HOUSE OF ASSEMBLY

Thursday 21 February 1991

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

COORONG BEACHES

The SPEAKER: Before calling on the member for Heysen, I point out to the honourable member and to the House that his motion and the one that the Minister for Environment and Planning moved yesterday have a number of similarities. They are not sufficient for me to rule this motion out of order, but I ask the member for Heysen and other members not to anticipate debate on the Minister's motion.

The Hon. D.C. WOTTON (Heysen): I seek leave to amend my proposed motion as follows:

Leave out the words 'beaches within the Coorong National Park' twice occurring in the motion and insert 'Coorong beaches'.

Leave granted; proposed motion amended.

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

That this House, taking into account the commitment made by the Minister for Environment and Planning in November 1985 that whatever the outcome of the consultative process there would be no change in the status of the Coorong beaches or the Coorong Game Reserve for seven years—

(a) calls on the current Minister for Environment and Planning to reopen negotiations on this subject to enable genuine representation to be considered as part of the decision-making process;

(b) calls on the Minister to provide the evidence upon which she based the decision to close the Coorong Game Reserve and refuse entry to significant sections of the Coorong beaches;

(c) calls on the Minister to table all submissions on the draft management plan along with a copy of the Reserves Advisory Committee Report on this subject; and

(d) calls on the Minister to give an undertaking to attend a public meeting convened for the purpose of enabling the views of the people most affected by this decision to be heard.

In November 1985, in a South-East newspaper, it was reported that the State Government would continue to allow vehicle access to the Coorong beach and retain the present location of the game reserve. The article stated:

The ALP candidate for Mount Gambier, Mr P.J. Humphries, said he received this firm policy commitment from the Deputy Premier and Minister for Environment and Planning, Dr Hopgood.

Mr Humphries said a consultative committee for the Coorong would be established and would have as one of its tasks a responsibility to review the best means of access to the beach and future boundaries to the game reserve.

Mr Humphries then went on to say, as I understand with the concurrence of the then Minister:

Whatever the findings of the committee, there will be no alteration to the present arrangements for seven years.

Recreational fishermen and others can continue to enjoy the Coorong without any additional restrictions.

He went on to say that he had taken up the matter of the Coorong draft management with the then Minister. He also went on to express his opposition to any restriction on vehicle access to the beach and any move to shift the game reserve. Mr Humphries is quoted as saying:

I have received a written commitment from Dr Hopgood that these recommendations in the draft management plan will not be proceeded with. I am very pleased that commonsense has finally prevailed.

That, of course, is what this motion is all about. At the same time, my colleague the member for Mount Gambier, who presented a petition containing some 10 000 signatures to this Parliament, said that the Liberal Party had made its position absolutely clear on the Coorong closure. He said, and again I quote from a South-East newspaper:

Under a Liberal Government the beach would remain open to vehicular traffic, access roads would be improved and at the same time the recreational fishermen and others using the beach would be expected to treat the Coorong with the respect which it deserves as a national park.

We are also aware that a management framework program was jointly determined by the National Parks and Wildlife Service and the councils to ensure that beaches are managed in a fashion that is complementary to the adjacent national parks area. That was confirmed, again, by the then Minister for Environment and Planning, Dr Hopgood.

I will provide a brief summary of the debate relating to this matter. On 3 December last year, the present Minister for Environment and Planning issued a press release in relation to duck hunting, which stated:

The policy also involves an examination of game reserves and unalloted Crown lands with a view to deciding which areas are suitable for duck hunting, and which areas would be better incorporated within the national parks system . . . Some exisiting game reserves clearly belong within the national parks system, and it is my intention to seek the permission of Parliament to incorporate the Coorong and Katarapko Game Reserves into the parks system.

I believe that this press release gives the impression that the contents stem from the duck hunting task force that was set up by the Minister. That policy drew heavily on a report into duck hunting compiled by a task force, as referred to by the Minister in her release. In fact, as I understand it, none of the above matters was considered by the task force. It would appear that the examination of the game reserves and unallotted Crown lands is going on without very many people knowing very much about it. I understand that submissions have not been called for, nor has participation been invited, from a number of people and those involved in that task force.

For no known reason, the Coorong and the Katarapko Game Reserve have been exempted from the examination. It would seem that the Minister has just made up her mind and no further consideration will be given to that decision. Why then have the consultative committee to the National Parks and Wildlife Service and the Reserves Advisory Committee been bypassed, even though they were set up to advise on such issues? Further, why has the public been excluded when, over many years, it has clearly shown that it wishes to be consulted on park matters. I believe that every person in this House would be aware of the desire on the part of the community to be involved.

The Minister seems to be confused by wanting game reserves incorporated within the park system. I would have thought that they already were. We all realise that they are administered by the National Parks and Wildlife Service in the same manner as are national parks and conservation parks. Further, on 13 December last year, in another press release dealing with the Coorong, the Minister stated:

The process of drawing up a management plan has lasted several years and attracted much debate . . . The park provides an important refuge for many waterfowl and migratory birds; it contains a rich array of archaeological and historical resources; and serves as a major focus for recreational and tourist-oriented activities . . . This diversity of roles has led to some major conflicts between different interest groups . . . The Coorong Game Reserve, which is in the middle of the Coorong National Park, is to be abolished and added to the park.

The management plan for the Coorong National Park and Game Reserve certainly did take a number of years to formulate. The original draft in 1984 was extremely controversial. I have already referred to the statements that were made by the then Minister in 1985 which really meant that

recreational fishermen and others could continue to enjoy the Coorong without any additional restrictions; that is, existing management practices were to prevail for the next seven years with the draft plan being effectively shelved during this period.

The Coorong Consultative Committee, that is, the consultative committee to the National Parks and Wildlife Service, took the initiative and formed working parties comprising persons with a wide range of views and expertise to examine key management areas. This work resulted in a discussion paper which was released in May 1988. I have looked at that paper and, if I remember correctly, the working party was unanimous that there was no reason to prohibit or restrict hunting in the game reserve. The discussion paper stated:

Seasonal duck hunting will continue to be recognised as a legitimate recreational activity in the Coorong Game Reserve.

Based on the discussion paper and the reaction to it, a second draft management plan was produced in December 1988. That plan stated that the Coorong Game Reserve was:

... to provide opportunities for recreational hunting of proclaimed species of waterfowl.

The working party, the discussion paper and the second draft plan all favoured controlled recreational hunting in the game reserve. Over 100 submissions were received—in fact 108 submissions were received—in relation to the second draft plan. Of those, only three—and they were from Victoria, with two at least being from animal liberationists—opposed hunting. More than 97 per cent of submissions either favoured hunting or were neutral about it. As members in this House would know, I am not necessarily a hunter, but I do believe in the appropriate process being adopted to enable people who have an interest in this subject to have their say and that that opinion should be recognised.

The SPEAKER: Order! The honourable member will be very cautious about referring to these alterations because, as I mentioned, the legislation being put forward by the Minister does canvass this area.

The Hon. D.C. WOTTON: Mr Speaker, I certainly understand the concern that you are expressing. The Minister is bound by the Act to refer the draft management plan and representations made thereto to the Reserves Advisory Committee for its consideration and advice. I do not know whether that has happened—I doubt very much that it has. That is why I am calling on the Minister to table such evidence. However, the normal procedure is for the committee to return the draft to the Minister with any comment or suggestions it wishes to make, and that is spelt out clearly in the National Parks and Wildlife Act.

In view of the representations that have been made I cannot see how the Minister can think, as was indicated in her release, that it was reasonable to abolish the game reserve, with the consequent hunting prohibition, because the evidence I have would suggest that the representations point out clearly the commitment on the part of those people to continue a form of hunting in the Coorong Game Reserve. It is common knowledge that the Minister is personally opposed to duck hunting, and it seems very likely that this sentiment played a fairly large part in the decision that has been made.

I know that other members on this side of the House want to speak to this motion, so I do not have a lot of time. However, I will refer to one editorial in particular, and there have been many newspaper editorials in the South-East on this subject over a long period. On 17 December last year the *Border Watch* editorial stated:

The Coorong, as Ms Lenehan points out, is a wetland of international significance. No-one in their right mind would like to see any form of major development there. However, the National Parks and Wildlife Service, and Ms Lenehan, must listen carefully in an atmosphere charged with emotion. Traditional rights have to be taken into consideration. Management, as a means of forbidding access just for the sake of it on the outside chance that ultimate environmental damage will occur, is not good enough for a service which prides itself on training and fact. Amendments to all current plans for national parks should be considered carefully. There is no room for unwarranted bans.

That sets out the situation very clearly. Finally, I should like to refer to a letter from the Recreational Rights Group, a copy of which has been received by all members, signed by the President, Mr John Kentish, and the Secretary. Questions need to be answered as a result of that correspondence. I understand the Minister has a copy of the letter and I look forward to her response when the opportunity is provided for her to speak on this motion. As is referred to in the letter, the issue of the Coorong beaches and the game reserve goes back many years. The public is very concerned, and not only in the South-East of this State, because I have received representations from a large number of constituents in different parts of South Australia who express the same concerns.

I remind the House that a commitment was made by the previous Minister for Environment and Planning that no changes would be made for seven years. That means that we still have time. We believe that, with proper consultation and cooperation between the people, the Minister and the department, recognising that we still have almost two years to run in that seven-year period, this matter can be sorted out appropriately; but it is important that the Minister answers the questions referred to in that letter and that the opportunity is provided for appropriate consultation.

That is why I am particularly keen that the Minister should make herself available to attend a public meeting, which could be called in the vicinity of the Coorong National Park, to provide the opportunity for the users of the park to have their say, to express their concerns about the decision that has been made, and for the Minister to make her comments on this important issue. If that opportunity is not provided, the whole consultative system could be referred to as nothing more than a farce.

It is also important that the opportunity be provided for members of this House to look at the evidence that has been provided to the Minister to enable her to make the decision that she has made, and the opportunity should also be provided for any comments that have been made by the Reserves Advisory Committee to be provided to this House. This is a matter of considerable concern. I ask all members to give it their consideration and to support the motion.

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

SEACLIFF HOCKEY AND TENNIS COMPLEX

Mr MATTHEW (Bright): I move:

That this House condemns the Government for failing to commit itself to a hockey and tennis complex at Seacliff and calls on the Government to intervene immediately to prevent the loss of $230 000 Federal funding and $30 000 local government funding together with land and buildings, all of which have already been committed towards the complex.

This is one of those motions that should not have to be brought before this House, because Federal and local government funding has already been committed towards this proposal. Further, and in view of that funding, one would reasonably have expected that it would simply be sound economic management for the State Government also to consider a contribution to enable this project to proceed. In

order to give members an understanding of the events that have transpired, I will go through briefly some of the history of this proposal.

I first became aware of a proposal, initially for tennis courts in the Seacliff area, when I was contacted in early 1988 by Mr Don Woodhouse, a committee member of the Seacliff Tennis Club. At that time I was neither a member of Parliament nor a candidate for the Liberal Party, but was recognised as someone who worked hard in the community and had already achieved some success in the establishment of tennis facilities in the Glenelg and District Tennis Association area. I provided the appropriate advice to the club and was pleased to have been able to undertake some small role. The club finally prepared a funding submission to the Federal and State Governments and local government, and that submission was duly considered.

The club certainly cannot be regarded as small. At the time it prepared that submission, it had in excess of 300 members. That membership is now much larger. It fielded 20 teams in the Glenelg District Association junior competition, and had 14 teams in the senior competition. This was done by a club that had to its name only four tennis courts. In order to field this number of teams, it was necessary to hire up to 16 courts to fulfil its obligations to the area and, particularly, to its members. As a result of its expansion, the club saw that it was necessary to develop a facility within close proximity to its existing courts. On approaching the Brighton council, it was offered an area that had been unused for some time. Situated on Kauri Parade at Seacliff, it incorporates a disused soccer ground as well as a two-storey clubroom complex. In addition, Brighton council offered a grant of $30 000 towards that facility.

The club was also successful as an individual club in attracting $50 000 Federal funding, and was advised of that funding in mid-1989. Regrettably, it was unsuccessful in obtaining any State Government assistance. At that time, the total cost of this project was estimated at $140 000. The proposal had written support from groups such as the South Australian Tennis Association, the South Australian Hardcourt Tennis League and the nearby Seacliff Junior Primary School, which saw themselves in a position to use those facilities. However, the absence of State Government input meant that the proposal could not get off the ground.

Meanwhile, almost at the same time as this was occurring, the Happy Valley Hockey Club was putting together an independent submission to obtain financial assistance for the construction of a $360 000 hockey complex that it wished to establish at the Wilfred Taylor Reserve in Noarlunga. On 6 June 1989 that club was advised that it was successful in receiving $180 000 Federal Government assistance towards its complex but, once again, regrettably there was no State Government input. Unfortunately, on 20 November 1989 the Noarlunga council decided that the complex was not viable in the absence of other funding, and rejected approval for the use of a reserve in its area.

Here we have two clubs that were unsuccessful in getting projects off the ground despite the fact that they had a combined total of $230 000 Federal funding. They decided to do the only sensible thing and combine forces. They approached the Brighton council for approval in principle to establish a combined tennis and hockey complex on the Seacliff site. That approval was given.

Those clubs also approached the Federal Government via their Federal member, Gordon Bilney, for approval to combine that Federal grant at the Seacliff site. Once again, that approval was given. They approached the State Government for assistance with the project to add to their $230 000 Federal grant plus the contribution they were prepared to make through cash in hand and also through a loan, and also to add to the contribution of the Brighton council, which contribution was significant. I remind members that that involved a $30 000 cash grant, land on which to establish the project and also two-storey club rooms. Regrettably, that State Government assistance has not been forthcoming and now the project could be lost.

At the council meeting of 11 February 1991, Brighton council decided that, unless a decision to grant assistance were made by the State Government by 28 February this year, the council would have no choice but to withdraw its offer for the proposal. It is absolutely imperative that action be taken by this Government to ensure that the Federal funding of $230 000 is not lost, not only to this proposal but, obviously, to the State as a whole. It is vital that action be taken to ensure that the Brighton council offer of $30 000 cash, land and facilities is not lost.

I am aware that there is considerable support from some members opposite for this facility. I am delighted to be able to advise the House that, indeed, two Ministers have already offered their support in writing. These Ministers are southern members, the Deputy Premier and the Minister for Environment and Planning, who represent respectively the Districts of Baudin and Mawson. I am also aware via an internal memo of the Department of Recreation and Sport that the support from those members is quite significant. I would like to read into *Hansard* a memo that was sent to the Acting Director, Operations, in the Department of Recreation and Sport, dated 28 February 1990. That memo accompanied a detailed financial analysis of the project to the Assistant Director, Operations, that was ultimately intended for the Minister's eyes. I am aware that the Minister has since seen that report. The memo states:

> To the Director—Operations
> Synthetic Grass Hockey/Tennis Complex
> A letter, addressed to the Hon. Kym Mayes, MP, has been received from the Hon. Susan Lenehan concerning the development of a synthetic grass hockey/tennis complex in the southern suburbs.
> The project is supported by both the Hon. Susan Lenehan and the Deputy Premier, the Hon. Don Hopgood, who are 'most keen to see a start made in providing much needed, first class, sporting facilities for the southern suburbs'.
> Before a reply is drafted to Ms Lenehan, it would be fitting to include in the letter, reference to our Minister's decision on any grant from the State Government that may be made towards the development of this project.

