year; they live from decade to decade and generation to generation.

Honourable members, whose life experience has involved dependence on fairly regular contributions of cash at short-term intervals of a week, a fortnight or a month, may not understand what I am saying or may not have experienced it, but I am sure they can understand it if they care to think about it and understand that other people in that all important part of our economy, the primary industries, those industries associated with rural production, have to adopt a different approach. Provisions which tend to suit the mainstream of society, who are people receiving regular contributions towards their sustenance in the form of wages and salaries, are utterly dependent on the efficiency and security of those very few people who continue to provide

such an enormous amount of the overall contribution that we obtain from exports towards our balance of payments.

As the lead speaker for the Opposition (the member for Mitcham) has already mentioned, the Commissioner should not be the person who hears appeals against decisions already made, ostensibly by himself, and most certainly by officers of his department. That would be an appeal from Caesar unto Caesar, and it is not fair, reasonable or legitimate. There is no justice in it. Even if there is, no-one believes that justice is seen to be done and most people who are affected by such appeals would consider that, if the appeal was not successful, the reasons for its failure were that Caesar was simply deciding to support what Caesar previously decided. That is ridiculous.

What we need is a system which people will respect because they believe it to be fair. If something has happened to them that they think is unfair, they need to be given the opportunity to take it on appeal to another forum. In that case their respect for the processes upon which the democratic society depends is enhanced and they do not criticise the process in that particular instance and generalise it to the extent that they encourage others to feel disrespect. Having come through two elections in the past few months, we in this Chamber ought to be fairly sensitive to the deterioration in the general public's mind as to the way in which Governments are supposed to act in the best interest of the Commonwealth—for the greater good of all.

If ever we got a message from these last two elections as politicians and legislators, we have got one now, and that message is quite simply that the general public do not believe that the majority of us here pay attention to matters which they consider in their best interests or that the way in which we decide them is in their best interest.

The Hon. FRANK BLEVINS (Minister of Finance): I thank members opposite who have supported the second reading. In particular, I thank the Deputy Leader for his contribution. Whilst not speaking to his amendment, he outlined fairly fully what he intended to move in the Committee stage, and I would be very happy to go through the details of those amendments at that time.

The member for Eyre made some very interesting comments, which I assure the honourable member I will have examined overnight, and I will respond to him over the next few days. Essentially, the problems that the member for Eyre mentioned in the Bill are actually not there. The Bill does not change those basic principles about which the member for Eyre had some concern. He gave examples of transactions which attracted stamp duty before the Bill and afterwards. It does not make any difference at all but, so that he can get back to his constituents with a more detailed explanation of the matters he raised, I will give him that information in writing over the next few days.

The member for Murray-Mallee again made some, I will say, interesting points. He seemed principally to be concerned about the definition of 'spouse' in the case that it promoted, fostered or in some way recognised bigamous *de facto* relationships. I am not sure what bigamous *de facto* relationship is but I am against it and I can assure the member for Murray-Mallee that this Bill in no way promotes bigamous *de facto* relationships. The very thought appals me. However, I do not have any great difficulty with the proposal of the Deputy Leader in dealing with that provision when we get to it in Committee. So, the member for Murray-Mallee will be able to sleep content that we are not promoting such dreadful practices in this community. I again thank members opposite for their consideration of the Bill, and I particularly thank the Deputy Leader for the kind remarks he made about the wording of the Bill. I do try very hard to accommodate the Parliament, and it is nice that from time to time, one's efforts are appreciated.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Stamp duty on application for motor vehicle registration.'

Mr S.J. BAKER: I move:

Page 1, lines 27 and 28—Leave out the definition of 'spouse' and substitute:

'spouse' of a person includes a *de facto* husband or wife of the person who has been cohabiting continuously with the person for a least five years.

The Minister has already answered the question concerning this matter, indicating that the conflict between this and the relevant section in the Act will now be removed.

The Hon. FRANK BLEVINS: My understanding of the amendment and the provision in the Bill is that they are identical in principle but use different wording. Therefore, I see no reason to oppose the amendment.

Amendment carried.

Mr S.J. BAKER: I move:

Line 33—Leave out 'under this section'.

This phrase is superfluous. In fact, it could be in conflict with the intent of the Act. The matter relates to exemptions under the Act and to the procedures whereby a person obtains those exemptions. When it is limited to this section, and there are other sections dealing with regulations such as, I think, 42 *(e)*, it is important that we do not limit this new subsection to that section of the Act. It should, in fact, apply over the whole Act because there may well be other areas that are covered. The amendment applies to the Act wherever there is some mention of motor vehicle exemption for stamp duty purposes.

The Hon. FRANK BLEVINS: I do not quite understand what the Deputy Leader is attempting to do. My understanding is that the amendment widens the powers of the Registrar of Motor Vehicles to consider any application for exemption or reduction, whether or not it has anything to do with motor vehicles.

All motor vehicle applications for exemption or reduction will arise under this provision. Perhaps we are at cross purposes, but that is my understanding. If subclause (7) *(b)* is deleted, it appears to open it right up, which I am sure is not the honourable member's intention. Whilst I oppose the amendment, I am sure that after further consideration those people who get much enjoyment from picking over these things will decide which of us has the most likely story to tell and make any necessary adjustments in another place. I am not clear about the Deputy Leader's intention.

Mr S.J. BAKER: As the Minister acknowledges, this is a technical point. Regulatory powers exist under section 42e, and those regulatory powers cover the class of exemption. If we are to say anything, it would be better to say, 'under this Act'. If the legislation does not entitle someone to an exemption, they are not entitled to it *per se*. If the law does not prescribe an exemption, they will not have one. We are trying to tidy up the legislation so that we do not get into any difficulty. The Minister claims that it is all contained within section 42b. I understand that the regulatory power is in section 42e, and there might be other areas. By taking out 'under this section' it does not widen anything, because it is still subject to the provisions of the Act. My amendment tidies up the matter and does not widen anything at all. It removes any conflict that could arise through the regulatory processes described in section 42e.

Mr MEIER: I refer to new subsection (1b) *(a)*. How does the Registrar determine what is a fair price for the transfer

of a vehicle? I can well imagine that a husband might say, 'While this vehicle is valued at $10 000 by a car dealer, because you are my wife I will let you have it for $100.' That is a legitimate sale at $100, and the stamp duty payable is based on $100. How does the system work? It is high time that this was corrected. I would outlaw stamp duty altogether in respect of any transfer between a husband and wife. In my own case I am unsure whether to put a vehicle in my name or joint names with my wife. Sometimes I have done one thing and then later wished I had acted differently.

The Hon. FRANK BLEVINS: The essential answer is that we are reasonable people. Unless we have a reason to believe that one is trying to defraud us, we generally take an applicant's word. The legislation has extensive provisions which allow us to obtain valuations and so forth. Essentially, we are reasonable and, if a transaction appears reasonable, it will go through. If not, the provisions of section 42b (7) apply, giving us the right to obtain whatever valuations are deemed appropriate.

Mr MEIER: Is the Minister saying that any transfer would need to be worked out on an approximate market value basis?

The Hon. FRANK BLEVINS: Yes.

Clause as amended passed.

Clause 3 passed.

Clause 4—'Power to refund duty overpaid.'

The Hon. S.J. BAKER: I move:

Page 2, line 8—After 'amended' insert:
(a)

This is the first of several amendments. Members will appreciate the change made to the Act by the extension of the period from 30 days to three months. However, there are times when people will miss out on obtaining a refund even with the extension to three months. Common law pertains to the law of contract. Under common law, if a contract is deemed to be void and any consideration is paid, it is refundable. This provision departs from common law to the extent that a refund can be obtained only within three months. I am pleased that the Minister has advanced the provision by one step.