I remind members that that letter was dated 28 February 1990, almost a year ago and, ironically, it coincides with the anniversary of the date on which Brighton council will withdraw its offer.

Regrettably, the budget papers did not include any allowance for funding for this proposal. In the meantime, the groups have continued to wait. Quite clearly, there is support from this side of the House for this proposal; there is support from Ministers on the other side of the House for this proposal; and there is a need in the area for this facility. Commonsense must prevail in this instance. There is no logical reason why the Government should not intervene to ensure that this proposal goes ahead. People in the southern suburbs have been campaigning long and hard for something to be done about the disgraceful neglect of sporting facilities in that area of Adelaide.

Here is a chance for the members of this Government to stand up and be counted and to do something about sporting facilities in this area of Adelaide and to make sure that the significant contribution of $230 000 from their Federal counterparts and the $30 000 contribution plus facilities from Brighton council are not lost.

Before I close my remarks, it is fitting to draw members' attention to the predicament of a top hockey pitch in the northern suburbs of Adelaide. An article appearing on page 3 of today's *Advertiser* headed 'Top hockey pitch may get the flick' states that South Australia's premier artificial hockey pitch, at The Pines, laid at a cost of $660 000, may have to be torn up because it has failed an assessment by the sport's controlling body. I point out to members that the pitch proposed for the Seacliff area is quite different from the one that has been laid in the northern suburbs. I am advised that the Pines facility has a water-filled base whereas the Kauri Parade facility would have a sand-filled base. The turf is known as Baspograss and would be laid by Balsam Pacific, a worldwide company of international repute. It may well be that by coincidence this proposal may offer the Government some sort of 'out' that will allow it to develop a hockey facility and to reduce the embarrassment that it is suffering today because of this article in today's *Advertiser*.

Mrs Kotz interjecting:

Mr MATTHEW: My colleague the member for Newland interjects by saying 'What a disgrace!' She is quite right: it certainly is a disgrace. The Government should have been far more careful with what it was investing in. This time it has the opportunity to look at a project that is almost totally self-funded. Its contribution will be minimal as the work has been done already. I commend this motion to the House.

Mr De LAINE secured the adjournment of the debate.

ENERGY SECTOR

Mr LEWIS (Murray-Mallee): I move:

That this House notes the Green Paper on the Future Directions for the Energy Sector in South Australia and condemns the Government for—

(a) failing to recognise its responsibility to identify options which enable reductions of atmospheric carbon emissions in compliance with the Commonwealth Government commitment to the international community;

(b) failing to address the future energy needs of the multi-function polis;

(c) failing to supply factual information about the environmental, social and economic benefits of demand management techniques;

(d) the lack of factual information about the part which alternative and renewable energy forms can play in future energy supply;

(e) the lack of direction and initiatives relevant to energy conservation and fuel substitution;

(f) the lack of factual historical information about the recent attempts which have been made by the Government and its agencies in demand forecasting; and

(g) failing to outline the basic optional strategies for funding research and development needed to support the discovery of technologies for viable alternative energy sources.

It should not ever have been necessary for me or any other member of this place to rise to castigate the Government in the fashion that is now necessary.

An honourable member interjecting:

Mr LEWIS: It should not have been necessary; I will have to do it. This House would be derelict in its duty if it did not give reasonable consideration to the Government's green paper which was supposed to have a gestation period of about eight to 12 weeks and which ended up taking two years. In early 1989, it was first promised for release in September 1989, but it was not until a few weeks ago that, in fact, the paper was provided to us. If that is not enough, I would have thought that something that had taken so long to prepare would at least have contained the very basic information essential for it to be a discussion paper of some substance and note for the community concerning the future directions of the energy sector in our State.

But it does not! It is shot full of holes. It does not contain that sort of factual information nor does it provide us with any tables of the options available to us. The Minister has clearly interfered in the process and made it a political document, one in relation to which it is comfortable for the Government to say, 'You can find a bit about that in the energy green paper. It does not matter whether you are an advocate of returning to life in the caves or of supporting completely the nuclear fuel cycle; there is something in there for everyone.'

It is not all factual, nor is it reasoned opinion. A good deal of it is like snake oil: it is the sort of stuff you purvey to the public and get away with, if you are not made accountable for it by the processes available to us as members in this place. It is a grossly inadequate document in that respect. I am sure that the people who were finally given the responsibility of compiling it were also given strict riding instructions as to what could and should be said and included as opposed to what must not be said and not be included.

To that extent the Government deserves the condemnation of this House. Let us look at the major areas in which the Government's statement in this green paper is grossly deficient. The Government fails to recognise its responsibility to identify options that enable reductions in atmospheric carbon emissions in compliance with the Commonwealth Government's commitment to the international community to do so. I am talking about the Montreal protocol that was agreed on this point.

I should have thought that, given the amount of publicity that has been sought—but not always granted by the media—by Government Ministers, not only by the Minister of Mines and Energy but also by the Minister for Environment and Planning (and probably she more so) about this topic, that is, the seriousness of allowing greenhouse gas emissions to escalate and not be controlled, and the choice of the Minister for Environment and Planning to see the 20 per cent reduction in carbon dioxide emissions by the year 2005, there would be an outline of the strategies available to us as a State community. Why is that not so?

I cannot answer that question, but I can tell the House this: our State currently has a substantial dependence on natural gas, with over half our consumption being used for electricity generation. That is perhaps no bad thing. Electricity generation is now based 60 per cent on natural gas and about 39 per cent on Leigh Creek coal, the balance being taken up principally by oil fuelled internal combustion engines. Yet ETSA's annual report for the year ended 30 June last shows that there has been an 11.85 per cent increase in coal use.

Coal usage is up by 11.5 per cent on the previous year yet, when we look at the consumption of gas, which is much more environmentally friendly, we see that it is down by 9.2 per cent over the previous year; the use of gas is down. That means that, for every kilowatt hour of electricity we are generating, we are happily transferring our base load source of energy from the environmentally-friendly gas to the environmentally-unfriendly polluting coal. We are transferring that as part of a deliberate plan in contradiction of what the Minister for Environment and Planning has been putting to the public and this House about the direction the Government wishes to follow.

One cannot have it both ways. The Government must come clean on this. I mean that not only metaphorically and for the sake of political rhetoric but also literally: the Government has to come clean. We cannot go on with that

kind of commitment to the wrong direction as regards increasing emissions of atmospheric carbon. I will expand on that in some detail when I next have the opportunity to do so.

The next point that we find as a deficiency in the green paper is the Government's failure to address therein the future energy needs of the multifunction polis. The Government has stated that it is committed to the development of a multifunction polis on the land, albeit that it is a mangrove swamp and estuarine environment of great value in no small measure to the north-west of our city centre at present. That commitment is there. The Opposition has not opposed it, it has made no derogatory remarks whatever about it. We have raised questions about what is going on, and this is another question. If the Government is fair dinkum and means what it says about a multifunction polis, where is the energy coming from? Why has an assessment of the needs to supply the multifunction polis not been provided for us in this paper?

We have only to look at the forecasts for electricity demand that were made three to five years ago for the past two or three years to see that the Electricity Trust and the Government were trying to tell the people of South Australia that we could manage downwards our increase in electricity demand from where it had been in the high 2+ up to 3 per cent to around the low 2.1/2.2 per cent, and indeed into the 1+ per cent bracket, thereby decreasing the rate of increase in demand. That is what the Government's message was.

Yet in reality we find that two years ago the most recent figures available to us for that year show that there was an increase in demand not of 2 per cent or 2.2 per cent but 4.8 per cent; and then one year ago for the year ended 30 June 1990 we find that it was not just 4.8 per cent—it was certainly not 2 per cent—but 5.6 per cent. To be precise, so far as the information made available to us, it was over 5.6 per cent.

The Government's reason given for that in the green paper and in public statements was that it was because of unseasonal weather, and I then checked with the Bureau of Meteorology to see whether that was so. I will not incorporate those tables into *Hansard*, but I found that in fact that was a furphy: we did not have unseasonal weather conditions in those two years any more or less than we have had in other years. Another reason that was unofficially given was that Roxby Downs came on-stream: that this development for the refining of copper, uranium and gold on the pastoral lease that was known as Olympic Dam and the township of Roxby Downs was supposed to have accounted for the majority of that increase. Okay, that is a township of 3 000 people.

The multifunction polis proposes to expand the population of the Adelaide metropolitan area by about 30 times that, to 100 000 people. It is not just the energy that will be used by the people who come here to live but, more particularly, the greater demand for energy—and we are using electricity as the indicative demand for energy—for the construction of the items necessary to build the polis and the refinement of those materials like the preparation of the hot mix sealing that will be used on the roads, the manufacture of the prestressed concrete beams and the steel and all the other things such as glass, transportation and the work that will go into building it in the first place.

That is what went into Roxby Downs, as well as the consumption of energy by the people once they get there. Those two things contributed to the increase in demand. For a town of 3 000 people we find we have an increase in demand for electricity of 4.8 per cent followed by 5.6 per cent in consecutive years, yet we do not have anything mentioned in the green paper for the multifunction polis about the likely increase that it will impose on total demand for energy in this State. It is a pity, in my judgment, that the Government, prating so loud and so long about the importance of the document—which is not denied by the Opposition with calls for its release being repeatedly made—failed on that point. It is a major point. It is a major deficiency and the Government stands condemned for overlooking it.

We note that the Government failed to provide factual information about the environmental, social and economic benefits of demand management techniques. Clearly there will be implications for the environment. If we look at nothing else but the greenhouse effect and at atmospheric carbon emissions, then by simply managing demand downwards, by better informing the public of how they can do that—how consumers can decrease the amount of electricity they use in their homes, factories, offices and where processes are undertaken—by getting them to understand demand management techniques, we can substantially reduce greenhouse gas emissions.

Also, we will need annually to disturb less of the natural environment to win that energy. Furthermore, we then look at the social implications and the economic benefits of doing that, and see that we will all be very much better off. Energy generation and distribution from base sources is an important service industry, for sure, but if we reduce the number of people and other resources tied up in that service industry, they are free to be used in expanding our export drive and in making our economy that much more efficient. People's jobs are transferred in percentage terms from that sector to other directly productive sectors. There is no question about the fact that this paper fails to address those questions, and the Government has not identified a program it could use to help the public and industry understand how to manage demand for energy downwards.

In dealing with the lack of factual information about the part that alternative and renewable energy forms can play in future energy supply, I state that that is not adequately or appropriately addressed: 'adequately' in terms of the information available about those things that are mentioned, and 'adequately' in terms of the fact that a number of renewable energy sources are not even mentioned.

The Government stands condemned also because of its lack of direction in the paper about initiatives relevant to energy conservation and fuel substitution, using better fuels that are kinder to our overall living environment, as well as the lack of factual historical information about the recent attempts that have been made by the Government and its agencies in demand forecasting. Why can we not obtain the information used by the Government in making these demand forecasts? Why is the formula not here in the paper? Why cannot the public be allowed to understand that? It would make the debate much more meaningful.

Finally, the Government has failed to outline the basic optional strategies for funding research and development needed to support the discovery of technologies for viable alternative energy sources to those we have in use at present. That is in stark contrast to the record of the New South Wales Government on this point. The Government has done an enormous amount and accepted a huge proportion of the burden of responsibility for the costs presently being incurred in researching this area of our science and technology—energy sources alternative to those we are using at present. This Government's record to date is abysmal, and the Green Paper contains no commitment whatever to any such program.

I do not know where the Government is getting its policies from: it is probably making them up on the run in the same way as it has been doing on a good many fronts, as we have discovered in recent days. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COASTAL DEVELOPMENT

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

That the regulations under the Planning Act 1982 relating to coastal development and commission powers, made on 14 February and laid on the table of this House on 19 February 1991, be disallowed.

At the outset I want to express a concern about this issue generally, because I recognise within these regulations some very worthwhile initiatives. I am concerned that no opportunity is provided in this House to debate, delete or amend those regulations; rather, one has no option but to disallow them totally if a problem exists.

My major concern relates to the transfer of planning powers from State to local government in areas of State significance. We are aware that the Minister has used section 43 to bring these regulations into immediate effect. I view that with considerable concern because the opportunity should exist for community debate on these issues and the only way in which that can occur is if this motion is debated and the regulation disallowed. I believe that the Government is treating Parliament with contempt in dealing with this matter outside Parliament. It is a matter of major significance and of much community concern.

On 4 December 1990 Cabinet approved a number of procedures in order to provide so-called 'short-term improvements to the planning system'. One such procedure approved was the proposal to transfer planning powers from State to local government in areas of State significance. The official announcement was made in the *Advertiser* on 28 December last, right in the middle of Christmas week and about the most inappropriate time to make such an announcement if one was looking for comment from the community in general. I believe I am not being too cynical when I suggest that that is why the announcement was made at that time—because it was hoped that the decision on the transfer of powers could be introduced without many people knowing much about it.

In making the announcement, the Premier used the Planning Review as his platform, but neither the decision nor the announcement was made with appropriate discussion on the part of the Planning Review Reference Group which consists of representatives of the relevant bodies invited to play an advisory role in the review process.

On every occasion, the Opposition has tried to adopt a bipartisan approach to the Planning Review. We recognised from the Premier's initial announcement indicating that the review would be established that we would support that process but I must admit that there is now considerable concern in the community that the consultative process that was established is not being used appropriately. I think this is one of the areas in which insufficient discussion has occurred on this important subject at the appropriate level.

The Cabinet submission states that discussions were held with the Department of Local Government and I understand that some consultation occurred with the Local Government Association. However, as far as I know, none of the councils affected by this decision was consulted directly. I am of the firm opinion that decisions relating to areas of State significance should involve input from the State authority. The moves I am bringing to the notice of the House today relate to changes to the fifth and seventh schedules of the development control regulations which will make councils the planning authority for a greater range of developments. The fifth schedule, which lists kinds of development on which councils are required to consult the South Australian Planning Commission (SAPC), will be revoked. The seventh schedule defines those kinds of developments for which the South Australian Planning Commission is the planning authority. It is proposed to remove a number of kinds of development from the schedule so that in future councils will be responsible for deciding applications to undertake these developments.

The deletions from the schedule that concern conservationists and people with an interest in such matters are, generally, those in relation to the hills face zone, the Mount Lofty Ranges watershed, conservation zones and the River Murray flood zone. In relation to the costs of the transfer of planning powers, I believe that one of the reasons for introducing these changes is that the Government hopes to be able to save money by passing over these responsibilities to local government. Councils will certainly bear the burden of administrative costs. Local ratepayers in areas of State significance will undoubtedly pay more rates as a result of these moves. There will be an incentive to increase the rate base.

In order to justify increased development, biased and unscientific reports may be found or implemented. Councils will be unable to afford the expertise required to assess developments in special areas with particular problems and, as a result, the councils will make inappropriate decisions. Parochial considerations are likely to take precedence over State problems. Recognising greater council power, vested interests and profiteers will have added incentive to spend time on councils. A wide disparity in interpretation of the Planning Act 1982, described as having principles which can so be argued as to speak either for or against a proposal (and I refer members to comments that have been made recently, particularly by Commissioner Bulbeck), will lead to inconsistent decision making from various councils within a planning region. That can only provoke discontent and dispute.