The Opposition would like to see the three month provision remain within the legislation and for the Commissioner to have the capacity, if there are unusual circumstances, to allow for refunds beyond three months. Put simply, if a contract is deemed to be void, the refund should apply irrespective of the period. We have drafted the amendment in such a way that particular circumstances would have to be considered by the Commissioner.

The Hon. FRANK BLEVINS: The 30 days is extended to three months for the sake of consistency with the warranty provisions in the Second-hand Motor Vehicles Act 1983. That is the only reason for our doing it. As to the question of it being open ended, as the Deputy Leader suggests, that is impractical. I am sure the Deputy Leader is pleased that we are reasonable people on this side and, if a person's vehicle is stolen or repossessed—these things are not uncommon—and they apply to the Government for an *ex gratia* payment, almost invariably it is granted.

Amendment negatived, clause passed.

Clause 5 passed.

Clause 6—'Computation of duty where instruments are translated.'

Mr S.J. BAKER: I move:

Page 2, line 23—After 'relates to property' insert '(whether the property is used wholly or mainly for primary production or otherwise)'.

I hope that the Minister will bear with me. I would like to speak to this amendment and the next amendment. It is important to understand section 66a and section 66ab.

We are aware that since 1923 this legislation has given special consideration to primary production and the transfer that commonly takes place between not only members of a family but between numbers of individuals associated with rural production. One can only presume that this provision was placed in the Act in 1923, and it has remained there ever since. Section 66ab (1b) *(b)*, which the Minister is seeking to delete, provides:

> That no arrangement or understanding exists between the pruchasers under which parcels of land conveyed by the separate conveyances are to be used otherwise than separately and independently from each other.

The Bill seeks to broaden the allowance in relation to that principle, which talks about the separateness of transactions. However, by amalgamating these various areas under proposed new section 67, we miss one of the major tenets of the Act which is the focus on primary production. We do not intend that it should remain as the flagship of the Act, but we believe that there should be some mention of it.

It is important that, when the Commissioner—and I will keep coming back to this point—is judging the validity of whether a number of instruments relate to a single or multiple transactions, there is no appeal except through the Supreme Court. The Act has always recognised the movement of primary land, and I have moved this amendment to ensure that that focus remains because that is really what a lot of these areas relate to.

Other situations are provided for in proposed new section 67, but section 66ab was inserted in the Act to protect rural interests. If the Commissioner was in doubt about the separateness of the parties, one would assume that he would say that the duty was payable on the single transaction via the number of instruments. It is important that we keep this principle in the Act so we can still focus attention on a major area of protection that applied. However, I admit that proposed new section 67 has a wider definition and can apply to a range of other areas besides primary production land.

The Hon. FRANK BLEVINS: I oppose the amendment. I do not understand the concern of the Deputy Leader because the words he seeks to include add absolutely nothing to the Bill. The words that land 'used wholly or mainly for primary production' falls squarely and arguably within the word 'property'. So, the Deputy Leader is not really contributing anything at all to achieve an objective because it is already achieved. There is no necessity to reinforce it; it is there unambiguously.

Mr S.J. BAKER: When we make laws we should address ourselves to principles. The principle of protection that is provided for primary producers has remained in this legislation since 1923. By inserting but a few words we ensure that that focus is not lost, given that that is what much of this provision relates to. I believe that the amendment enhances the Act and makes it quite clear to the Commissioner, when he is dealing with rural property transfers, that he should treat them in a way that is consistent with past practice. I know that in technical terms it does not add anything to the content of the Act, but in relation to the focus of the provisions that were previously in section 66ab I believe that the amendment preserves those principles. I accept that for technical reasons the Minister will not accept that.

The Hon. FRANK BLEVINS: At the start of this debate I was particularly pleased with the Deputy Leader's second reading contribution because he said some very kind words about the way in which the Bill was constructed, about the

simplicity of the language, and so on—and that was appreciated. It seems to me that, while we are trying to style Bills in a much simpler way, one of the essential things is not to put unnecessary words in a Bill whether or not those words are simple or complicated. It would be a great pity to spoil what is rather a nice Bill with unnecessary verbiage that adds nothing. If the amendment had some purpose, however slight, we would obviously consider it. In the spirit of not cluttering up with unnecessary words what is a rather elegant Bill I have to oppose the amendment.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 2, after line 27—

Insert new paragraph as follows:

(ab) a conveyance that relates to separate parcels of property that is being conveyed by different persons to the same person (whether that person takes alone or with the same or different persons) where the commission is satisfied that no arrangement or understanding exists between the persons conveying the property otherwise than to convey the property separately and independently from each other;.

The problem that is being faced around the country is how to grapple with more than one property which passes into the hands of a single person. During my second reading contribution I mentioned the difficulty that arises when one person buys from a number of separate individuals parcels of land, some units in a total unit complex or parts of a subdivision.

Under the rules that apply under the Act, the Commissioner would probably deem that each would be classed as a single transaction, even though those parcels of land were bought from different people. So, there are some interpretations that are of concern in this regard. I presume that the Minister would say that, if he bought some land from A and some land from B, he should not be charged *ad valorem* duty at the rate of the aggregation of the two properties, whereas under this provision, of course, it is the person who buys the property who pays the duty. That is the problem that pertains. We are trying to clear up that difficulty. In fact, if we do succeed, I think our legislation will be superior to that which currently operates in other States. I commend the amendment to the committee.

The Hon. FRANK BLEVINS: I oppose the amendment. The case of *Old Reynella Village Pty Limited* v. *Commissioner of Stamps* was referred to. In that case, the Commissioner taxed the transaction and the company took the case to the Supreme Court, which decided in the Commissioner's favour, as was perfectly proper. If this amendment was agreed to by the Committee and subsequently by the Parliament, the company would be exempt—but not in relation to this particular transaction, because the legislation is not retrospective. It would create and foster the very loopholes that we are attempting to close. I hope that is not what the Deputy Leader is trying to do.

As late as yesterday, 350 separate transactions were lodged with the Commissioner for what was essentially one property and the subsequent loss of revenue was $100 000. That is the sort of thing we are trying to close. I am advised that, if this amendment was enacted into law, these loopholes that we are trying to close would be opened further for people to exploit, and others would be opened. This is a fundamental point of difference between us, and I oppose the amendment strongly.

Mr S.J. BAKER: I ask the Minister to take advice on this matter, because I do not believe that he is correct in his summation. We are trying to avoid the situation where a person in good faith happens to buy adjoining properties which are under separate ownership. They could have got into separate ownership by way of multi-conveyances in the first place. In a situation where a person wishes to develop his property by purchasing, say, the two adjoining shops, at present, according to my interpretation of the relevant section, there is a strong possibility that that would be treated as the same transaction, whereas we would all be aware that there would be completely different transactions.

A number of examples have been placed before me of situations in which the Act may not work in the way we believe it should. I would be astounded if the Minister said to me that, in the situation of a person buying property which is vaguely related from two separate individuals, there should be an aggregation of property values for duty purposes. Unfortunately, proposed new section 67 does not cover this situation well, and we are trying to clarify it without in any way referring to the 350 instruments for one property. Obviously, we are trying to prevent this sort of thing from happening. To be quite frank, I do not know whether I have worded the amendment correctly because I am not of legal mind. I say to the Minister: if there is some way in which this situation could be accommodated and if there is a genuine difference, I would be pleased if he could take advice on this matter.

The Hon. FRANK BLEVINS: The Deputy Leader is too modest. He explained his proposed amendment very well and gave me a clear example, to which I can respond. Where a person enters into two quite separate contracts to buy land—it may be adjoining but under separate ownership—they are not covered by proposed new section 67. There are clearly two separate contracts bought from two separate people, and this section would not apply. It does not apply now and it will not apply in the future. It has never been and will not be a problem assuming that Parliament passes this Bill substantially as it was introduced. So, the answer is 'No', the Deputy Leader need have no fears that genuine separate contracts will be touched by this Bill, because that is not the intention of the legislation.

Mr S.J. BAKER: My advice is somewhat different. I ask that the Minister take advice on that sort of arrangement. I ask the Minister to note that proposed new section 67(2) relates to a situation where a property spreads to various parties rather than aggregation into one ownership of separate parcels. The Bill addresses that matter as a different item. We will pursue this matter when the great legal minds of this Parliament in another place debate the Bill and see whether they can propose something that is more satisfactory than the current arrangement.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 2, line 33—After 'sale' insert 'relating to property situated in the State'.

I commented during the second reading debate on this matter. It is unclear from the Act—and it should be made clear—that the Commissioner of Stamps has an interest in property that relates only to South Australia. Technical difficulties could arise if an instrument or a number of instruments involving one particular company with interstate branches were not treated as separate entities between the States. It would then be incompetent for the Commissioner to deem that there was an aggregate or oneness about that contract. Although the Commissioner could not demand duty of, say, the Victorian or New South Wales component, if that is where the interstate offices were located, the Commissioner would still have the opportunity to use the aggregation rules to the advantage of the Commissioner of Stamps in this State. If we are to have rules that pertain to South Australia, it should be quite clear that they relate solely to South Australia.

The Hon. FRANK BLEVINS: This is a very fine argument.

Mr Ingerson: Are you going to agree with it?

The Hon. FRANK BLEVINS: Certainly not. I have to oppose this amendment. It is a very delicate and fine argument.

An honourable member interjecting:

The Hon. FRANK BLEVINS: I do, but I am not convinced. Off the top of my head, I would have thought that we would not have any jurisdiction in any other State to impose any stamp duties and that it is totally unnecessary to refer to 'property situated in this State'. It is axiomatic that it is only in this State. However, I now understand that there is, or could be, theoretically, a document in another State that could attract some stamp duty. At this stage, I prefer to oppose the amendment and leave the provision as it is. However, my understanding is that we have never managed to extract any stamp duty from any property that is situated in another State. Therefore, it seems to me that, in practical terms, it does not matter a great deal, one way or the other. So, we will not have an indepth debate over it here. I will consider it and see whether I can come down on one side of the argument or the other which, at the moment, I am having a great deal of difficulty doing. Nevertheless, with an abundance of caution I will oppose the amendment.

Mr S.J. BAKER: I suppose that is to be expected—and I am not being nasty at all. The Commissioner of Stamps does not have the right to charge duty on an interstate transfer, but one could refer to an aggregate transaction. For example, Elders sells off a number of properties (and it is selling off a lot of things at the moment) including interstate properties and there is a oneness about the transaction. They might go to Holmes a' Court, for example. Whilst the Commissioner can charge duty only on the South Australian component, because there is a oneness about the transaction the rate of duty that is charged under the rules, as I read the Act, could well, and quite substantially so, relate to the aggregate value, even though it only relates to the South Australian property. I understand that that is a real situation and one that is being grappled with interstate.

The Hon. FRANK BLEVINS: Clearly, the scenario as outlined by the Deputy Leader would not attract stamp duty. If the Deputy Leader knows of an occasion where that appears to have been the case, he could let me know, and I can assure him that that would have been done in error and forward a refund promptly. There is an offer, and that indicates how confident I am of my understanding of this provision.

Mr S.J. BAKER: That is a fascinating response, because I think we are actually dealing with aggregation for the first time, except in relation to land. So, the Minister is on fairly safe ground. It is a serious amendment and I commend it to the Minister. I am sure he will consider it before debate in another place.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 3, lines 4 and 5—Leave out ', or is otherwise engaged or concerned in the preparation or certification of,'.

Line 12—Leave out 'and could not reasonably have been expected to know'.

The Minister would probably remember that in my second reading contribution I referred to an assumption of guilt in relation to whether or not a person should have knowledge.

The first amendment relates to a person who executes. We can say that a person who executes has a certain responsibility. However, to say 'or is otherwise engaged or concerned in the preparation or certification of an instrument chargeable with duty' provides certain things. These certain things are horrendous. It assumes that that person has knowledge of the affairs of the person with whom he is dealing. This goes against the normal course of law. As a softener, the Minister now has subclause (6) which provides that it is a defence. *Per se*, the legislation is charging the person with a particular offence which carries a penalty of $5 000, unless this is altered.

Obviously, if the person executing the instrument has knowledge that it is not the only instrument in association with a single transaction, there is a penalty. However, this does not read in that way. It says: 'A person who executes, or is otherwise engaged or concerned in the preparation or certification of'. We are talking about a whole range of people who simply would not have the knowledge that is assumed under this measure. This is contrary to the rule of law, as we know it in this State, and it is important that it be struck out and that we leave any responsibility with the person executing the instrument. I will deal with the second amendment after we have dealt with the first one.

The Hon. FRANK BLEVINS: I oppose the amendment. The words that are sought to be deleted are in the present Act. They are there to protect the revenue of the State and to discourage people who are advising others from making suggestions which, in our view, are not proper. It may be that some advisers, usually legal, do not like these provisions. It may be a sad commentary on our society, or parts of it, that such provisions are necessary. However, we believe that it is absolutely necessary, and for that reason the Government will oppose the amendment.

Mr S.J. BAKER: The Minister has been kind up to now, but he shows an abysmal lack of knowledge of the law. The fact is that there is an offence under this measure. If anybody exhorts, coerces or assists in the preparation of and the advising on the drawing together of instruments to avoid duty, they are committing an offence. If there is evidence that an offence is being committed and someone is advising another person to break the law, that person is equally culpable under the law. We all know that; it is basic. Therefore, we do not need this provision. If there is evidence that somebody has said, 'We can get out of paying duty by making a number of instruments,' that is provided for under the law. Therefore, we do not need this stupid, crazy provision. The provision assumes guilt, and that is basically wrong. If there is evidence that a person, for consideration, friendship or whatever, has said, 'Let us evade the law and responsibility,' that person shall feel the full brunt of the law.

We do not need to assume that any person who provides advice or who helps putting the instruments together is automatically guilty of an offence, even if the instruments themselves are designed to evade stamp duty. We on this side of politics believe that it is not good enough to assume guilt before innocence. I know that proposed new subsection (6) is supposed to soften the provisions of proposed new subsection (5), but I abhor these provisions. I believe that the law provides more than adequately for those people who transgress, either for monetary considerations or whatever. This matter will be pursued in another place.

The Hon. FRANK BLEVINS: I am quite sure that it will be pursued in another place, for the very reasons that I outlined when I spoke a moment ago. I just add one word of clarification to what I have already said. This does not presume guilt at all.

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: I now differ with the Deputy Leader. It does not presume guilt. In fact, that measure that the Deputy Leader said is a softening of the provisions is not a softening at all. It states quite clearly

that, if the person could not reasonably have been expected to know, he is not guilty of an offence. It is a perfectly sensible provision. The more general provisions in the Act can be quite difficult to prove. That is why advisers, mainly legal advisers, who give seminars in this field, point out these provisions to make people aware of them. It is very specific, very pointed and very clear.