The 1982 Planning Act is now in review. This will not be finished, we are told, for another year. There has been much promotion of the review as being a process of public consultation. It was an election promise put forward by the Premier at the time and it is a multi-million dollar exercise. A number of pre-emptive decisions have been made which, unfortunately, have made the review process look something of a farce. Before we have strong development and planning legislation, I believe that it is totally inappropriate to pass over controls to traditionally development-minded councils and to councils which in some cases do not have the appropriate expertise.

I referred earlier to another concern that I have, namely, the fact that councils that will have this added responsibility have been given no opportunity to discuss this issue. No reference has been made to making available to these councils additional resources to enable them to carry out this responsibility. This is a critical matter that needs to be addressed. Finally, I believe that this decision to transfer power should not be made without providing opportunity for debate in the community and, indeed, in this Parliament. I have moved this motion for disallowance today to enable this matter to be discussed, and I hope that all members of this House will recognise the importance of this matter and will vote for the motion.

Mr McKEE secured the adjournment of the debate.

RURAL YOUTH

Adjourned debate on motion of Mr Venning:

That this House recognises the importance of the South Australian Rural Youth organisation, deplores the reduction of resources to the organisation by successive Governments and urges the Government to recognise the cost effectiveness of the training function of Rural Youth by providing incentive based grants designed to attract private sector funding to assist worthwhile projects for the benefit of rural youth in South Australia.

(Continued from 13 December. Page 2742.)

Mr VENNING (Custance): I rise today to conclude the remarks that I began on 13 December in relation to the Rural Youth organisation of South Australia.

An honourable member: Were you in Rural Youth?

Mr VENNING: I was, and I am very proud of it. I wish that the young people of today had the same opportunities as many of my colleagues and I had to gain that extra rural education which will not be provided. I have raised the matter in this place in a completely bipartisan way because, as I said in this place yesterday, farmers are not as well educated as they should be.

It is the fortieth anniversary of the establishment of the Rural Youth organisation. Successive Governments, in a bipartisan approach, have cut funding to the Rural Youth organisation. The training arm of that organisation has been very cost effective. I ask that Parliament recognise two issues: the state of the Rural Youth organisation at the moment—membership has fallen from over 3 000 members to about 500; and, secondly, the urgent need to provide further education to our young people in isolated areas. I do not think that anyone would argue about those two facts.

Only yesterday I questioned the Minister of Employment and Further Education about the low level of education of our farmers, and I appreciated the Minister's answer. The use of high technology video conferencing is a ray of hope for isolated students. I commend to other interested members the video cassette that the Minister allowed me to view. This technology can be part and parcel of the approach that I am trying to promote through my motion. Here is an existing organisation with a proven track record, and we have a job that needs to be done. I do not think that any members would argue with that.

I am asking the Government and, more particularly, either the Minister of Agriculture or the Minister of Employment and Further Education to look favourably upon this proposal. I am not necessarily asking that they cough up the money, but that they create the incentive for private sector organisations to put funds towards worthwhile projects for the benefit of rural youth in South Australia. I know that the two departments have the infrastructure to do this: I have been there and I have seen it. We have talked about it and I think that now is the time to act. I commend this motion to the House.

Mrs HUTCHISON secured the adjournment of the debate.

SEA RESCUE SQUADRON

Adjourned debate on motion of Mr Becker:

That this House congratulates the South Australian Sea Rescue Squadron Incorporated on 30 years of promoting safety at sea and search and rescue.

(Continued from 13 December. Page 2743.)

Mr FERGUSON (Henley Beach): I have great pleasure in supporting the motion before the House. I have had the pleasure of representing various Ministers of Emergency Services at gatherings of the Sea Rescue Squadron but it was not until I undertook that task that I realised the sterling efforts of this organisation.

The squadron has been in operation for more than 30 years and I, too, would like to congratulate the many men and women who have served the squadron unselfishly over those years. The South Australian Sea Rescue Squadron has been made up by people from all walks of life who have been prepared to assist others in vessels in our waters. It is an unfortunate fact that some people still venture to sea in small boats and find themselves in difficulty, particularly in stormy weather.

I agree with the member for Hanson when he emphasises that boat owners do not always service their boats, nor do they carry essential safety equipment as they are required to do. From time to time, I have praised groups of people who have given their time voluntarily to be of service to the community. However, I have never specifically mentioned the Sea Rescue Squadron. In a sense the Sea Rescue Squadron is an organisation that does not go out of its way for self-promotion, and its voluntary efforts often go unnoticed.

There are other factors to which I must refer because not only do those people volunteer their services for nothing but they go to considerable expense, both with their own boats and with their efforts, to provide rescue equipment within their own organisation. All Governments have supported the Sea Rescue Squadron, and it is appropriate that they should do so because, if Governments did not, they would be left with the task of providing some support or rescue organisation, and with the unpleasant task of recovering bodies at sea.

I join the member for Hanson in referring to the annoying problem of false alarms. I can never understand the mentality of people who recklessly light flares and create false alarms for those people who have the task of providing rescue services. I certainly reciprocate the sentiments of the member for Hanson, and congratulate the Sea Rescue Squadron on its wonderful support and service.

Mr BRINDAL (Hayward): I endorse the remarks of the member for Henley Beach and commend heartily the member for Hanson for bringing this motion before the House. As a member with a seaside component in my electorate, I know and value the work of the Sea Rescue Squadron, as I am sure does every South Australian. The member for Hanson has made a name for himself in this place for moving interesting motions—and this is one. It deserves the full commendation of the House, and I support other members.

The Hon. T.H. HEMMINGS (Napier): I, too, support the motion. In doing so, I congratulate the member for Hanson on promoting this matter in the House. All members would be well aware of the sterling work that is done by this organisation, and it epitomises exactly what a volunteer group is all about. I am not a boating man and I do not represent an electorate that has a beach frontage, but I spend time down by the beach. It is always reassuring to know that, for those people—sometimes foolhardy people—who go out to sea in their boats without taking full care and all the necessary precautions, this organisation is there. Sometimes its members place their own life at risk when coming to the aid of people in difficulty. I join all other members who have spoken in urging the House to endorse this motion.

Mr S.G. EVANS (Davenport): I support the motion. However, in this context, I wish to raise another matter. The member for Henley Beach spoke about safety factors and the need for people to act responsibly, so I ask Government members to ask the Minister whether a better way can be found to dispose of or reclaim the flares that boat owners must use—it is compulsory—if they go more than a certain distance off the coast or off the high-water mark. About 30 000 vessels would be involved, with at least that number of flares, which must be replaced every three years.

There is no satisfactory way of disposing of them. Some people let them off recklessly, which causes some of the problems. I ask the Government to look at this matter and to try to find a way of helping the Sea Rescue Squadron and other volunteer groups to discover a better method of achieving the return of these out-of-date flares that are sold throughout the State. I support the motion.

Mr BECKER (Hanson): I should like to place on record my appreciation of the comments made by those who have taken part in the debate and reiterate that the Sea Rescue Squadron is one of those fine outstanding voluntary organisations which are supported by the Government, and we hope that they will be able to continue their work within the community for decades to come.

Motion carried.

ADELAIDE AIRPORT

Adjourned debate on motion of Mr Becker:

That this House congratulates the Federal Airports Corporation on its action of responsibly upgrading Adelaide Airport and deplores the article 'Low Flying' written by Peter Ward in the magazine section of the *Advertiser* on 3 November 1990.

(Continued from 13 December. Page 2745.)

Mr HERON (Peake): I endorse the remarks made by the member for Hanson on 13 December when he deplored the article in the *Advertiser* of 3 November last year headed 'Low Flying', written by journalist Peter Ward. The article stated that Adelaide Airport is the pits, is a ghastly place at which to arrive and is Australia's worst major domestic air terminal.

I gather that Peter Ward does a fair amount of travelling in his position as a journalist, because he mentions airports in Wellington, Auckland, Christchurch, Canberra, Melbourne, Hobart, Sydney, Launceston, Cairns, Townsville and Alice Springs in that article. I, too, have travelled to those cities, and Adelaide airport is not as ghastly as the article and the frightening drawing illustrates.

The major airports around Australia, as at 1 January 1988, came under what is known as the Federal Airports Corporation—a Commonwealth statutory authority. The member for Hanson, in his speech to this House on 13 December, outlined the millions of dollars spent on the airport by the domestic airlines and the Federal Airports Corporation. That is not to say that Adelaide Airport does not need more upgrading of its facilities. Given that the Federal Airports Corporation is a national corporation with a commercial charter, other major airports around Australia would be lobbying the Federal Government for more funds. I suggest that there would be budgetary pressures on the Federal Airports Corporation at Sydney airport, because of its congestion, and this would limit its ability to devote capital resources to Adelaide Airport.

The Government is on record as supporting an increase in the level of capital expenditure by the Federal Airports Corporation on Adelaide Airport and as supporting the planned new international terminal. We should be continually urging the Federal Airports Corporation to upgrade facilities at Adelaide Airport. The benefits to the State of such improvements could be increased tourism, as well as the potential to decentralise international airline access to Australia through airports such as Adelaide, thereby relieving pressure on Sydney airport. That article by Peter Ward does nothing to enhance the future of South Australia. I support the motion.

Mr BECKER (Hanson): I appreciate the comments of the member for Peake and thank him for what he had to say in this debate. The Federal Airports Corporation is undertaking considerable plans for the redevelopment of Adelaide Airport and is looking at all possible avenues to make the airport financially viable. It is the most important part of our tourist industry and we just hope that, from here on, the corporation will be able to carry out its program unhindered. Whilst the criticism of people such as Peter Ward is appreciated from time to time, in this regard it was ill-founded and very badly handled indeed. For that reason, I commend the motion to the House.

Motion carried.

DRUGS

Adjourned debate on motion of Hon. P.B. Arnold:

That a select committee be established to inquire into all aspects of the production and marketing of illegal or prohibited drugs in South Australia.

(Continued from 14 February. Page 2937.)

The Hon. J.P. TRAINER (Walsh): On behalf of members on this side, I must indicate that, although there is some merit in the motion, we are not inclined to support it until the future of a similar motion in another place is clearly resolved. At the moment, the position of the Government and of Government members is one of support for the concerns expressed by the member for Chaffey regarding the illegal drug trade, but we are determined that Parliament's limited resources be used in a cost-effective manner. We are also determined to ensure that those limited resources are not squandered. On the Notice Paper of another place is a motion on the part of the Hon. M.J. Elliott, as follows:

I. That a select committee of the Legislative Council be established to consider and report on—

(a) the extent of illicit use of drugs;
(b) the extent of drug related crime;
(c) the effectiveness of current drugs laws;
(d) the costs to the community of drug law enforcement; and
(e) other societal impacts

in South Australia with a view to making recommendations for legislative and administrative change in relation to illicit drugs which may be deemed necessary.

II. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the Committee to have a deliberative vote only.

III. That this Council permits the select committee to authorise the disclosure or publication, as it thinks, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

It seems to members on this side that it would be a ludicrous duplication of effort for two select committees for the same purpose to be formed from both Houses. It might well be more appropriate that, if a select committee is desirable on this subject, a joint select committee be formed. However, it might even be more appropriate for this House to yield to the other place in this instance, because the demands on individual members in that Chamber are less than those on individual members of the House of Assembly in so far as members of the Legislative Council have no districts to service.

It may well be, therefore, that the Legislative Council would be better able to handle the increased work load of a proliferation of select committees. I intend shortly to seek leave to continue my remarks, but the Government wishes to be reasonable in this matter—

The Hon. T.H. Hemmings: As always!

The Hon. J.P. TRAINER: As always. We seek by that method to further adjourn this debate to ensure that any parliamentary inquiry is cost-effective. However, if we are forced into a vote on this matter, reluctantly we will be obliged to oppose the motion, despite our abhorrence of the drug trade, in order to ensure that any inquiry is conducted on a cost-effective basis. I seek leave to continue my remarks later.

The SPEAKER: Is leave granted?

The Hon. P.B. ARNOLD: No!

The SPEAKER: Leave is not granted.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. ARNOLD (Chaffey): I think this is a disgraceful situation. Obviously the Government has no position whatsoever in relation to this matter. My motion was for an open select committee. I did not specify whether it be of the Upper House or Lower House—it is for the Government to decide where it is to be carried out. Quite obviously the Government is not serious about the drug problem in South Australia. The Minister responsible for police and emergency services has failed even to enter the House; he has left it to a back-bencher to respond on behalf of the Government. I think it is an absolute disgrace, and it will be seen as such by the people of South Australia and—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. ARNOLD: The public of South Australia are sick and tired of the Government walking away from this problem. It will be a clear indication to the criminal element of South Australia that, as far as this Government is concerned, it is open go—open season in South Australia. We have seen just too much of this in this State and there has been little or no effort on the part of the Government to come to terms with this problem. I have said and I say again that it is an absolute disgrace that the Government has walked away from this and it is an absolutely clear indication to those involved in this illicit trade that they can go their merry way. I only hope that the electors of South Australia keep this in mind at the next State election.

The House divided on the motion:

Ayes (23)—Messrs Allison, Armitage, P.B. Arnold (teller), 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, Oswald, Such, Venning and Wotton.

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

The SPEAKER: There are 23 Ayes and 23 Noes. Before casting my vote, I would like to explain my position, as is my right. I agree in principle with the motion: I think the motion is correct. However, I am advised that, if this motion were carried, a select committee of this House would be set up automatically. As I am prepared to accept the undertaking that a select committee will be set up somewhere to investigate these matters, although that is dependent upon the findings of the other place, on this occasion I cast my vote in favour of the Noes, so the motion is negatived.

Motion thus negatived.

GLENELG CRIME

Adjourned debate on motion of Mr Oswald:

That this House concurs with the public statements expressed by the Glenelg council at the alarming increase in vandalism, graffiti, housebreaking, vehicle theft, consumption of alcohol in 'dry' areas and associated illegal activities taking place in the Glenelg area which is becoming extremely disturbing to the local community and visitors to the area, and calls on the Government to increase law enforcement by increased policing of the region and by the insistence on realistic penalties in the courts.

(Continued from 22 November. Page 2181.)

Mr FERGUSON (Henley Beach): I move:

Leave out all words after 'House' and insert:

notes the cooperation of local government with the State Government's crime prevention strategy including that of the Glenelg and other seaside councils in developing cooperative strategies to deal with vandalism, graffiti, housebreaking, vehicle theft and alcohol abuse. Further, this House notes with satisfaction the increased resources being allocated to the police and the support provided by the police to local community based crime prevention initiatives.

In moving my amendment I would like to extend my congratulations to the Glenelg council for the move it has made to cooperate with the crime prevention area and to accept a grant from that area to enable it to look at crime prevention in Glenelg. I understand from press releases of the council that it has already moved along this path and that, as a result of the crime prevention measures in that area, there has been some reduction in crime and vandalism.