It is fair to say that it focuses an adviser's mind specifically on what is the law. It is not a general provision that may be difficult to prove. It is a very, very specific provision. I regret that the Government believes it to be necessary and I suggest very strongly to Parliament that the provision remains.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 3, line 12—Leave out 'and could not reasonably have been expected to know'.

The phrase 'could not reasonably have been expected to know' is a real catch-all phrase. What is 'reasonable'? I go back to the same question that I asked earlier: should someone ask another person how many transactions they have had in the past 12 months and whether they have been related in some way? It means that everyone who walks off the street to have a dutiable instrument must be asked that question. That is crazy because it is the only protection that is allowed under the Act. The phrase really means that, if there is any way of getting a person, we will get him. I do not think that it is competent for the law to prescribe that way, although I know that the Minister will disagree.

The Hon. FRANK BLEVINS: The Minister does not agree but not for any high-flying reasons. I do not know what difficulties the Deputy Leader has with the word 'reasonably'. It is tested in the courts every day. There is no mystery about it, nor is there anything unusual about it. They also think it is very necessary. If an agent deliberately stuck his or her head in the sand and said, 'I did not know' it is very necessary for somebody to be able to adjudicate on whether or not the agent acted reasonably. If they choose to say, 'Don't tell me, don't let me examine it, I don't want to know,' that is unreasonable. That is the reason for this provision. I do not believe the courts have ever found any problem in determining what is reasonable and what is not.

Amendment negatived; clause passed.

Clause 7 passed.

Clause 8—'Repeal of section 69.'

Mr S.J. BAKER: I move:

Page 3, line 20—Leave out 'repealed' and substitute 'amended by striking out "Subject to sections 66a and 66ab," and substituting "Subject to section 67," .'

The reason for this amendment is to protect confidentiality. The existing provision allows the Commissioner to ensure that confidentiality is maintained when transactions are involved. That is one of the reasons why this section should remain within the Act. Situations arise in commerce where there are two or more instruments in which section 69 applies and where, for good commercial reasons, the instrument which is to form part of the public register should not disclose the consideration or stamp duty involved because that would reveal the price. To do so creates a commercial disadvantage for a party. Therefore, an instrument not required to be placed on the public register bears the duty and is expressed to describe the consideration. In that situation the party should have the right, with the approval of the Commissioner, to decide which of the instruments is the principal instrument required to bear the duty. The provision actually protects the confidentiality of transactions.

The Hon. FRANK BLEVINS: I oppose the amendment. The provision, as is, to repeal section 69 is more than warranted. I must confess I did not totally follow the argument put by the Deputy Leader and I know he will not take offence; it is probably due to the lateness of the hour. Nevertheless, I will have it examined, and I am sure that people who have something of a fetish about section 69 will be ensured that the debate is repeated in another place. It would not be productive for the Committee to pursue the argument at this moment, so I will oppose the amendment.

Amendment negatived; clause passed.

Clause 9 and title passed.

The Hon. FRANK BLEVINS (Minister of Finance): I move:

That this Bill be read a third time.

Mr S.J. BAKER (Deputy Leader of the Opposition): I thank the Minister for his consideration. I ask that some effort be made to have a proper appeals tribunal set up.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: Indeed it is. The whole Bill relates to the rights of people which are determined by the Commissioner, the only right of appeal being to the Supreme Court. Many of the problems we perceive with the Bill could easily be overcome with a proper system of appeals. Another Bill will be coming before us and, in that time, I will be pursuing the matter of an appeals mechanism being inserted into the Bill to obviate these difficulties.

The Hon. FRANK BLEVINS (Minister of Finance): The Bill came out of Committee with the present appeal provisions intact. I point out that the first appeal is to me as Minister of Finance.

Mr S.J. Baker: That's the problem, isn't it?

The Hon. FRANK BLEVINS: I said that that is the first. If someone disagrees with my adjudication on the matter, he or she has the right to go to the Supreme Court. So, there is a substantial measure of appeal. Having said that, I can assure the Deputy Leader that the appeal provisions presently in the legislation will be looked at, as I am not entirely sure that even I and the Supreme Court are sufficient protection. It is worthy of a second look. I commend the third reading to the House.

Bill read a third time and passed.

STRATA TITLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 March. Page 793.)

Mrs KOTZ (Newland): I rise to support the amendments to the Strata Titles Act. Before addressing the Bill, I wish to put on public record that I am a part owner of a strata title unit, and I make the statement as a matter of public disclosure.

In supporting the amendments to this Bill, I should like to acknowledge the largely bipartisan approach that has been taken in this and another place in coming to terms with the need to tighten the areas of concern that require amendment to the principal Act, which has been in operation since September 1988. Certain aspects of the Bill have been designed to clarify some technical matters that have become apparent as a result of its operation over the past 18 months, and provisions in this Bill are designed to simplify technical components of the legislation. Certain other aspects of the Bill should be highlighted.

Where a strata scheme consists of residential premises, the management of the corporation is required under the Bill to be in the hands of unit holders, and the current provisions are tightened to ensure that this does occur. The Bill also provides that, wherever structural work is required or desired to be carried out by a unit holder, a special resolution of those entitled to vote within the strata corporation replaces the previous requirement of unanimous approval.

The previous provision caused a general concern, indicated by strata corporations, which pointed out that one unit holder could create difficulties for the majority of unit holders by withdrawing support for no reasonable cause. Therefore, the special resolution provision should adequately cover that possibility.

The Bill deals with the provisions for a poll, so that each unit holder has one vote. Difficulties have arisen in relation to access and availability to current policies of insurance. The intent of the provision in this Bill will ensure that, upon request to an owner of a strata unit by an intending purchaser or mortgagee, current policies of insurance will be provided.

The Bill also seeks to be less stringent and, indeed, more flexible for the leasing or licensing of part of a unit in non-residential premises. An area of concern that I wish to address in looking at specific issues relates to the requirement for policies of insurance to be provided to an owner or an intending purchaser or mortgagee. I believe that it is relevant to bring to the attention of this House that insurance policies can consist of many pages, and the maximum fee set by regulations may not be adequate to ensure that the statutory requirement is in fact met.

The fee presently limits by regulation, $15 for a non-owner and $5 for an owner. The current photocopying charges, I suggest, would exceed those currently set by regulation. I would like to know the Minister's intention with regard to regulation for fees that can be charged for copies of insurance policies. If the current fees are in excess of the $5 charged to an owner or the $15 charged to a non-owner, it then becomes a question of who will pay. Is it the unit holders, other than the unit holder making the request, or the unit holders generally, where a non-owner makes that request? Some of these issues need clarification. However, I am pleased to support the Bill.

Mr FERGUSON (Henley Beach): I would like to add briefly to the debate. Both you, Mr Speaker, and the House will be aware of my interest in strata titles, because Henley Beach is becoming very much a strata title area, and even in recent months, particularly along the Esplanade, older homes have been knocked down and strata title units erected to replace them.

The member for Newland touched on one of the problems that I and other members, I am sure, come up against. She referred to the insurance policies which must now be produced for the unit holders and the fact that they can be many pages long. Not only are insurance policies many pages long, but also they are often written in legalise and are hard to understand. The difficulty for unit holders, particularly those of pensionable age who buy a strata title unit, having disposed of a bigger house, is that, when they have problems with the strata title company, their only form of redress is to the Supreme Court. This is a costly process, and I do not know anyone in my electorate who has been prepared to take that course of action, even though many problems arise in respect of strata title companies.