The background behind my amendment is that we have moved into a law enforcement philosophy that is quite different from what we have seen thus far. South Australia spends more on criminal justice matters than the Australian average, and we recognise that transitional crime prevention measures must remain a corner-stone of the criminal justice system. We are looking closely at the issue of community crime prevention, and that is why the State has recently developed the Together Against Crime program, which is loosely based on overseas programs now in place in France, Italy and the United Kingdom.

The Hon. E.R. Goldsworthy interjecting:

Mr FERGUSON: It is based on the successful programs now taking place in France, Italy and the United Kingdom. They were devised by Mr Bonnemaison, the mayor of a community on the outskirts of Paris and a member of the French Parliament. The Bonnemaison system has taken into consideration the problems of youngsters in provincial France, in particular, those children and teenagers between the ages of seven and 17.

France has some greater crime problems than South Australia, in the sense that it has a large migration population of Algerian youngsters who have found themselves in difficulty in the French provincial areas. Because of a concentration of community based policing and the placing of a special emphasis on trying to assist youth in the various areas, the Bonnemaison system has worked in France. That system has depended upon interest being taken up by local government throughout France.

Some areas of local government have not been prepared to take up the challenge, and that is their right. But, where local government has taken up the challenge the results are there to be seen. In those areas where the Bonnemaison system has been adopted there has been an improvement in youth crime statistics. We are very early into this type

of program in South Australia. As far as I know, only the local government areas of Port Augusta, Glenelg, Henley Beach and Noarlunga have taken up this program. I am sorry that I omitted perhaps the most classic example, and that is the Woodville council, which has also been prepared to accept a grant from the crime prevention area to enable it to look at community policing.

Where the local police have been prepared to get involved in community policing, not only through the Neighbourhood Watch program but also through youth work, and they have come together with the community to move into these community-based programs, the results have started to come through. I commend the police for the very sterling effort that they have made with this youth work program. We can see where this program has already started to work in Hindley Street with the so-called 'street children', and I can only see good coming out of it.

Some amongst us believe that the only way to solve the problem of crime is to incarcerate as many youngsters as possible and to use the methods of countries that come down very harshly in relation to crime prevention. This method does not work, and it has not worked in countries where this system has been adopted. Any members of this House who suggest that, by putting a policeman on every street corner and incarcerating the youngsters who misbehave themselves, it will prevent crime are deluding themselves. Countries that have adopted this system of crime prevention have not been successful.

A classic example of a country which has a system based on police, courts and correction is the United States, and 30 of its States have a death penalty and an abundance of police, yet that does not appear to have affected the crime rate. There are more than a million people in gaol in the United States—a prison population equivalent to the population of Adelaide—and that is six times the imprisonment rate per capita in South Australia. So, the logic of those people who believe that we can reduce the crime rate by increasing the number of police, by imposing heavier penalties and by using more courts and the court system does not stand up to examination.

Mr S.G. Evans: You don't believe that it will have any effect?

Mr FERGUSON: I have had the privilege, by way of a study grant from this House, of visiting countries in the Middle East which have very draconian punishments for crime. In some of those places it is not unusual to see people who have had their hands cut off for misdemeanours that in this country would be considered relatively minor. One must look at the effect that this has had on the crime rate—and it has not affected the crime rate one iota. One glaring exception that people no doubt will point out to me is Singapore, where one in every six people is employed in some way or other in law enforcement, and the punishments are draconian.

I understand that in that country they hang at least one male a week, and they also hang females—although not quite so frequently—for misdemeanours. However, one must look at the society in which these people live. They have been prepared to accept rules that the average Australian would not be prepared to accept. No Australian family would be prepared to be told that it could have only two children and that, if it had more than two, it would be severely punished by the system.

No Australian family would be prepared to be told what size house it could live in. This is the sort of society that has been very successful in that area. It is a prosperous country, especially when compared with those around it, but it has the sort of regime that we in this country would not be prepared to accept. If there is a problem—

The Hon. E.R. Goldsworthy interjecting:

Mr FERGUSON: No, I do not think that the public would be prepared to accept it. From the way in which complaints are being made at the moment about the introduction of speed cameras, we can see that the average Australian is not prepared to accept that sort of regime. If we in South Australia were to try to impose the sorts of draconian punishments that are meted out to criminals in Singapore, it would not be long before people were manning the barricades.

In recent times the Attorney-General has introduced in this State a system called Together Against Crime. That scheme involves local councils (if they wish to become involved) as well as a broad cross-section of community groups. These organisations are made up of people who can play a vital role with the police in identifying the specific problems and ways in which they can be tackled in their own area. I believe that this is the way to go in involving local residents and local committees in crime prevention.

The Neighbourhood Watch program in South Australia has been an undoubted success. I might say that this was opposed by Opposition members, and well might the member for Albert Park remind us of those Opposition members who opposed the introduction of Neighbourhood Watch.

Dr Armitage interjecting:

Mr FERGUSON: The member for Adelaide—who, of course, has the advantage of being one of the Adelaide establishment—is interjecting. All he has to do is look back at *Hansard* to discover the Opposition members who actually opposed the introduction of Neighbourhood Watch. Members of your Party opposed in this place the introduction of Neighbourhood Watch.

The SPEAKER: Order! The member will refer to members not by the use of 'your' or 'you' but by their electorates, and he will direct his remarks to the Chair.

Mr FERGUSON: I beg your pardon Sir. I was being provoked by an interjection, and we know that interjections are totally out of order. Neighbourhood Watch in South Australia has been an undoubted success and in my area we have five Neighbourhood Watch organisations. We have now had the opportunity of seeing Neighbourhood Watch in operation for two or more years, and the statistics prove that there has been a reduction in the number of petty crimes in the areas covered by Neighbourhood Watch.

I have no doubt that we will hear from the Opposition, as and we have already heard from members on that side of the House, that we should bring in the most draconian crime prevention methods. They believe that they are on a popular course but when one examines what the result would be of introducing these draconian methods, one sees that they would need to take another track.

Time does not allow me to mention many of the other initiatives that have been taken by this Government in relation to crime prevention, but I hope that when we sort through the many Opposition motions on the Notice Paper dealing with crime prevention, they see what they are trying to do regarding the South Australian public and our youth. I hope that members opposite do not ruin many young lives by insisting on incarceration when better methods are available to us.

Mrs KOTZ secured the adjournment of the debate.

EMERGENCY SERVICES

Adjourned debate on motion of Hon. D.C. Wotton:

That this House urges the Government to more actively support the ethos of volunteering in emergency services to ensure the genuine participation of bodies representing the volunteer in the decision-making process and to provide essential equipment and appropriate training necessary to enable their duties to be carried out effectively.

(Continued from 22 November. Page 2182.)

Dr ARMITAGE (Adelaide): As is clear from the motion, this debate is about the ethos of volunteering in society and the support which ought to be provided for that. I am pleased to be speaking in this debate particularly given that one of my very earliest memories is that of my father and a number of his war compatriots heading off on the bus one Thursday morning to go to the Riverland to fill sandbags for the walls to stop the Murray River floods in 1956. Some people would say that society has altered since those days, when people would readily make efforts to help people in such a tangible fashion. Many people would say that that is a sad thing, and I believe that it is.

This motion relates particularly to volunteering in emergency services, which has the particular mark of the St John Ambulance, CFS, Neighbourhood Watch and other such organisations. However, I believe it is about more things than that; it is a philosophical argument we are talking about—whether society wishes to encourage self-sufficiency or whether one believes that the State will provide everything. If we are going down the road of the latter alternative, namely, that the State will provide everything (and I believe that that is the incorrect way to go), it will be an expensive consequence. In relation to emergency services and to encouraging volunteerism in that service, I will look first at the CFS. In country towns there are usually 10 to 15 hard core members who are supported by a group of others with limited training. A training officer is supplied by the office in Adelaide and people go to training and then pass it on to others.

That is an adequate method of doing it but, without further support of the ethos of volunteering, the Country Fire Service may well fail. If it does there will be no firefighting, because it is a fact of life that firefighting in the country areas is provided by the CFS. One may ask what constitutes a country area. I recall the situation that pertained not too many years ago when I was in general practice at Athelstone. Athelstone would be regarded as being close to the city these days. My practice was regularly interrupted by the CFS siren going, which was very close to my practice, and volunteers would run from everywhere. I fully applaud such a commitment to society.

It has been put to me by other members of the House that the Country Fire Service organisation within the more isolated country towns provides a camaraderie, particularly among male youths, who often may have no other opportunity to be involved in such community activities. It also provides training and further education for many of them, and it ought to be encouraged. In an effort to be completely non-sexist about these things, I point out that there are the same opportunities for the auxiliaries of the CFS to provide through their fundraising activities the same community input. They also are to be applauded; indeed, not only applauded but encouraged.

I now refer to the St John Ambulance organisation, which has been the subject of a long-term dispute between volunteers and paid staff. In my view, this particular scenario encapsulates the whole debate around this motion. As regards the volunteer component of the St John Ambulance service, the Government's record is indeed a sorry one. The unions have dictated to the Government what will happen in relation to the ambulance services in South Australia—and all South Australians are paying for that. In a number of instances, volunteer-run stations are closing. Ambulances are to be withdrawn from a number of stations as early as May.

Mrs Kotz: Modbury closes in March.

Dr ARMITAGE: Yes, Modbury closes on 1 March. Also, major changes are proposed for Port Adelaide.

Mr S.G. Evans: Blackwood, too.

Dr ARMITAGE: Yes, Blackwood is one of the ones to be withdrawn in May. The Aldinga volunteer station is to be taken over by one of the crews from Noarlunga. In other words, there is an insidious eating away of the volunteer service to the community by the paid staff—and we all pay for it.

Mr S.G. Evans: At huge cost.

Dr ARMITAGE: Yes, it is a huge cost. The costs are dramatically increasing. With the dramatically increased costs for the call-out of an ambulance to a motor vehicle accident, it is still unclear—and I have made many efforts to get firm information about this—what the effect of this will be on third party insurance. Not only will every South Australian pay through their third party insurance costs but also small community activities will not be able to afford to have ambulances in attendance.

We have already seen one example of this at the Willomurra rodeo, which got a lot of publicity recently, because there was no ambulance service at the event and one of the participants in the events was unfortunately gored. I believe that that episode has had a reasonably satisfactory outcome for the participant and I am glad of that. However, because of the insidious chipping away at the volunteer ethic by this Government, although volunteers are happy to make this sort of community effort for no cost—there would be the cost of the ambulance and petrol only—they are not allowed to go; they are not allowed to take the ambulance out of the station. Paid staff can go but many of the smaller community organisations simply cannot afford to pay for an ambulance service. So, the ambulance sits in the station while volunteers who have undergone many hours of training in their own time sit at home chafing at the bit, wondering why they are unable to provide their services.

This motion states that the Government ought to ensure the participation of bodies representing volunteers in the decision making processes. I can report that the volunteers, particularly the St John Ambulance volunteers, are so demoralised because of what has happened within the city that they will be unable to take part in the decision making process because, quite simply, none of them will be around. The Government is quite happy to utilise volunteer services in the country because it does not want to pay for that service, but it is not happy to see volunteers contributing as they wish to contribute in the city.

Finally, I refer to the Neighbourhood Watch scheme, which I believe is an excellent scheme and which I fully support. However, I point out that the Government support for this volunteer organisation, with its proven benefits, has unfortunately seen a two-year wait—at least, that is the waiting time for the establishment of Neighbourhood Watch in my electorate. I sent in a petition containing 800 signatures urging the setting up of Neighbourhood Watch in one area. Thus far there has been no action; there is a two-year wait.

However, I note that in the latest edition of the *City Messenger* the Premier has queue jumped an area of the city so that the volunteer Neighbourhood Watch scheme

will be set up there as soon as it can be organised. I am delighted that that is happening, but it is a typical cynical use of volunteers to provide a political solution. I fully support this motion on the basis that it requires resources and training to be put into the volunteers so that the pendulum that has been swinging back to further community involvement in society can be encouraged.

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

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

PETITION: RELIGIOUS INSTRUCTION

A petition signed by 144 residents of South Australia requesting that the House urge the Government to reintroduce religious instruction and allow school councils to adopt independent discipline policies in schools was presented by Mr Matthew.

Petition received.

MINISTERIAL STATEMENT: BOARDING ACCOMMODATION

The Hon. M.K. MAYES (Minister of Housing and Construction): I seek leave to make a statement.

Leave granted.

The Hon. M.K. MAYES: I wish to make a statement to the House concerning the review of boarding and lodging houses. The State Government has long recognised the need for maintaining stocks of low to medium cost rental accommodation in South Australia. It has therefore been with some concern that the Government has noted the decrease in the number of boarding and lodging establishments operating in metropolitan Adelaide over recent years. In order to assess the current state of play within the boarding and lodging sector, the State Government in 1987 approved funding under the International Year of Shelter for the Homeless (IYSH) to undertake a review of boarding and lodging accommodation in metropolitan Adelaide. The review was undertaken to obtain relevant information about the nature of boarding and lodging accommodation in Adelaide in the late 1980s as an initial step towards developing housing policies relating specifically to this form of tenure.

The final report of the review addressed a number of issues including the question of whether tenancy arrangements for boarders and lodgers should be protected through legislation as well as options available to the State Government to protect the dwindling supply of privately owned boarding and lodging stock. The report was released by the Government in 1989 for public comment. Based on the findings of the report and public submissions to the review, the State Government has now formulated a number of housing strategies aimed at assisting the ongoing development of the boarding and lodging sector and ensuring adequate protection of tenants' rights.

The Government will seek to increase public and community sector involvement in the provision of boarding and lodging accommodation by encouraging the purchase or reconstruction of boarding and lodging accommodation through: the South Australian Housing Trust's purchase/construction program; the local government and community housing program; the crisis accommodation program; the community tenancy scheme; and the development of a community-based management program for boarding and lodging stock through these programs. I will be recommending that the Government address issues concerning tenants' rights and standards in those boarding and lodging establishments which are exempt from the licensing provisions applying to supported residential facilities; and in particular that the current review of the Residential Tenancies Act should result in boarders and lodgers being given increased rights. These Government initiatives will ensure the maintenance of a small but viable boarding and lodging sector providing affordable accommodation for a wide variety of needs groups.

MINISTERIAL STATEMENT: HOMESTART MORTGAGES

The Hon. M.K. MAYES (Minister of Housing and Construction): I seek leave to make a statement.

Leave granted.

The Hon. M.K. MAYES: My statement results from a question by the member for Hayward regarding the valuation of loans transferred to SAFA. The transfer of loans from HomeStart Finance to SAFA involved both the HOME program, commonly known as the concessional loans, and the HomeStart Finance indexed mortgage portfolio. The HomeStart Finance indexed loans have been issued only over the past 18 months and since they are commercial loans they were transferred at face value.

Concessional loans have varying interest rates between 5 per cent and 13.5 per cent so it was necessary to present value the future funds flow of these loans in order to obtain their valuation. This valuation process occurred in the week beginning 4 February by SAFA and subsequently by HomeStart officers.

In addition, external auditors, Deloitte Ross Tohmatsu, confirmed on 14 February that the loan portfolio administered by HomeStart Finance with a face value of $1.114 billion had a market value of at least $970 million at 7 February 1991. HomeStart Finance does not have a static loan portfolio as new loans are being created each day and loans outside the valuation of $970 million will remain with HomeStart. Therefore, the valuation issue at the settlement date of 7 February is not paramount as long as there were sufficient assets to reach the $970 million set aside in a special deposit account at Treasury for the purposes of the State Bank.

The valuation was based on the balance sheet of HomeStart Finance at 31 January 1991, and the identification of the individual loans involved will be finalised as soon as possible. This will ensure that only $970 million of loans will be identified to be transferred with the balance remaining with HomeStart. There were no non-performing loans transferred to SAFA.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Occupational Health and Safety (Hon. R.J. Gregory)—

Occupational Health, Safety and Welfare Act 1986—Code of Practice for the Safe Erection of Structural Steelwork.

QUESTION TIME

STATE BANK

Mr D.S. BAKER (Leader of the Opposition): Does the Treasurer agree that establishing a royal commission into

the State Bank and its subsidiaries is a matter of urgency? If so, why has the Opposition heard nothing from the Government since our detailed eight page written submission on the terms of reference was delivered to the Government eight days ago? Has this procrastination anything to do with the Government's strategy to shift responsibility from the Treasurer to the bank board?

Members interjecting:

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

Mr D.S. BAKER: It has been suggested that the terms of reference will not be available for at least another week, which would make it nearly a month after the Government's agreeing to our call for a royal commission. I remind the Treasurer that the Opposition has received several reports of document shredding and tampering with records since the Government's royal commission announcement. Despite his and the Auditor-General's assurances that these records are now secure, the Premier should appreciate that only the impounding of the relevant documents by a royal commission will guarantee security.

The Hon. J.C. BANNON: I hope that, in relation to the security of documents, the Leader of the Opposition is making sure that all of his are appropriately in order and not being shredded, in view of the ready access to shredders that appears on his floor, in his office and elsewhere.

Members interjecting:

The SPEAKER: Order! The member for Albert Park. This tendency for a roar to come from the side of the Opposition when Ministers or the Premier answer questions will not be tolerated. I will pick the loudest voice and warn that honourable member at the next occurrence. The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker. In view of the supposed material that is there, I hope it is being well protected by the Leader of the Opposition from the frantic shredders in his office. To get back to the question, yes, I believe that the establishment of the royal commission is a matter of urgency, but I also believe it is a matter of complexity on which great care must be taken. I take the point—I know this point has been made to the Leader of the Opposition in many contexts, I would imagine, because it has certainly been made to me—that having an active trading institution, also the subject of the royal commission, imposes particular responsibilities on all those involved to protect the client base and business of that institution. That is a fact.

The Leader of the Opposition likes to take great credit for saying that he called for the royal commission. I recall the question that he asked in this place. It was not a call for a royal commission at all; it was—wrongly, as I understood later—framed as a genuine request to understand the best way of approaching this area and what the Government's intentions were. That was a totally proper question, and I treated it as a totally proper question. That was very foolish of me, I agree, because we found out afterwards that it was not a proper question: it was a stunt, a set-up. Already in another place a royal commission had been called for; already so-called terms of reference had been hastily cobbled together, and the stage was set.

In fact, instead of being allowed, as was the Government's intention, to develop answers to some of the complexities involved and the commercial sensitivities to which I have just referred and, I repeat again, of which the Leader must be well aware and chooses recklessly to ignore, we were put in the position of having to say, 'Yes, we will have a royal commission,' without having those things in place. The upshot of that is, of course, that, day by day the request comes for terms of reference and other details of the commission. The Attorney-General has made it clear—and he is in charge of this process, not me; he is consulting with the Crown Solicitor—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I warn the member for Bragg.

The Hon. J.C. BANNON: He is consulting with the Crown Solicitor, the Solicitor-General and others involved in this extremely complex matter, the complexities of which are well known to the Leader of the Opposition. That is what I find staggering about his question: as usual, it is a set-up, leaving unstated what he knows to be a fact. He has heard nothing, he says, since these detailed terms of reference were presented. Well, in company with his colleague the Hon. Mr Griffin in another place, he had a detailed discussion about the terms of reference of the royal commission. I understand that that was a useful discussion, but it was certainly understood by members of the Opposition that this was not a simple matter that their hastily put-together draft terms of reference could cover.

There is no way that the royal commission can be a political stunt. There is no way that we will have it set up in these outrageous circumstances by Opposition pressures. It will be done properly in accordance with the Act. The terms of reference will be clear; the commissioner will understand the brief and the sensitivity of that brief. The customer and client base of the bank will understand that their confidentiality will be protected. The Auditor-General's inquiry under section 25 of the State Bank Act will be integrated into that exercise. All these things have to be worked through very carefully. This will be no half-baked, half-cocked exercise—a political stunt. I know that the motives of the Opposition probably have nothing to do with the State Bank: it wants to settle some scores and to target me as Treasurer. That is fine; I will be happy to accept that, but—

Mr ALLISON: On a point of order, Mr Speaker, I may not be able to understand the roar coming from members opposite, but the Premier is imputing improper motives to the Leader of the Opposition.

The SPEAKER: Order! The honourable member will resume his seat. The Chair does not uphold that point of order, but I would ask the Premier to draw his response to a close.

Members interjecting:

The SPEAKER: I refer to members on both sides.

The Hon. J.C. BANNON: So, at the appropriate time, in the appropriate way, the terms of reference and the details of the commission will be announced.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. J.P. TRAINER (Walsh): Is the Premier in a position to provide the House with further details of the review of the operations of the SGIC, and can he assure the House that suggestions that this is an in-house review are unfounded?

The Hon. J.C. BANNON: Yes; I think, given some of the comments I have seen, there has been a misunderstanding of the nature of this exercise. It is certainly being conducted under the auspices of the Government Management Board as part of a progressive review of all Government business operations.

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C. BANNON: The member for Coles interjects and asks what they know about these things. I would

suggest that the honourable member wait and hear my answer, which is directed precisely to the point that she raises by way of interjection. During the last election, I announced that the Government would be progressively reviewing these operations. Earlier this year I asked Mr Brian Sallis, a well-known businessman who is currently Chairman of Advertiser newspapers, to join the Government Management Board, and he heads a sub-board that was established to oversee these reviews.

Last week, as again I have announced, I asked the Government Management Board to give priority in its program of reviews to examinations of financial institutions commencing with the SGIC. I wrote to the Chairman of the SGIC on 14 February advising him of that review. He immediately advised that the commission would cooperate fully. Let me come to the nub of the question.

To ensure a strong, independent contribution, the Chairman of the Government Management Board has invited Professor Scott Henderson of the School of Commerce, University of Adelaide, Mr Dick MacKay, former State Manager of the National Australia Bank, and Mr John Heard, a leading Adelaide accountant and consultant, to join the sub-board for the purposes of this exercise. Mr Bob Dahlenberg, former State Manager of the Shell company, is already a member of this sub-board, and Mr Heard will be taking a leading part in that SGIC review. That is the way in which it will be carried out and I think it must be clear that this is not an in-house exercise by public servants: we are calling on the assistance and resources of experienced and skilled private sector operators to do it.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is directed to the Treasurer. Are the dealings of the State Bank's 58 off balance sheet entities covered by the Government's indemnity, and what is the total size of the non-performing loans held by such entities? Under the indemnity document, the Treasurer has agreed to contribute taxpayers' money towards the losses of the group, where the group is defined as the bank and its subsidiaries as listed in the State Bank annual report of 30 June 1990. That list does not include off balance sheet companies like Kabani which have hundreds of millions of dollars in outstanding loans.

The Hon. J.C. BANNON: As I understand it, the liability to off balance sheet companies is shown on the actual accounts of the State Bank Group. I must admit, too, that I resent the description that the Deputy Leader has made of the steps that have been taken by the Government to safeguard the operations of our State Bank. It is a reckless and stupid way in which to characterise it, as we have just heard. The source of the indemnity funds has been properly identified and explained. The indemnity fund has been provided in order to reassure our community and ensure that a financial institution remains viable.

Members interjecting:

The Hon. J.C. BANNON: Well, the implications of not doing so—

Members interjecting:

The Hon. J.C. BANNON: It is not a question of selling them to the electorate. The implications of not doing so, as the Leader knows, would be catastrophic for our community. The fact is that we have measures in place for a viable trading entity. The Opposition seems determined to try to tear that down and cast question on it.

Members interjecting:

The SPEAKER: As the Chair has said before, the time that members are eating up is their Question Time.

LIBERAL HEALTH POLICY

Mrs HUTCHISON (Stuart): I direct my question to the Minister of Health. Over the past several days the Federal Leader of the Opposition has canvassed a health proposal which could eliminate Medicare and replace it with a private health insurance scheme to be supplemented by a voucher scheme for pensioners and the disadvantaged. Can the Minister inform the House of the consequences of such a change?

The Hon. D.J. HOPGOOD: In a word—drastic. One can better understand why it was that the Liberal Party in South Australia went to the poll last time without any written policy on health if this is the best—

Members interjecting:

The Hon. D.J. HOPGOOD: The member for Bragg claims it is not so, but he might ask the Royal Australian Nursing Federation about its attempts to get a written statement of policy from the Liberal Party. If there were any statement available, it was kept very securely under lock and key.

The Hon. J.C. Bannon: Are you sure it wasn't shredded?

The Hon. D.J. HOPGOOD: Maybe it was shredded. Perhaps there was early practice in shredding. After a good deal of toing and froing and messing around, apparently the best that the Federal Liberal Party can come up with is this voucher system.

The voucher system, if implemented, would move us in the direction of the American system, which does not provide cover for everyone and which is far more expensive than the Australian system, which is increasingly attracting interest around the globe. I remind members that the USA spends 11.2 per cent of its GDP on health, while Australia, with a far more satisfactory and more humane system, spends 8.1 per cent. Those who are advocates of saving money should not be looking at moving us to some sort of free market area such as the Americans have, under which not everyone is covered.

The Hon. Frank Blevins interjecting:

The Hon. D.J. HOPGOOD: That is the impression we get. If members of the Liberal Party in this State take issue with what their Federal colleagues are now seriously canvassing, let them get up now and deny it, and that will be the end of it: I will sit down and we will move on to the next question. We hear nothing but silence and the occasional smart-alec interjection. I do not want to go on too much in relation to this, but I was attracted to an article in the *Sydney Morning Herald* of 20 February by Mike Seccombe.

An honourable member interjecting:

The Hon. D.J. HOPGOOD: If the Leader of the Opposition is rather attracted to the editorial style of the *Sydney Morning Herald,* I am sure that he will listen to Mike Seccombe's 'From the Gallery' article with a great deal of respect. I will not read it all, but I remind the House that what Mr Seccombe is suggesting is that one of the reasons why the Federal Liberal Party goes through shadow health spokespeople like I go through socks is that it spends most of its time trying to defend the indefensible. In those circumstances you get some very strange arguments. How about this one! The journalist Matthew Abraham, a gentleman extremely well known in this town, of course, had what Mike Seccombe called the 'hapless' Dr Woods on his program. He asked the question:

Are you able to guarantee that no Australians will be financially worse off—

in the event that his policies were to be introduced. The article states:

> It was asked by Matthew Abraham on ABC morning radio in Canberra to the hapless Dr Woods, and the reply was gleefully repeated by the Minister for Health, Mr Howe, in Question Time:
>
> What we'd like to do is if people are worse off they're worse off by choice.

Mike Seccombe concludes:

> And so Dr Woods moved towards securing a place among the ranks of former health spokesmen.

The bulk of the Australian electorate is very warmly in favour of the Medicare system. It is not perfect, and that is why the Commonwealth has appointed a committee to look very closely at its future, but the general outline of the system is not in question. It will continue, and those who would seek to drag it down serve only to suffer the consequences.

STATE BANK

The Hon. D.C. WOTTON (Heysen): Will the Treasurer agree that a major part of the taxpayer funded assistance package to the State Bank has been made necessary by bank exposures in other States and overseas, and that South Australians are now required to cover losses that have nothing to do with South Australia; and will he now provide the information that the Opposition has been seeking for five months about the proportion of the bank's non-performing loans that are due to property and corporate exposures outside South Australia?

The Opposition originally sought this information during the Estimates Committees. Subsequently, the Treasurer advised in a written reply that the bank was compiling the information and would provide it when available. However, we are still waiting for a reply, which raises concern that the information is being deliberately concealed.

The Hon. J.C. BANNON: That is another nice little piece of innuendo. I guess that that is on a par with the information that has just been given to me that, without waiting for Question Time or for any further research, the Liberal Party is distributing press releases stating that there are doubts over the indemnity that has been provided to the State Bank. Their irresponsibility is very damaging.

Members interjecting:

The Hon. J.C. BANNON: If that is the sort of game that is being played, pity help South Australia.

Members interjecting:

The Hon. J.C. BANNON: I would hope that the Reserve Bank has something to say. The issue of the State Bank's operations outside South Australia have been canvassed and described on many occasions in this place and the honourable member has either not being listening or has not been interested in the past to understand it. There were very good reasons why those activities should take place. They have in fact yielded profits which have gone into our State finances in the past and the whole rationale behind that has been put completely on the table, it has been understood and explained, and it is a nonsense question that is wasting the time of this House.

Members interjecting:

The SPEAKER: Order!

PORT COSTS

Mr De LAINE (Price): Will the Minister of Marine advise the House of measures taken to lower port costs with a view to attracting more shipping trade to Port Adelaide?

The Hon. R.J. GREGORY: I am pleased that the member for Price has asked this question because—

An honourable member interjecting:

The SPEAKER: Order! The member for Alexandra is out of order. The Minister of Marine.

The Hon. R.J. GREGORY: As I said, I am very pleased that the member for Price has asked this question because the mission of the Port of Adelaide and the outports has been to capture as much cargo as possible in very difficult times. It has meant that the ports have to become more cost effective, productivity has to be improved and we have to be able to ensure consistently high quality of the port and maritime services available to industry when required. The department also has to be able to make a significant contribution to the economic health of this State.

Economic necessity is driving the Department of Marine and Harbors' restructuring as a public sector business enterprise to provide these services on a commercially competitive basis. These outcomes are being achieved through commercial reforms. The department has restructured into business units as of February 1990. Decision making has been decentralised to establish accountability for business performance in each division. A new financial charter under which the department is self-financing has also been established.

The department's work force numbers have been reduced by over 20 per cent in the past four years and there will be further reductions in the future. The costs of provision and charges for the department's various port services are now being examined in detail in order to drive costs down to the lowest possible levels. Substantial price restraint has also been exercised.

Since 1986, the department has maintained a policy of holding price increases to substantially less than the change in CPI. Increases in the real money value of charges represent an overall decrease of 20 per cent over this period.

STATE BANK

Mr INGERSON (Bragg): Did the Treasurer approve of the State Bank's reduction in lending for housing in the six months to December 1990 at the same time as other bank lending increased by over $1 billion? Tables in the *Reserve Bank Bulletin* show that SBSA's housing lending fell from $1.663 billion in June 1990 to $1.553 billion in December 1990 while other bank lending increased from $6.775 billion to $7.838 billion.