I wish to bring to the attention of the House a matter that I have raised previously, that is, that this legislature should provide for unit title holders a commissioner, an arbitrator, a tribunal or a similar body—

The Hon. FRANK BLEVINS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr FERGUSON: Thank you, Mr Speaker, and I do appreciate the fact that somebody drew your attention to the state of the House so that, instead of speaking to an empty House, I have a very large audience which I would not have had otherwise. Continuing with my remarks, I had reminded the House that, on previous occasions when talking about the Strata Titles Act, I have pointed out that, in every other State in Australia, there is provision for unit holders to take their problems with strata title companies to a person appointed by that State's legislature. This matter has been inquired into.

Following an inquiry in Western Australia, it was recommended that an arbitrator be appointed in that State. The number of unit titles in New South Wales is very much greater than anywhere else, and that State has provision for a commissioner, whereby people with problems—

Mr LEWIS: On a point of order, Sir, over the years I have been here the member for Henley Beach has drawn to both my attention and that of the House the occasions upon which I or other members have diverged from the subject matter of a Bill. In this instance, his contribution does not address the subject matter of the Bill and I ask you to bring him back to the subject matter.

The SPEAKER: Order! The member for Murray-Mallee has just entered the Chamber. That is not a criticism; it is a comment. The member for Henley Beach has been building on to the case he is making and I believe that his comments are relevant, but I ask the honourable member to ensure that his comments are relevant to the Bill.

Mr FERGUSON: I thank you for that ruling, Sir, and I have no doubt that perhaps I was wandering a little from the subject. I will make sure I come back to it. For the benefit of the member for Murray-Mallee, I would say that I did refer to the earlier comments made by the member for Newland in her second reading contribution. I conclude by asking the House to give deep consideration in the future for a provision to allow people in unit title companies to put their problems in a way preferable to taking them to the Supreme Court.

Mr INGERSON (Bragg): I rise to support the comments made by the member for Newland and will very briefly put some questions to the Minister. The first five or six pages of the Bill contain some very technical clauses. The second reading explanation states in essence that they clarify technical provisions and that they are explained adequately in the explanation of the clauses.

I hope that the Minister will explain three or four of the clauses, because they are technical and very complicated and not well understood. There must be a logical reason for including them. They are very difficult to understand when reading them for the first time.

This again brings up an issue that was dealt with earlier tonight in relation to another Bill—that it is about time we had special explanations for very technical Bills; that they be put in simple language that all of us can understand. If we are to make a reasonable contribution to this sort of legislation, Bills should contain simple explanations. One sentence in this Bill states that the clauses are technical and clarifying, yet the information continues for some five or six pages. We should be able to do better than that.

The first matter in the Bill relates to unit holders of residential premises and the management of corporations.

I receive more complaints in this area than in any other from strata title groups. There is argument about management; about who is responsible; about not wanting to do things because it costs too much; about when the final decision is made; about tenders; and about all sorts of things. Major single problems develop, particularly concerning residential strata title units.

I am concerned about the clause that provides that less than 100 per cent of the unit holders can make a decision that is binding on the others, whether or not the decision relates to structural changes or anything else. I am aware that it is difficult to get everyone to agree; it is very difficult to get 10 people to agree 100 per cent to everything that is done. However, when clauses provide that two-thirds of a group can make a decision that is binding on the others, that concerns me because I know that the other third (or any number of them) who are not present will complain about it the next day. This happens in the real world now. I do not believe that this provision will solve the many problems in this area.

For some time I was involved with a commercial retail strata title group. All we ever seemed to do was fight about the insurance costs. One of the difficulties when less than 100 per cent of title holders make a decision is in the area of tenders. Almost certainly the tender that is in the best interests of all the unit holders is not accepted. What tends to happen is that the tender believed to be the best by six out of the 10 unit holders present is complained about by the other four as being the wrong tender. This Bill will create more problems than it addresses.

There is no doubt that as units get older their structure changes, whether because the building is breaking down through age, it was badly built or the soil, as occurs in my electorate, moves every five or six minutes. When one asks 10 people to agree about structural changes to a whole range of units, one has massive difficulties. I signal to the Minister that I am not convinced that this is the way to solve the problem.

I do not know the answer. I am convinced that the best committee is a committee of 10 with only one person turning up, but any committee that is set up in law, which comprises fewer than 100 per cent of the people entitled to be there, creates some real difficulties in this area. This applies to the holding of general meetings. I have been involved in a couple of strata groups—at one stage I was chairman of such a committee—and I have found that it is always difficult to get anyone to come to these so-called statutory meetings, but when decisions are made one can guarantee that everyone who is not there disagrees with the final decision.

The Hon. T.H. Hemmings interjecting:

Mr INGERSON: That is another issue. I see tremendous problems developing from what I think is a reasonable attempt by the Government to try to come to grips with some real world problems.

The other issue which I always seems to crop up relates to the area of land tax and the way it is billed in relation to strata title units. One of the major concerns in this area is the problem of aggregation. While this Bill does not cover that issue, it needs to be looked at because more and more residential strata title units are setting up corporations which endeavour to get around the law and make it simpler as far as taxes, such as land tax and water rates, are concerned. They are paying out money to lawyers and accountants, and that costs them more but does not really achieve anything. Then, when they go to sell their units, they have the added complication of corporate law which makes it difficult to sell.

This whole area of taxation and incorporation of strata titles has not been touched by this Bill. I hope that the Government will look at it because it is a developing major problem as more aged people move out of their large homes into smaller confined units. I support the Bill in principle and indicate that I will ask a few questions in the Committee stage.

The Hon. T.H. HEMMINGS (Napier): I support the Bill. My contribution will be fairly brief and is summed up in the first paragraph of the Minister's second reading explanation, when he said:

> 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.

That is the point. Generally, it works well, but unfortunately—and I think the member for Bragg touched on this matter in the closing part of his contribution—more and more people today are moving into strata title units because they see that as a way of getting accommodation but do not understand what strata titles are all about and the concept behind them.

Therefore, we have a system where there has to be universal acceptance of and agreement to decisions made by the strata title group—I am talking about residential areas—which is almost impossible to get. I have few strata title units in my electorate but I am continually approached by their owners saying that there is a small minority that goes out of its way to make life awkward for the rest of the group.

This Bill will enable those people in strata title units to conduct their affairs for the benefit of all in the group and will also ensure that it is done in the best way possible. In particular, it will enable unit holders to carry out structural work on their individual units if they obtain the agreement of two-thirds of all unit holders. Unfortunately, I know of instances in my own electorate where one person in a strata title unit group goes out of their way to be awkward, so that that person will raise objections any time work is required to be done. However, this Bill will allow that structural work to be carried out for the benefit of the individual unit holder as long as two-thirds of the people in the group agree to that structural change.

I commend the Minister. I think that strata title housing is the way to go. Whilst I would not necessarily want to live in strata title accommodation, because I like my back and front garden, and to be the master of my own destiny and king of my own castle, I recognise that there is a need for this kind of housing within the State and I support the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who have contributed to this debate this evening and the Opposition for its indication of support for this measure that, in substance, is finetuning of the provisions of the Strata Titles Act that, in itself, is a recent enactment of this place. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL.

Returned from the Legislative Council with amendments.

ADJOURNMENT

The Hon. G.J. CRAFTER (Minister of Education): I move:
That the house do now adjourn.

Mr HAMILTON (Albert Park): I have been in this place since 1979 and during that time I have learnt of the tactics employed by the Opposition, particularly during Question Time. I have noted with a great deal of interest that, when it believes it has the goods on the Labor Government, or supporters of the Labor Government, or that it has something with which it can embarrass the Labor Government, members opposite can hardly contain themselves during Question Time. A lead question will usually be asked by a backbencher and, when he thinks the time is right, the Leader wants to home in with a crunch.