The Hon. J.C. BANNON: It is not my role to approve particular shares of business of the State Bank. However, under its legislation the bank has a charter for housing, which it has fulfilled magnificently. In fact, the only time the State Bank showed some reduction in housing funds availability was when it was concerned that it had far too great a share of the overall housing market. It has consistently been so far ahead of any other institution in terms of its share of the housing market that at times its ratio has gone to a level that the bank would conclude was not healthy in terms of the comparative financial availability.

State Bank housing loans have been made available at the most competitive rates to the widest range of South Australians. Over the years many hundreds of thousands have taken advantage of those State Bank loans, and adjustments to the rate of lending would depend not only on demand but also on a proper and prudent approach to the share that the State Bank had—a very high share indeed—of overall housing loans.

WEST BEACH

Mr HAMILTON (Albert Park): Will the Minister of Housing and Construction advise the nature of the construction work being undertaken along the beachfront at West Beach and why the beachfront has been blocked off? This morning I received an inquiry at my electorate office from a Semaphore Park resident, asking whether beach users will continue to have beach access along this stretch of beach.

The Hon. M.K. MAYES: I thank the honourable member for his question. He is obviously interested in what is happening along the foreshore and, of course, his constituents no doubt constantly use the foreshore, particularly in that area. In fact, many South Australians use that location for sailing and other aquatic activities. The project referred to by the honourable member involves a Department of Fisheries water intake system. I have had something to do with that project and my colleague the Minister of Fisheries obviously has a very keen interest in this because it is a very important intake for the maintenance of a water supply to the research facilities at West Beach and also for several private research projects being undertaken at the same location.

We are looking at some very important developments and I am sure my colleague, given the opportunity, would be more than happy to elaborate and bring to the attention of the community those aquaculture research programs that are being developed for South Australian industry. This has been an important development because the technology involved is really pitting modern engineering works against nature and the forces of nature. So often over the years we have seen our coastal strip subjected to some fairly severe forces of nature, and in recent times that particular area has been battered pretty heavily by coastal storms. As a consequence, the old intake system was heavily damaged on several occasions and, during my time as Minister of Fisheries, this led to the construction of temporary arrangements for the research programs being conducted at the research station at West Beach. Accordingly, Cabinet and the Government have approved the construction of a new intake system, which will go 1.5 km offshore and will provide a very reliable seawater source for our research station.

Not that long ago the whole construction project was subjected to a fairly vigorous storm, which caused some damage and, of course, slowed down the construction process. The honourable member can assure his constituents that it is a project of vital importance to the South Australian fishing industry and, of course, to the South Australian economy. From time to time we have had—and I am sure my colleague has seen this in his time as Minister—several occasions when an alternative intake system had to be rigged up because the old system had suffered storm damage.

In terms of the beachfront (the honourable member particularly wanted this point addressed), SACON officers who are managing the construction of the project assured me that not only will the beachfront be returned for the use of the public when the project is completed but also that there will be an enhancement as there will be a return of the coastal sand dunes and replenishment of the vegetation cover. That maintenance and revegetation program will occur over two years, resulting in the full use of those coastal areas and beachfront being returned to the public.

The only obvious indicator of the installation of this major intake system for the research station will be a navigational marker for boats so that the boating community is aware of it. That marker, 1.5 km offshore, will be the only obvious sign of an intake pipe. The project is progressing successfully. The return of the sand dunes and the revegetation process should be completed in September or October this year, subject to the severity of winter this year, as any severe storms may affect the program.

Mr BECKER: How much longer will we permit in this House answers to Questions on Notice to be rephrased in a manner whereby the—

The SPEAKER: Order! When the honourable member wishes to take a point of order he does not get up and make a speech beforehand. The honourable member has been here for a long time and should be well aware of Standing Orders. If he has a point of order, he makes the point of order. The member for Hanson.

Mr BECKER: The point of order is that I ask for how much longer we have to put up with answers—

The SPEAKER: Order! I ask the honourable member to resume his seat. There is no judgment by the Speaker or the Chair on how much longer we have to wait—what is the point of order?

Mr BECKER: I refer to Question on Notice No. 481. The answer that has just been given by the Minister partially covers that question.

Members interjecting:

The SPEAKER: Order! There is no possibility of the Chair ruling on a point of order after the action has taken place. The question is on notice and the honourable member should have raised his point of order when the question was asked. Neither the question nor the answer can be retracted. Under Standing Orders points of order must be taken at the time.

STATE BANK

Mrs KOTZ (Newland): My question is to the Treasurer. Will it be as early as this weekend that the Government makes changes to the State Bank Board? As the terms of five of the eight board members still have more than two years to run, with one, Mr Bert Prowse, not due to expire until July 1995, how will these changes be made? Do board members intend to resign or is the Government seeking resignations?

The Hon. J.C. BANNON: That is a repeat of a question that an honourable member asked yesterday. If the honourable member missed the answer—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! The honourable member for Kavel is out of order, and I remind him that it is the second time that the Chair has called him to order. I remind the House that the Chair will not put up with any more interruptions.

The Hon. J.C. BANNON: I am happy to respond. The honourable member is no doubt electrified into asking this question because of certain articles that appeared in this morning's press. Again, they were only a gloss on what I have already said.

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order! I call the member for Coles to order.

The Hon. J.C. BANNON: After all, it is less than two weeks since the indemnity package was established and the size of the problem of the State Bank was announced. In that period, I have said, the question of the board is in recess, as it were, while the board gets on with its primary task, which is ensuring that the indemnity package is settled into place and the arrangements are put into place for the bank to trade on. That is being done, but I have also said that there will be progressive changes to the board. How that is effected is a matter for discussion between me and the board. There is no question but that at the appropriate

time decisions will be made on that matter and they will be announced. It will be done in discussion between me, the board Chairman and the board. The way in which resignations—changes—take place has yet to be determined and will be announced when they do.

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order! I warn the House that the next interjector will be named.

UNIVERSITY STUDENTS

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Employment and Further Education outline to the House the expected number of students who will not be able to gain a place at one of South Australia's universities this year? Reports earlier this year indicated that a third of university hopefuls had failed to get a place this year and that at least 10 000 potential university students will not be offered a place in a South Australian university this year, according to the South Australian Tertiary Admissions Centre. Will the Minister outline what the position is likely to be?

The Hon. M.D. RANN: Certainly, a few weeks ago I was most puzzled to read newspaper headlines declaring that a third of uni hopefuls in South Australia fail to get places. The article stated, as the honourable member indicated:

> At least 10 000 potential university students will not be offered a place in a South Australian university this year, according to the South Australian Tertiary Admissions Centre (SATAC).

This is a considerable simplification, if not a distortion, of the position as advised by SATAC.

The total number of applicants to SATAC includes a large number who will simply not qualify for admission to any course. Applications are lodged well before SSABSA examinations are even taken. The difference between the gross number of applicants and the number of available places—about 10 000—is similar to that in recent years. But in recent years the level of true unmet demand—that is, the reality of the situation; those who qualified for a place but did not receive an offer—has been estimated to be between 1 200 and 2 000, that is, of the order of 5 per cent, not 33⅓ per cent.

At this stage we anticipate that the situation in 1991 is much the same as in recent years; that is, the level of unmet demand will be of the order of 5 per cent. However, I am pleased to inform the House that an extra 935 places have been obtained for the year because of our negotiations with the Federal Government. This will go some way towards ensuring that unmet demand does not increase. It must be realised that students are still enrolling at universities and it will not be known fully who has failed to gain a place for some little time. We expect that the Australian Vice Chancellors Committee will conduct a survey of unmet demand in about April (as in previous years) and will be looking at the position in more detail at that time.

STATE BANK

The Hon. JENNIFER CASHMORE (Coles): My question is directed to the Premier as Treasurer. I ask him—

Members interjecting:

The SPEAKER: Order! The member for Coles will resume her seat. It seems to me that the House wants to direct the Chair on the action to be taken. Let me tell members that it will not, unless it is under the Standing Orders. If anyone has an objection to the Chair, there is a standard procedure. If not, the Chair will direct this Chamber at its wish. The member for Coles.

The Hon. JENNIFER CASHMORE: I ask the Treasurer: how many members of the State Bank Board does he intend to use as sacrificial lambs by sacking them in order to cover up his own culpability?

The Hon. J.C. BANNON: None.

The Hon. Jennifer Cashmore: You are dishonest.

The SPEAKER: I name the member for Coles. The Chair has during this week warned the House on many occasions. Earlier today I warned the House, and the member for Coles was well aware of that and indeed had been warned previously, and the action taken is well within Standing Orders. Does the member for Coles wish to make an explanation?

The Hon. JENNIFER CASHMORE: Mr Speaker, it has been beyond human endurance to sit here during the past two weeks and listen to the Premier evade and dismiss questions which are legitimate and which should be answered by him as Premier. I have not been able to remain silent after two years of questioning the Premier and raising these issues. If I as a private member of Parliament was able to see what was happening with the State Bank and the Premier, with all the resources of the Treasury, the board of the bank and the Public Service at his disposal could not see. I believe he deserves to be called to account.

The SPEAKER: Order! I will call the honourable member's attention to the point that she must make to the Chair; she must justify her actions in this Chamber. The points that the honourable member raised are not within the jurisdiction of the Chair. The Chair can only apply the Standing Orders. The honourable member did contravene an instruction of the Chair and she offended the Standing Orders, and that is what she should approach.

The Hon. JENNIFER CASHMORE: Mr Speaker, with the greatest respect to you, I have no quarrel with the Chair: my quarrel is with the Premier and the way he has refused to answer questions honestly and in the public interest, and I have been unable to sit silent while this has been occurring day after day and week after week. If I have transgressed against the Chair—

The Hon. D.J. HOPGOOD: On a point of order, Mr Speaker, the honourable member is now defying the advice that you just gave her.

Members interjecting:

The SPEAKER: Order! I do accept the point of order, because I did give specific information to the honourable member. The actions of the Premier or any member of this House are under the control of the Chair only as regards Standing Orders. Whatever members' personal opinions of the actions of Ministers or the Premier, that is their business, but the honourable member did defy a decision of the Chair, and that is what I wish she would approach. If the honourable member cannot explain her actions to the Chair, action will have to be taken.

The Hon. JENNIFER CASHMORE: It was not my intention or my wish to defy the Chair: I have the utmost respect for the Chair. I was provoked beyond endurance by the Premier's refusal to answer questions honestly, and it was that which prompted what was obviously a response that was not acceptable to the Chair. I cannot withdraw my allegation that the Premier has behaved dishonestly, because I believe it to be true.

The SPEAKER: Order! That is not the concern of the Chair. On this occasion I feel that the Chair cannot accept the explanation put forward. I believe it was explained very clearly to the House that action would be taken, and that

was totally disregarded and ignored by the action of the honourable member.

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

That the honourable member's explanation be accepted by the House.

With all due deference to you, Mr Speaker, this has been two weeks of high drama and we have not had the benefit of answers from the Premier. I remind the House that the member for Coles has undertaken her duties over the past 13 years with a degree of diligence that is rarely seen in this House, and she has had an unblemished record as far as this House has been concerned. After 13 or so years I would expect that there would be—

The SPEAKER: Order! I cannot accept what the honourable member is saying because it has no relevance to the actions of the member for Coles in this case. The honourable member's previous record is a matter of record and I endorse what the Deputy Leader is saying. However, on this occasion a very clear warning from the Chair was disregarded, and the discipline of the House is at risk. If the honourable member does wish to contribute, the remarks must be relevant to her disregarding of the instruction of the Chair.

Mr S.J. BAKER: I was simply explaining to you, Sir, that it takes a great deal to get the member for Coles into a situation such as this, given her previous record. The member for Coles and every member on this side of the House, and indeed 1.5 million South Australians, have been provoked for the past two weeks by the Premier's performance. It has tested the mettle of every member of Parliament to have to sit in this House while the Premier has ducked and weaved and failed to answer questions—

The SPEAKER: Again, the honourable member is digressing from the point. Unless he keeps his statements relevant to the naming of the member in contempt of a decision of the Chair, I am afraid I must withdraw the Speaker's permission.

Mr S.J. BAKER: Thank you, Sir. Again, I ask your indulgence. I was explaining to the Chair the provocation involved—the provocation that we have had to put up with over the past two weeks and the provocation that the member for Coles has had to put up with in attempting to galvanise the Premier into action on behalf of this State. I am trying to explain the extraordinary circumstances in which this has happened. Further, I would add that it is a testing of the Parliament for you to provide a blanket ban, if you like, on all interjections when, indeed—and this is no reflection on you, Sir—in the circumstance, I believe it is important that this House express its opinions.

I understand that you have been attempting at all times to keep order. But, Sir, the central question really must be whether indeed the Premier has been performing and has done justice to this House. I do not believe he has, and that is why the member for Coles breached the order that you made. I ask that the House to accept the explanation of the member for Coles.

The Hon. D.J. HOPGOOD (Deputy Premier): Mr Speaker, I find myself in an interesting situation, because I know what is going on. This is a setup: there is no doubt about that.

Members interjecting:

The SPEAKER: Order!

The Hon. JENNIFER CASHMORE: Mr Speaker, I rise on a point of order.

The SPEAKER: The honourable member will resume her seat. I want absolute silence here. I am having trouble hearing the comments made, and the same rule applies: if there is any interruption while a statement is being made, there will be another naming in this Chamber. The honourable member for Coles.

The Hon. JENNIFER CASHMORE: Mr Speaker, the Deputy Premier has just imputed improper motives to me which I totally reject and I believe he has no grounds whatsoever for saying what he just said. I deeply resent it and I ask him to withdraw.

Members interjecting:

The SPEAKER: Order! The Chair has difficulty in assessing the point of order. The word 'setup' had no reference to the member specifically—

Members interjecting:

The SPEAKER: Order! If there is any connection to the member, I will call for a withdrawal. However, by making a blanket statement, 'This is a setup', I defy anyone in this Chamber to pin it to anything. I would ask the Minister to be very careful in making any following statements.

The Hon. D.J. HOPGOOD: I am only too happy to do so. I believe that the honourable member is in breach of Standing Order 127 in relation to the statement she made by way of interjection about the Premier, which is the subject of her being named. I do not want to press that matter any further, except just to remind the House that Standing Order 127 provides:

A member may not—

1.—

that is not altogether relevant—

2. or impute improper motives to any other member.

I just wonder what the honourable member was doing by way of the interjection if she was not—

Mr S.J. BAKER: Mr Speaker, I rise on a point of order. I understood your ruling was based on the fact that the honourable member had defied your order and had interjected, and that it was not the nature of the interjection.

The SPEAKER: That is correct. The question before the Chair is that the explanation now be accepted.

The Hon. D.J. HOPGOOD: I am happy to accept the support of the Opposition in this respect. I am happy to move away from the substance of the interjection and simply make the point that the interjection was made after a warning; after you, Sir, as I recall, had said that the next interjection will bring some sort of—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! This is a very serious situation. We have a member of long standing, an honourable and creditable member of this House, now facing suspension from this Chamber. I believe that every honourable member here must pay due respect to the seriousness of this matter and to the honourable member concerned. Again, that blanket warning, whatever may have been said about it, applies. If I cannot hear the speaker, the naming will apply to someone else.

The Hon. D.J. HOPGOOD: I direct myself to the *gravamen* of the honourable member's remarks in support of her position. She said that she had been goaded beyond her capacity to take it in relation to answers that she had received in this House. You, Sir, reminded the honourable member and the House that that has nothing whatsoever to do with Standing Orders or, indeed, the way in which you administer and interpret those Standing Orders. That is absolutely spot on. The honourable member has been here for a long, long time. We all accept that from time to time we are provoked in one way or another by some of the things that happen.

In some cases it is only reasonable that we would regard it as provocation; sometimes it is totally unreasonable, but to breach Standing Orders suggests that some of us have not learned the lessons of all the years we have been here. If you cannot take the heat, you get out of the kitchen. That is really it; otherwise this place simply degenerates into a bear pit. Day after day we have sat here and heard members of the Opposition trying to howl down the Premier in the answers that he has given. I am blowed if I know how sometimes the member for Coles is able to draw any conclusions about the answers from the Premier, because it is a wonder that she can hear them.

That behaviour is simply intolerable. What does a person in your position do, Sir? He quite reasonably warns people when they have transgressed a number of times and then, if the transgression occurs again, the ultimate penalty must be paid. If you, Sir, were to back away from that, you would lose all control of this place. I must say that from time to time I have seen that happen over 20 years, going right back to the 1970s, when threats and warnings have been given from the Chair and, because they have not been carried out, the Chair has lost control and, therefore, the proper functioning of the House has suffered. There is no alternative for this place but to support the ruling that you have given, and I urge the House to do so.

The House divided on the motion:

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

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

The SPEAKER: There being 23 Ayes and 23 Noes, I cast my vote for the Noes.

Motion thus negatived.

The SPEAKER: I ask the honourable member for Coles to withdraw from the Chamber.

The honourable member for Coles having withdrawn from the Chamber:

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

That the honourable member for Coles be suspended from the sittings of the House.

Motion carried.

SOUTH AUSTRALIAN COOPERATIVE BULK HANDLING LIMITED

Mr ATKINSON (Spence): Has the Minister of Marine considered a bid by the South Australian Cooperative Bulk Handling Limited to operate grain loading belts now worked by the Department of Marine and Harbors? In the annual report of the South Australian Cooperative Bulk Handling Limited the Chairman, Mr J.K. Clift, says:

South Australia's grain handling system is unique because we are the only State in which a Government department acts as an intermediary between the grain terminal and the ship.

Mr Clift says that the current arrangements cause duplication and therefore add to costs.

Members interjecting:

The Hon. R.J. GREGORY: I thank the honourable member for his question. I notice that the member for Goyder interjects, but I did not hear what he said. I think he will understand the information I will give to the House about the operation of the bulk handling plant by the Department of Marine and Harbors, which has been very beneficial to the grain growers of South Australia. I know that the Liberal Party has a policy of wanting to sell the grain ports. However, I draw to the attention of the House information contained in appendix 2, table 3 of the annual report of the Australian Wheat Board, which refers to the 1989-90 average pool payments by State.

The table shows that the ASW post-harvest payments in all States was $170.80 per tonne. The table goes on to show that the net post-harvest payment to grain growers in New South Wales was $118.65 a tonne; in Victoria, $125.42 a tonne; in Western Australia, $140.76 a tonne; in Queensland, $129.94 a tonne; and in South Australia, $144.49 a tonne. The reason for this is that the Department of Marine and Harbors in South Australia operates six bulk loading terminals for grain. I have made it quite clear to the bulk handling cooperative that the Department of Marine and Harbors has the ability to manage those ports extremely well.

In New South Wales there are only two loading terminals and the wheat has to be dragged through the whole of the State. In South Australia the department has seen fit to designate six loading ports at the most appropriate places so that wheat growers incur the least cost. When one then looks at the costs incurred in each port, and if one subtracts the travelling costs, one finds that in New South Wales the port costs are $25.78 a tonne; in Victoria, $25.80 a tonne; in Western Australia, $26.19 a tonne; in Queensland, $23.68 a tonne; and in South Australia, $19.70 a tonne. I would think that that in itself is a vote of confidence for the Department of Marine and Harbors.

I suggest that, if the Liberal Party were to sell off this very profitable concern, it would be removing a considerable sum of money from Treasury, and the Liberal Party knows that. The Opposition wants to give away assets that have been developed by the people of South Australia for hundreds of years. We have a very efficient port system that has benefited grain growers in South Australia considerably when compared to the facilities in other States.

PERSONAL EXPLANATION: QUESTIONS

Mr BECKER (Hanson): I seek leave to make a personal explanation.

Leave granted.

Mr BECKER: The reason I took a point of order this afternoon during Question Time in relation to a question from the member for Albert Park and the answer given by the Minister of Housing and Construction concerning the construction of a new sea water inlet pipe at West Beach is that, without having a supplementary notice paper on our desks, it is not always easy to recall a question on notice—in this case, the question was No. 481—which could be affected by the question and/or answer. It was not until the answer was given that it was clear that the answer skirted around my question on notice. I point out that this has happened on other occasions in the past. I raised the point of order merely to seek from you, Sir, a ruling about whether questions on notice entirely rule out answers that are sought in this House. It is not always easy—

The SPEAKER: Order! A personal explanation cannot request actions of any member and cannot request any action from the Chair. A personal explanation must be pertinent and all comments must relate to the explanation the honourable member is making or the issue creating the explanation. I ask the member to remember that a personal

explanation is just that; it is not a vehicle for making a request of anyone.

Mr BECKER: In making this personal explanation I am explaining why I raised the point of order and what I was attempting to seek from you, Sir. I hope that my taking a point of order at that time will lead to—

The SPEAKER: Order! The honourable member is now stretching the Standing Orders. He has made his personal explanation.

Mr BECKER: I am only explaining why I raised the point of order: I believed that the question, but more so the answer, dealt with issues that I raised in question on notice No. 481.

The SPEAKER: Order! The honourable member has fully explained the point.

INDUSTRIAL CONCILIATION AND ARBITRATION (COMMONWEALTH PROVISIONS) AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act 1972; to repeal the Public Service Arbitration Act 1972; to repeal the Public Service Arbitration Act 1968; and to make related amendments to the Education Act 1972 and the Technical and Further Education Act 1976. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Australia is currently undergoing a period of fundamental change. At the centre of those changes are the major reforms occurring in our industrial relations system at the national level.

While South Australia's outstanding industrial relations performance is on the record and is nationally acknowledged, there can be no complacency about the continuation of that record in the face of the international competitive pressures facing South Australia and the nation as a whole. The challenge of providing a suitable legislative framework which supports and encourages the national agenda for reform, is more urgent now than it has ever been. It is essential that Government, employers and workers be partners in achieving that reform quickly, fairly and with the minimum of industrial friction.

The capacity for trade unions to constructively participate in the reform process depends to a crucial degree on the relevance of their structure. The need for a more rational union structure at the national level has been recognised and appreciated for some time now by almost all involved in industrial relations. It has been emphasised in numerous economic reports to Government that the current multiplicity of unions is an impediment to industrial and economic efficiency.

The union movement itself recognises that there is a need for its rationalisation along broad industry lines and that the process of reform should not be unduly complicated by unnecessary administrative hurdles.

The Federal Government has gone a long way towards developing a national industrial relations system which can more effectively respond to the needs of our times.

Most notable in its achievements has been the passage of the new Commonwealth Industrial Relations Act 1988. Amongst many things, this milestone piece of legislation has laid the ground work for a more integrated and effective relationship between the Commonwealth and State industrial systems and improved mechanisms for the rationalisation of Australia's trade union structure.

The major thrust of the proposed measures contained in this Bill is the reform of South Australia's industrial relations system in order to complement the Federal Act, particularly in respect of the greater coordination of the State and Federal arbitral authorities and the rationalisation of the union structure in this country.

The main provisions of the Bill's complementary elements are:

- provision for State and Commonwealth commission members and inspectors to exercise concurrent powers under the State and Federal Industrial Relations Acts;
- the adjustment of various definitions in the Act, and commission powers and procedures to provide greater uniformity in the operation of the two Acts and to facilitate the exercise of concurrent powers;
- the abolition of specialist tribunals and committees and the transfer of their functions to the commission;
- complementary registration arrangements for the recognition (but not incorporation) of federally registered organisations within the State jurisdiction.

Proposals in this Bill for concurrent appointments of commissioners and inspectors will result in the State and Federal Governments both being able to utilise their resources in more effective and efficient ways. As well, it will facilitate simpler procedures for dealing with industrial disputes which have overlapping effects in both jurisdictions, for example, in industries which have both State and Federal awards.

These issues are of particular importance in South Australia, where approximately half of the work force is covered by State awards and half by Federal awards.

As a complement to concurrent appointments, it is necessary to amend a number of definitions, and commission powers and procedures in the State Act in order to establish greater uniformity in the operation of the two commissions. Clearly the exercise of concurrent powers would be made more effective by a greater degree of uniformity between the two Acts.

Accordingly, definitions to be brought into line with the Federal Act include:

- demarcation dispute;
- industry; and
- business.

Powers and procedures to be amended to provide for uniformity include:

- requirement to encourage dispute settlement procedures;
- requirement for the commission to have regard to the provisions of the Equal Opportunity Act South Australia 1984;
- power to make a provisional award;
- power to grant preference to members of registered associations;
- conditions for legal representation before the commission;
- procedure for dealing with summons and evidence;
- appeal procedures;
- power for the Minister to initiate a review of awards or decisions on the grounds of public interest;
- provision for the establishment of industry consultative councils;

- conditions for the establishment of the state of mind of a body corporate in relation to particular conduct. This is relevant in actions relating to underpayment of wages.

Further complementary provisions provide for:

- regular consultation between the State and Federal commission;
- the holding of regular conferences of commissioners of the State commission;
- change of name of the Act;
- requirement for commissioners to disclose interests; and
- procedures for the rescission of obsolete awards.

The Federal Act does not make provision for specialist tribunals or committees with powers independent of the commission.

Again to ensure uniformity and to facilitate the exercise of concurrent powers the Bill provides for the abolition of conciliation committees, the Teachers' Salaries Board and repeal of the Public Service Arbitration Act.

The final area of complementary provisions concerns the registration arrangements for associations. In this, the Bill has two major aims.

First, to provide registration arrangements for federally registered associations which will more appropriately complement the Federal Act. In particular, the Bill provides for a recognition of such bodies without conferring incorporation, and as such prevents 'dual incorporation' 'Moore/Doyle' problems.

Secondly, to ensure that any registration, amalgamation or rule change for associations under the State Act will support, and not be inconsistent with, the process of rationalisation of associations that is occurring at the national level.

The Government strongly supports the process of rationalisation that is taking place within Australia's trade union structures but acknowledges that the principal decisions in this area should properly occur at the national level.

As a consequence, this Bill is supportive of that national process of rationalisation by providing for:

- guidelines on the registration, amalgamation or rule change for an association, which require the commission to have regard to the principles of any relevant awards or decisions of the Commonwealth commission. These guidelines will provide a complementary link between the two commissions, and so assist with the orderly passage to a more rational national union structure;
- revised provisions for locally based associations including:
  - an increase to the minimum size for associations seeking registration;
  - streamlined provisions for amalgamations;
  - provision for the holding of office for a term after amalgamation;
  - simplified provisions for registered associations to change their name;
  - associations to be able to use funds to promote amalgamations;
  - commission powers to change rules as an alternative to deregistration.

Other Amendments

The Bill also makes a number of other amendments which fine-tune existing provisions or are of a technical nature, and includes appropriate transitional provisions.

The major additional amendments deal with:

1. Jurisdiction of the court. The Bill expands the jurisdiction to deal with claims for underpayment of wages arising out of all contracts of employment, including contracts of employment in award-free areas. Workers in award-free areas already operate at a disadvantage and it is only just that they have access to this low cost and expeditious avenue for recovering unpaid or underpaid wages that workers covered by awards have access to.

The Bill also includes a provision for underpayment claims relating to employment based superannuation. This is a major area of non-payment, and because of its special nature requires separate provisions tailored to cover the circumstances that could arise in relation to such claims.

2. Unfair dismissals. Because of backlogs being created by lengthy cases involving senior management and other high salaried occupations, it is proposed to place a limit on access to this provision by excluding applications from employees whose remuneration is not governed by an award and exceeds $65 000 per annum.

3. Industrial agreements. The Bill precludes unregistered associations from being able to register future industrial agreements. This is consistent with the provisions of the Federal Act and the encouragement of the rationalisation of the number of registered associations.

4. Limitations of action in tort. It is proposed to stop actions to recover damages for economic loss within the State jurisdiction, in cases which have been declared to be resolved by the full bench of the commission. The current provision restricts the taking of tort actions but an aggrieved employer can still subsequently seek damages, even though the dispute has been resolved.

5. *Industrial Gazette.* The Bill discontinues this method of publicising relevant awards and decisions and replaces it with notice (via) a daily State newspaper.

6. Applications to the commission. To support the activities of registered associations, it is proposed to increase the minimum requirement that must be met before an employer or group of employees can lodge an application, from 20 employees to 200 employees.

7. Punishment for contempt. The Bill expands the powers of the court and commission to deal with contempt in relation to interlocutory orders or orders (not being on order for payment of money) to do, or refrain from, a particular act. This matter was raised by the South Australian Industrial Court and Commission which expressed concern at the failure of parties to comply with requests for further and better particulars and orders for discovery of documents, etc., particularly in cases of wrongful dismissal.

In summary, the Bill is primarily concerned with two major objects: the development of a closer and more effective relationship between the Federal and State Industrial Commissions, and the establishment of a complementary legislative framework which will facilitate orderly progress towards a more rational union structure at the national level.

These are important national objectives which the State must support if our industrial relations system is to remain relevant to meet the challenge of the 1990s. I accordingly commend the Bill to the House.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides for a new short title for the principal Act, being the Industrial Relations Act (SA) 1972.

Clause 4 inserts two new paragraphs relating to associations into the objects clause of the Act.

Clause 5 relates to the various definitions used in the Act. A new definition of 'association' is to be inserted. A 'demarcation dispute', as defined, is to be included in the definition of 'industrial matter'. The definition of 'industry' is to be

made consistent with the Commonwealth Act. References to conciliation committees are to be deleted.

Clause 6 relates to the jurisdiction of the Industrial Court under section 15 of the Act. The Industrial Court will be entitled to hear and determine a claim for a sum due between an employee and employer under the Act, an award, an industrial agreement or a contract of employment. (The Act presently refers to claims under the Act or pursuant to a contract governed by an award or industrial agreement.) The Industrial Court will also be given jurisdiction to hear and determine claims relating to superannuation.

Clause 7 relates to the office of commissioner. The amendments will allow the Governor to appoint a commissioner on a part-time basis, or for a specified term. A commissioner will not be entitled, without the consent of the Minister, to engage in remunerative work outside the duties of his or her office. A commissioner will not be entitled to be a member of a registered association. A new provision will address the ability of the Governor to remove a commissioner from office.