I do not suppose that last week was an exception when questions were asked about WorkCover. Members opposite tried to create a certain impression, and one suspects—I hope I am not being uncharitable—it may have had something to do with the then forthcoming Federal election.

The Hon. T.H. Hemmings: They haven't said anything about that, have they?

Mr HAMILTON: Indeed, as my colleague interjects out of order, allegations were made by the Leader and Deputy Leader opposite in relation to what was provided by WorkCover to these unfortunate people who have been injured on the job. No mention was made in the contribution of either the Leader or the Deputy Leader of the doctors or specialists who might have written those certificates. The thrust of the question was to attack and denigrate WorkCover and the worker who, perhaps because of a fault of the employer, is undergoing rehabilitation—to home in on the worker even though it might have been the fault of the employer. However, we did not hear anything about that. No, time and time again the attack is levelled at the worker.

I could go back many years, when I entered the workforce; if people were unfortunate enough to be injured, they received 85 per cent of their weekly wage—not 100 per cent but 85 per cent. That was how they got people back to work, in spite of the fact that they might still have been crook or injured. Workers got back to work because they could ill afford to have time off from work. That was the Liberal mechanism to get workers back on the job. I suggest that, in many cases, those workers were still injured and their injuries were probably compounded because of that return to work. I believe that is the thrust of the Liberal Party and, indeed, that is its philosophy. I can remember that on 4 October 1979—shortly after I was elected—I attended my first function as a member of Parliament.

I attended the opening of Alfreda Rehabilitation, when Bunt Bernell opened the workshops for the rehabilitation of people who were unfortunate enough to be injured. A question was asked of the newly elected Premier of South Australia, David Tonkin. After his contribution, Mr Tonkin was asked for money for a hydrotherapy pool. As I have said so many times in this place, he foolishly and inanely responded by saying, 'I have learnt three new words since becoming Premier. The first two are "How much" and the third is, "No." ' That was his attitude towards rehabilitation and, indeed, it haunted that Government, because every time an industrial Bill or a Bill dealing with the rehabilitation of workers was debated, I constantly reminded Dean Brown, who was then the Minister, of the attitude of his Premier and Leader. That was the reflection from last week's questions directed to the Minister of Labour.

On no occasion, despite the requests of the Minister to the Deputy Leader for information in relation to fraud, was the honourable member prepared to deliver that information. In my view he is compounding a fraud and he is not prepared to deliver. He has a complete responsibility to deliver that information to the Government. The Liberal Party is indulging in a fishing exercise against WorkCover. That is what it is about. The Liberal Party wants to destroy WorkCover for its own people—for its vested interests. It is a fishing expedition. The Liberal Party does not have the guts or the intestinal fortitude to admit that it is wrong. It wants to denigrate WorkCover at every opportunity. That is the reason why I asked that question in Question Time today. It is nice to see that the Leader has turned up. I note that during the time he has been here he has not denied that that was a fishing exercise. I understand that most people in the South-East have some guts and I understood that the Leader reckons he has a lot of guts. Let him put up or shut up, as the Minister suggested today. He is all mouth and no action. I am waiting to see where it is. Calling for a select committee is a fishing exercise. He must think that we do not know what he is about.

That is the thrust of it. If he is so intelligent, has the goods on WorkCover and wants to attack the workers, as he is doing, let him provide the information. That is what it is all about. There is no attack on the specialists, no attack on the doctors, no mention was made by him or his followers over there, none whatsoever. It is a gutless display—an attack upon workers in this State. He is not prepared to go outside and front the trade union movement or deliver up that information. No, he sits in here like a political gutless coward attacking the working class in this State.

For my part, I will never walk away from responding to gutless attacks on the working class in this State, as the honourable member well knows. He may well shake his head, but if he is any sort of a man—if he is a man and reckons he is fair dinkum—let him deliver this information to the Minister. This man who wants to lead the Liberal Party into Government has a responsibility to put that information before the Minister. Even if he is not prepared to do that, I suggest that there are other alternatives. If it is fraud and he knows it is fraud, he ought to pass the information on to the Fraud Squad.

The DEPUTY SPEAKER: Order! The honourable member will address the Leader by his title and will address his remarks through the Chair.

Mr HAMILTON: Thank you, Sir. I believe that the Leader has a clear responsibility to Parliament to deliver that information to the Government or to the Fraud Squad. But he is not prepared to do that. He is here for cheap political gain—that is what it is all about—and to destroy what WorkCover is all about: to protect those workers or employees who have been injured on the job; not only those employees, those workers, but also their families. I have seen too often, in the time that I have been in the work force and in the trade union movement, employers who want to destroy any semblance of protection for workers. One has only to go back to the lead up to the Federal election and look at the attempts by the new Right in this country to attack and break down the working conditions of those people whom we on this side, I believe, try to protect and represent. For many years, when I was in the railway industry, I saw the lack of protection of workers and the cost not only in terms of injury, but also in terms of loss of arms and legs in a very dangerous industry.

I make no apology for standing up here tonight and attacking what I believe is a very slimy attack upon WorkCover in this State. We have seen a gutless display, as I have said, by the Leader and his Deputy, who are not prepared—and I challenge them again and again, and I will,

in this place—to bring that information before Parliament and before the Fraud Squad. If they do not, we all know what they are about.

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

The Hon. P.B. ARNOLD (Chaffey): In recent times the Government has poured out endless platitudes in relation to the environment, but, when put to the test, the Government's stance has been found sadly lacking; it is shallow and has little substance. That is borne out today by the statement made by Senator Walsh, who, I believe, has been extremely honest in clearly stating that the Federal Government, in particular, will never be able to live up to the promises that it made during the recent Federal election campaign. The situation is virtually the same in South Australia. We have heard the Government on numerous occasions expound the virtues of planting trees as being of great assistance to the environment and the ecology generally of the nation; but when any individual who is interested in planting trees asks the Government for some assistance, the answer is 'No.'

It is interesting that I should have a letter that I received from a constituent at Loxton, Mr Roger Voigt, who writes as follows:

> I am writing to you with regard to my water rates. I own two properties in the Loxton area, one being the Berklee Exhaust Centre, on Bookpurnong Terrace, and the other a housing allotment, on the Adelaide Road, which is zoned country living. On the housing allotment, we have, over the past two years, planted approximately 120 native trees. As you can imagine, to get these trees established, they must be watered continually, thus using lots of water. My water allocation at home is 136 kl p/a and at Berklee it is 418 kl p/a. As I use minimal water at Berklee I would be grateful if you could inquire into the possibility of combining the two allocations and then excess would only be charged on water usage above the total of both allocations.

That is perfectly logical. The person concerned pays two water rates in the Loxton area. On one property he receives an allowance of 136 kilolitres whilst, on the other property, he has an allowance of 418 kilolitres, of which he uses very little. He pays for a total of 554 kilolitres. When he approached the Government with the objective of having the two water allocations aggregated so that he could make worthwhile use of the water, which he pays for, the answer was 'No'. If he wants additional water for the allotment where his home is situated, he must pay over and above the rate, although he already pays for 554 kilolitres.

If the Government is serious about reafforesting the nation, particularly South Australia, commonsense should prevail and this person's request should be granted. This is not the first representation that I have made to the Government along this line. A pensioner in Renmark put forward a similar proposal. That person receives water on a rural living allotment and sought the assistance of the Minister to have the water provided at irrigation rates. The Minister decided that the water would only be provided at domestic rates, which makes it quite impossible for that pensioner to plant the number of trees that he had in mind.

A similar situation affects a dry land farmer south of Loxton who currently pays in the vicinity of $5 000 in annual water rates for stock and domestic supply. This farmer has put to me that, if the Government were prepared to allow additional water at a reasonable figure, it would enable farmers to reafforest some parts of their farms. There are excellent examples of this practice in other parts of Australia, yet the department does not provide any concession or incentive here in South Australia. The Labor Party expounds the virtues of reafforestation and believes that it is the only Party that has any concern for the environment, but, as I said, when the Government is put to the test, it is sadly lacking.

Dr Armitage: They go to water.

The Hon. P.B. ARNOLD: Unfortunately, the Government does not provide any water. The water is there, the infrastructure is there, the system is there and it would cost the Government very little to put additional water through the mains to allow a reasonable reafforestation program to be carried out through the country lands of South Australia. The Government is merely paying lip service to its public environment stance, and it is time that the public was made aware of it. That is why I was very interested in the forthright manner in which Senator Walsh stated clearly today that the Federal Labor Party's policy in the recent Federal election campaign could not be carried out. That was certainly a clear indication from Senator Walsh of the misleading approach that the Labor Party has adopted not only in South Australia but also in the Federal arena.

I refer briefly to a draft conservation parks management plan put out by the National Parks and Wildlife Service for the Sir Joseph Banks group of islands. The proposal was made available recently and it is of great concern to many people in that it does not clearly set out the Government's long-term proposal. For example, just what exactly is a 'natural area—marine'? At page 31 of this document it is stated:

> The marine areas proposed to be added to the park (Figure 4) will be zoned natural area—marine. Public access will be allowed. Any other activity will be subject to permission being granted by the Director, SANPWS. Activities that may have a deleterious effect on wildlife or the sea floor (on the advice of the Director, Department of Fisheries) will not be permitted. Water-based visitor facilities may be allowed under specified conditions or through a lease and/or licence arrangement. Should such a lease or licence be granted the conditions attached to it would ensure that unacceptable impacts on the environment would not occur.

Just what does that mean? It does not spell out to the people of South Australia in any way just what the Government has in mind. Does it mean that line fishing, recreational fishing in the Banks group will be banned in the near future as a result of this plan? Consequently I took the opportunity this afternoon in Question Time to ask the Minister of Fisheries a question and we await with interest the Minister's response.

Further on page 31 concern is expressed about the future of the Cape Barren goose. It states:

> The Cape Barren goose populations suffered a substantial decline and the species was thought to be under threat in the 1960s. Since then their breeding grounds on numerous offshore islands have been protected. In the park, goose numbers were reduced during human occupation, by factors including sheep tramping nests, consumption of geese by farmers, and collection of geese for sale.

This is in direct contrast to the activities of the National Parks and Wildlife Service a few years ago on Kangaroo Island; it went out and deliberately destroyed the Cape Barren geese eggs on the island by putting a needle through the eggs, rendering them useless but leaving the geese to sit on the eggs. It is amazing that this great concern is expressed by the department when previously it destroyed the geese.

Mrs HUTCHISON (Stuart): I would like to speak tonight on a very positive aspect of education occurring in my electorate of Stuart. The Port Augusta College of TAFE has the largest Aboriginal involvement of any TAFE college in South Australia and probably Australia. In 1980, Aboriginal education at the Port Augusta college began with 16 full-time students who were undertaking non-accredited courses in employment preparation. In 1990 these figures have grown substantially and there are now 93 full-time students and 20 half-time students who are undertaking TAFE certificate courses. Over this same period part-time enrolments have

increased from 250 to 786. The majority of these students are enrolled with the Aboriginal education section, which is part of a State-wide TAFE Aboriginal education network. It was interesting and heartening to note at the 1989 Port Augusta college presentation ceremony that 27 Aboriginal students received TAFE certificates. This was actually 15 per cent of the total certificates presented that night.

The certificates presented included the certificate in arid lands horticulture, which certificate was developed by staff at the Port Augusta college and, I believe, is the only certificate of its kind in the world, the course involved being undertaken only at the Port Augusta College of TAFE at this time. All those involved felt that it was appropriate that this particular certificate be developed 'to meet the demands of Aboriginal people who live in the arid areas of South Australia, and because it complements the Arid Lands Botanic Park being established at Port Augusta'.

While to date this certificate has been offered only to Aboriginal students, the Port Augusta college is endeavouring to obtain additional staff in order to provide this course to a wider cross-section of the community, and I applaud that aim. I am reliably informed that Aboriginal people and Aboriginal education staff are absolutely delighted that a need that was recognised and developed by them is now being taken up by the wider community.

Another certificate is that in Aboriginal community management, which was developed by the School of Aboriginal Education to meet the particular demands of Aboriginal communities to provide training for Aboriginal people so that they could manage their own communities which, I believe, is a very important area for those people.

I believe that that certificate was trialled at Nepabunna, one of the communities to the north of the State, and run by the Port Augusta college. The first graduate was Ms Sandra Coulthard, now the Manager at the Nepabunna community. It has, therefore, some very positive aspects. The only TAFE college offering this certificate full-time is Port Augusta, with currently 10 students enrolled in the course. These students come from a number of different areas such as Oodnadatta, Marree, Copley, Port Augusta and, actually, Redfern in New South Wales, which is quite interesting. So, the college has quite a wide net.

All those involved in the course believe that it will provide graduates with the skills to manage their communities and to provide a major contribution to Aboriginal self-management, something we would all applaud. Some other certificates offered by the Aboriginal Education Unit include a certificate in information technology (clerical), which gives students the qualifications to work in a modern office setting with the emphasis on computers and computing skills. There is also the certificate in introductory vocational education, which prepares students for further study or employment.

The certificate in introduction to technical vocations prepares students for apprenticeship or vocational training. Another certificate involves Aboriginal health studies, which qualifies students to work as Aboriginal health workers. Many of those go out later to work in the communities in order to be able to help their people in the health field.

In addition to those certificates offered by Aboriginal education, the students are also enrolled for other certificates in areas such as pre-vocation, community services and business studies. The Port Augusta College of TAFE has now become a focus for Aboriginal education in the north of South Australia and is seen by the communities as a college that serves adequately the needs of Aboriginal people throughout the region, not just those who live in Port Augusta. That is evidenced by the fact that one of the students has actually come from Redfern in New South Wales to undertake one of the courses. It has also played a major role in assisting Aboriginal people to gain qualifications which have aided them in providing leadership in their own communities and in gaining employment. With the advent of the Federal body, ATSIC, the college will play an important role in training people to be involved with that organisation.

There have been some very positive outcomes from this education unit, and I believe that at least 29 students who completed courses in 1989 gained employment or went on to further study. In summarising the positive outcomes, the courses offered by the Port Augusta college for Aboriginal students have been innovative, practical and commonsense courses, and the very positive results achieved are a credit to all those involved in this area of education. I should like to put on public record that I believe that they deserve great credit for the courses in which they have been involved and have put together for Aboriginal students in that area. Perhaps at this stage it would not be amiss to mention some of the people who are actually involved in that area of education.

Perhaps at this stage it would not be amiss to mention some of the people who are actually involved in that area of education.

The DEPUTY SPEAKER: Order! There is too much audible conversation in the Chamber. The Chair is having difficulty hearing the honourable member for Stuart.

Mrs HUTCHISON: Thank you, Mr Deputy Speaker. Some of the staff engaged in that education at the Port Augusta College of TAFE are Barry Piltz, Senior Lecturer, Aboriginal Education, Christine Paisley-Knight, Lecturer, Arid Lands Horticulture; Anne Hoban, Terry Coulthard and Sandra Spry, who lecture in Introductory Vocational Education. I refer also to Neville Duhring, who is involved in the introduction to technical vocations; Ahmed Shaheem, information technology; Susan Tregonning, Aboriginal health studies; Kristin Scott, community management; and Heather Rundle and David Blewett, community educators. All those people deserve recognition for the way in which they have been able to structure their courses in order to ensure positive outcomes for those who use this education facility in Port Augusta.

In closing, I would like to mention that one of the top apprentices in the Port Augusta area who studied at the Port Augusta College of TAFE was an Aboriginal student employed by ETSA. He was awarded prizes in every year of his apprenticeship, and I believe that that was due to the very positive way in which the education of Aboriginal students has been carried out at the Port Augusta college.

Motion carried.

At 10.27 p.m. the House adjourned until Wednesday 28 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday, 27 March 1990

QUESTIONS ON NOTICE

PRIME AGRICULTURAL LAND

20. **The Hon. D.C. WOTTON (Heysen)**, on notice, asked the Minister for Environment and Planning: Is an inquiry being carried out to monitor the loss of prime agricultural land to various forms of development and, if so, who are the people involved in the inquiry, what organisations does each person represent, what are its terms of reference and when is it anticipated that the inquiry will bring down some findings?

The Hon. S.M. LENEHAN: There is no single-purpose inquiry being carried out to monitor the effect of various forms of development on prime agricultural land. The policies in the development plan encourage the retention of agricultural land for commercial farming use, and the Advisory Committee on Planning has regard to this objective when assessing draft supplementary development plans being proposed by councils. The Government is increasing its involvement in regional planning. The protection of agricultural land was addressed in the Mount Lofty Ranges Review and is a major factor in the establishment of the Barossa Valley Review. It is anticipated that the protection of commercial agricultural areas will be addressed when the regional sections of the development plan are reviewed.

LOCAL GOVERNMENT CONSULTATION COMMITTEE

84. **The Hon. B.C. EASTICK (Light)**, on notice, asked the Minister of Employment and Further Education representing the Minister of Local Government:

1. Does the 'Committee to Encourage Greater Consultation with Local Government' announced on 1 October 1986 still exist and, if so, who now comprises the membership and how many times and when have they met since 1 July 1988?

2. What significant recommendations has the committee made and what evidence is there to identify the implementation of any such recommendations?

3. What additional costs have been transferred to local government since the inception of the committee and what additional cost is contemplated in the year to 31 December 1990?

4. What direct consultation has there been with the Local Government Association since 1 July 1988?

The Hon. M.D. RANN: The replies are as follows:

1. The Committee to Review Fees and Charges to Local Government does still exist. Membership comprises the Chief Executive Officer, Department of Local Government (Chair), the Under Treasurer and the Director, Department of the Premier and Cabinet or their nominees. The committee meets as and when required, mostly on an informal basis.

2. The committee has attempted to develop in agencies attitudes of liaising directly with local government prior to the alteration of existing charge structures and the implementation of new charges.

3. Additional costs transferred to local government for the provision of goods and services by Government agencies to local government include:

- valuation and survey services (partial recovery only at this stage);
- provision of electoral rolls;
- transcript charges levied by courts;
- motor registration inquiry charges.

Proposals for the transferral of costs to local government for the period 1 July to 31 December 1990 will not be known until the 1990-91 budget discussions are finalised.

4. The committee, as stated earlier, expects agencies to consult directly with local government, including the Local Government Association.

PRISON VOTING

90. **Mr BECKER (Hanson)**, on notice, asked the Minister of Correctional Services: How many offenders at each prison voted at the last State election and what was the cost of providing such facilities at each prison?

The Hon. FRANK BLEVINS: The following number of prisoners at each institution voted in the last State election:

Yatala Labour Prison	25
Adelaide Remand Centre	36
Mobilong Prison	20
Port Augusta Gaol	19
Northfield Prison Complex	36
Cadell Training Centre	34
Port Lincoln Prison	2
Mount Gambier Gaol	7

The Department of Correctional Services incurred no cost in providing voting facilities at each prison.

GOVERNMENT MOTOR VEHICLES

103. **Mr BECKER (Hanson)**, on notice, asked the Minister of Transport:

1. Has the Government considered compulsory safety checks of all motor vehicles over five years old on an annual basis similar to checks on taxis conducted by the Taxi Control Board and, if not, why not?

2. Have any statistics been kept of motor vehicle accidents caused by faulty or worn motor vehicle components?

The Hon. FRANK BLEVINS: The replies are as follows:

1. The Government has, over a number of years, given consideration to the inspection of motor vehicles on a regular and compulsory basis. The considerations have included:

- annual pre-registration inspections;
- annual inspection of motor vehicles over a defined age (5, 7 and 10 years have been considered); and
- inspection at change of ownership.

As far as buses are concerned, these are subjected to a mandatory maintenance scheme which includes an annual roadworthy inspection by officers from the Department of Road Transport's vehicle inspection station at Regency Park. The Metropolitan Taxi-Cab Board undertakes biannual inspections of all taxis in the Adelaide metropolitan area. The vehicle inspection station undertakes similar inspections of taxis in country locations.

In addition, interstate registered vehicles seeking registration in South Australia are inspected for roadworthiness. Although South Australia does not have regular inspections of other vehicles, there is no evidence that South Australian vehicles, with the exception of heavy goods vehicles, are worse than those of the States where compulsory inspections are carried out. Because of the acknowledged problem with heavy goods vehicles, a random on-road inspection scheme has been initiated.

The regular, compulsory inspection of other classes of vehicles would result in a cost to motorsts which would not be offset by commensurate benefits in terms of road safety and cannot therefore be justified.

2. Data collected relating to road traffic accidents only records vehicle faults when they are the major contributing cause of an accident. Whilst it is agreed that vehicles with defects are involved in accidents and that in some circumstances the defects may exacerbate the severity of the accidents, the conclusion of world-wide research is that vehicle defects are the causal factor in only between 2 per cent and 5 per cent of all accidents.

BLOOD ALCOHOL LEVEL

105. **Mr BECKER (Hanson)**, on notice, asked the Minister of Transport: What information has been given to the Minister by the Australian Transport Advisory Committee to support a .05 blood alcohol level for motor vehicle drivers and why will the Government not agree to participate in a national blood alcohol level for motor vehicle drivers?

The Hon. FRANK BLEVINS: The replies are as follows:

1. I have only just received a report from the Federal Office of Road Safety (FORS) entitled 'The Case for 0.05 Blood Alcohol Concentration Limit'. The preparation of this report was agreed to at the last Australian Transport Advisory Council meeting to enable a rational consideration of the issue.

2. The Government has not yet decided whether it would support a uniform blood alcohol concentration limit of 0.05 due to conflicting advice received on the effects of such a reduction. Advice from the NH&MRC Road Accident Research Unit does not support the lowering of the limit whilst other advice, including the abovementioned FORS report, supports the lowering of the limit. The information recently received from FORS will be considered carefully along with other information available to the Government before a decision is made.

NEEDLE EXCHANGE PROGRAM

133. **Mr S.J. BAKER (Deputy Leader of the Opposition)**, on notice, asked the Minister of Health: During 1989, how many needles were distributed as part of the needle exchange program (addicts), how many persons were employed to distribute the needles and what was the total cost?

The Hon. D.J. HOPGOOD: In 1989, 5 668 syringes were distributed. The program's collection of 5 216 (92 per cent) used syringes in exchange far exceeds achievements by other programs where 50 per cent is common. The total cost of the program in 1989 was $27 701.81 with a salaries/wages component of $19 326.41 and goods/services of $8 375.40, most of which were 'one off' establishment costs.