Clause 8 will enable a commissioner to be appointed as a member of another industrial authority so as to hold concurrent offices. Equally, a member of another industrial authority will be entitled to be appointed as a commissioner under the State Act. The extent to which a commissioner will be able to act in the concurrent office will be determined by agreement between the President and the head of the other industrial authority.

Clause 9 will require a commissioner to disclose any interest that he or she may have in proceedings and will provide for the withdrawal of the commissioner if the President so directs or a party to the proceedings does not consent to the commissioner participating in the proceedings. A similar provision exists in the Commonwealth Act.

Clause 10 relates to the jurisdiction of the commission under section 25 of the principal Act. New subsection (3) will expressly provide that the commission must have due regard to the provisions of the Equal Opportunity Act 1984 as to discrimination in relation to employment. New subsection (4) will require the commission, in dealing with a demarcation dispute, to have regard to the objective of achieving a coherent national framework of employee associations and any relevant awards or decisions of the Commonwealth commission directed at achieving that objective. New subsection (5) will allow certain demarcation disputes to be heard by the Full Commission. New subsection (6), which is consistent with section 92 of the Commonwealth Act, will require the commission to have regard to the extent to which the parties to an industrial dispute have complied with any procedures for settling the dispute contained in any relevant award or industrial agreement. New subsection (7), which is similar to section 91 of the Commonwealth Act, will encourage the commission to invite the parties to a dispute (after settlement of the dispute) to explore ways of improving the processes of conciliation and arbitration and to agree on procedures to prevent or settle future disputes.

Clause 11 amends section 26 of the Act to delete a provision relating to conciliation committees.

Clause 12 amends section 27 of the Act to delete various provisions relating to conciliation committees.

Clause 13 will ensure that section 28 of the Act is consistent with other provisions of the Act, especially in the use of the words 'awards' and 'decisions'. (This is because, by definition, 'award' includes an award or order of the commission.)

Clause 14 amends section 29 of the Act to allow the commision to make provisional awards.

Clause 15 revises the provision in the Act relating to the power of the commission to grant preference to members of registered associations. In particular, the commission will be required to give a direction in relation to preference whenever it is necessary for the prevention or settlement of an industrial dispute, to give effect to the purposes and objectives of an award, for the maintenance of industrial peace, or for the welfare of society. Section 122 of the Commonwealth Act contains a similar provision. Finally, the provision will no longer require preference where all factors of a particular case are otherwise equal.

Clause 16 revises the provisions of section 30 of the Act in relation to the persons or bodies who are generally entitled to commence proceedings before the commission. In particular, an employer or group of employers will be required to be employing at least 200 employees (compared to 20 under the existing legislation) and a group of employees will be required to be constituted by at least 200 employees (compared to 20 under the existing legislation) before an application can be made. In addition, any registered association of employers or employees, the United Trades and Labor Council, the Chamber of Commerce and Industry and the Employers Federation will now be entitled to make an application before the commission.

Clause 17 relates to the operation of section 31. This provision entitles an employee to apply to the commission for relief in a case involving a harsh, unjust or unreasonable dismissal. It is proposed that an employee will not be able to make an application under this section unless the employee's remuneration is governed by an award or industrial agreement, or the employee's annual remuneration is less than $65 000 (this sum being indexed for future years).

Clause 18 will remove subsection (2) of section 33, which empowers the commission to vary or reopen an award. These matters will be dealt with by appeal, or by new application to the commission.

Clause 19 provides that leave is not required under section 34 (1a) of the Act in order that a party can be represented by a legal practitioner if the legal practitioner is an officer or employee of an employer who is a party to the proceedings, the United Trades and Labor Council, or any registered association, or if the legal practitioner is a representative of the Minister.

Clause 20 relates to the arrangements that the President may make under section 40 of the Act in relation to the activities of the commission. In particular, the President will be required, at least once in each year, to convene a conference of all members of the commission for the purpose of preventing, and ensuring the fair and expeditious resolution of, industrial disputes. A similar resolution appears in the Commonwealth Act (section 39). Other amendments will ensure that presidential members of the commission, as well as commissioners, can be given assignments under section 40 of the Act.

Clause 21 is intended to facilitate further cooperation between the various industrial authorities in Australia.

Clause 22 will amend section 46 of the Act to enable the court of the commission to require that evidence or argument be presented in writing.

Clause 23 revises section 49 of the Act relating to the appointment of inspectors. In particular, it will allow persons appointed as inspectors under the Commonwealth Act to be authorised to exercise the powers of an inspector under this Act.

Clause 24 makes a consequential amendment to section 50 of the Act.

Clause 25 provides for the repeal of Part V of the Act. This Part provides for the constitution and functions of conciliation committees.

Clauses 26, 27 and 28 make amendments that are consequential on the abolition of conciliation committees.

Clause 29 will amend section 91a of the Act to require the Registrar to ensure that each award is examined at least once in every five years to determine whether the award is obsolete. A similar provision appears in the Commonwealth Act (section 151).

Clauses 30 and 31 are consequential amendments.

Clause 32 relates to the rights of appeal provided by section 96 of the Act. The opportunity is taken to make the provision consistent with the other terms in the Act, as they relate to the words 'award' and 'decision'. New subsection (4) will allow the Full Commission to direct that two or more appeals be joined, or that an appeal be heard jointly with appellate proceedings under the Commonwealth Act.

Clause 33 revises section 97 of the Act, the provision that determines who is entitled to commence an 'appeal.

Clause 34 amends section 98 of the Act so that an appeal must be lodged within the time allowed by the rules or such further time as may be allowed by the Full Commission. It will no longer be necessary to publish a notice of the outcome of an appeal in the *Gazette*.

Clause 35 re-enacts subsection (1a) of section 99 of the Act in a more suitable form.

Clause 36 revises the operation of section 100 of the Act. The new provision will empower the Minister to apply to the Full Commission for a review of an award or decision of the commission, or of an industrial agreement, where the Minister considers that the award, decision or agreement is contrary to the public interest.

Clauses 37 and 38 are consequential amendments.

Clause 39 relates to the approval of industrial agreements under section 108a of the Act. The commission will no longer be able to approve industrial agreements to which an unregistered association of employees is a party (unless the agreement varies an agreement in operation before the commencement of the amendment). New subsection (4a) will require the Commissioner to consider whether it should consult with appropriate peak councils representing employer or employee associations, and to have regard to the objective of achieving a coherent national framework of employee associations and to any relevant awards or decisions of the Commonwealth Commission.

Clause 40 makes a consequential amendment.

Clause 41 strikes out subsection (3) of section 110 of the Act.

Clause 42 revises Part IX of the Act. This Part relates to the registration of associations under the Act. An association will either be registered as a locally based association under Division II of Part IX (and thus gain incorporation under this Act), or as a federally based association under Division III of Part IX. An association will be eligible to be registered under Division II if it is an employer association consisting of employers who employ (in aggregate) at least 1 000 employees (the current figure is 20 employees), or an employee association consisting of at least 1 000 employees (the current figure is 20 employees). An organisation, or a branch, section or part of an organisation, registered under the Commonwealth Act will not be eligible for registration under this Division. The criteria to be considered in relation to the registration of locally based associations are set out in proposed new section 117. It is noted that these criteria include, in relation to employee associations, that there is no other registered association whose continued registration is consistent with the objective of achieving a coherent national framework of employee associations to which the members of the applicant association might conveniently belong. The commission will be required to consider whether it should consult with an appropriate peak council in relation to an application for registration. An association will be eligible for registration under Division III if it is an organisation registered under the Commonwealth Act, or a branch of such an organisation, and the rules of the organisation provide for a South Australian branch and confer on the branch a reasonable degree of State autonomy.

Clause 43 relates to the operation of section 143a of the Act concerning actions in tort. It is intended to delete the provision that allows an action in tort to be brought once an industrial dispute has been resolved by conciliation or arbitration under the Act.

Clause 44 will require that notice of an award or decision of the commission must be published in a newspaper circulating generally throughout the State.

Clause 45 will empower a commissioner, with the President's consent, to assist in the formation or operation of a consultative council for a particular industry.

Clauses 46 and 47 are consequential amendments.

Clause 48 amends section 166 of the Act. This provision relates to contempt. A new subsection will empower the court or the commission to take appropriate action where a party to proceedings fails to comply with an interlocutory order or an order (not being an order for the payment of money) to do, or refrain from, a particular act.

Clause 49 is a consequential amendment.

Clause 50 relates to conduct undertaken by, or on behalf of, a body corporate.

Clause 51 makes a series of consequential amendments.

Clause 52 repeals the Public Service Arbitration Act 1968.

Clause 53 amends the Education Act 1972.

Clause 54 amends the Technical and Further Education Act 1976.

Clause 55 sets out various transitional provisions required as a result of the amendments to the principal Act.

Mr INGERSON secured the adjournment of the debate.

ROADS (OPENING AND CLOSING) BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 2208.)

Mr LEWIS (Murray-Mallee): This Bill repeals the existing legislation of 1932, which has been cut and shut, patched and polished a few times during its 50 or 60 years of operation; it will be replaced with something less cumbersome and time-consuming. Many of the cumbersome and time-consuming procedures under the old Act will be streamlined. Aspects of the existing legislation that need change, in our opinion, total five in number, and we have some difficulty with the Government's views about what form the legislation ought to take, not in principle but in mechanical terms.

I refer to the length of time taken to open or close a road, the inappropriate emphasis that was given to groups and individuals who were performing various tasks under the old legislation and the necessity under the old legislation for up-front capital payments for proposals which are in existence only in principle. Quite often in those circumstances individuals had to pay into the Treasury substantial sums of money for many months, in some instances well over a year, in advance of having final satisfaction in the matter. If final satisfaction was not achieved, the money

was refunded, of course, but not with any reasonable compensation in terms of interest lost on the money whilst it had been so lodged. An excessive amount of time was taken to process approved applications.

Finally, the Opposition acknowledges that the existing legislation needed to be changed to ensure that the division of responsibility of Government applicants from the Government approving authority was established in law. A councillor or the Commissioner of Highways may be a proponent, in which case they may be seen as having a vested interest in ensuring that the process is carried through. If either is the proponent, that is natural, despite any valid objection that the Highways Department or the Commissioner may have. It is appropriate in this case that the Commissioner of Highways is not the approving authority. It is like having Caesar ask Caesar whether Caesar can do what Caesar believes ought to be done.

One has to be paranoid in the first instance to countenance it and schizoid to make the decision. You ask yourself whether you are justified in making the application and then put on the other hat, turn around and face yourself and say, 'Of course I am,' put the other hat back on and ask, 'What do you propose that I should pay you?' You then turn around and face yourself and say, 'It will be a reasonable sum—nothing.' It is a ridiculous situation. The final decision is now with the Minister of Lands, where it ought to have been all along. We will deal with other aspects of the legislation in Committee.

The Hon. T.H. HEMMINGS (Napier): I support the Bill. I well recall the many years that I spent in local government representing that great city of Elizabeth when the question of the opening and closing of roads was perceived by local government as being a very cumbersome and somewhat costly exercise. That a simple exercise such as the opening or closing of a road could take five to six months or more is a sad indictment of the bureaucracy that existed at that time. When I read the Minister's second reading explanation I thought, 'Thank goodness: at long last the whole exercise will be streamlined so that local government can carry out its duties in an expeditious manner whilst at the same time those people who have approached councils seeking the opening or closing of a road can be dealt with quickly.' I congratulate the Minister on bringing this long overdue piece of legislation before the House.

Apart from that, the House needs to ensure that the consumer, the community, is adequately represented in this regard. Because the community had to be involved, in some ways that made the eventual decision-making as to whether a road should be opened or closed so long. I am pleased that the legislation is still taking into account the community interest and that the final decision on whether the process is justified is placed with the Minister of Lands. The recommendation to the Minister before this piece of legislation was brought before the House ensured that the community interest was maintained.

No-one in this House would deny that the cost being borne by local government (not only in the area of opening and closing roads) is pretty high at the moment. To its credit, local government is attempting to streamline its operation so that it not only provides a service to its ratepayers but it does so at minimum cost and attempts to keep down rate increases every year. When one considers the necessary costs involved in the drawing up of plans and so on to satisfy the existing structure, the mind boggles at the waste of manpower and money if the decision were finally made not to allow the opening or closing of a road. There was no way that local government could be reimbursed for that expenditure, possibly despite the best will in the world on the part of the Minister that that should happen, but that has now been eliminated.

I think that community consultation, in effect, epitomises the third level of government—the grass roots level. Any consultation that is to take place will take place in an informal manner, not through the bureaucratic guidelines that exist in the existing legislation. That bodes well for relations between local government and the community, State Government and local government and, of course, ultimately State Government and the community of South Australia.

I could not quite understand the points made by the member for Murray-Mallee. I do not wish to be unkind this afternoon, but it seemed to me that the member for Murray-Mallee, because this measure was being introduced by this Government, wanted to say something negative. I hope that I am wrong, but I did listen very intently. We have all had dealings with the vexed question of the opening and closing of roads. I should have thought that, with a little good grace, the member for Murray-Mallee would have supported and accepted the legislation on its merits.

Whilst this piece of legislation may have a simple title and whilst we may not feel that it has any great input into our daily lives, I assure members—I am sure that those who have spent some time in local government will agree with me—that this measure is long overdue. I congratulate the Minister on introducing this legislation. The Minister, in the many portfolios that she represents, has carried out some far-reaching reforms in this State. Whilst this might not be seen as a major part of the Minister's reforming zeal, I am sure that many people, not only in local government but in the community, who wish to have roads opened or closed at different times, will be writing to and congratulating the Minister. I support the Bill.

The Hon. B.C. EASTICK (Light): The member for Napier spoke about the importance, value and virtues of this legislation. We cannot argue with that, but the bottom line, the one that I put to the honourable member and to the House, is whether at the end of the day the decision will be right. It is all very well to say that we are going to streamline things and that, by streamlining them, it will not be so costly, but it is important that the result is satisfactory.

I want to advise the House of a personal experience. I had a parcel of land, in the corporate town of Gawler, which had a road all the way around it. The corporation requested that I make available to it a portion of one side of the property and in return it would attach to the balance of the property a road which it would then seek to close. It was advantageous to the community at large and it was not disadvantageous to me or my family, so I agreed.

Part of the requirement was that there should be a public meeting at which the circumstances relating to the matter would be put giving the community the opportunity to participate. If it were then satisfactory to the community, it could then go into the system for finality. A public meeting was called by the council—and I make clear that there is no reflection on the council—and the facts were put before the community. The community said, 'Yes. It is a *quid pro quo*, in effect, that virtually the same area of land will go off one side of the property and the existing road will be attached to the other side of the property, and it will be advantageous to the council and to the safety of those who would use the road system.'

After that public meeting the detail was put in to the appropriate department. Some seven months later I was advised by the council that unfortunately, although we had gone through all these processes, further inquiry revealed

that the road that we were seeking to close had never been opened. It had been in public use for more than 80 years, it had bitumen on it, it had a Telecom (or PMG as it was in those days) and an E&WS easement through it, but it had not been opened in more than 80 years. Indeed, going one step further, it was found that a great part of the road system of Willaston—the northern part of Gawler—was not adequately documented and had never been officially opened. Therefore, we went back to taws and made arrangements to open the road so that subsequently it could be opened in order to be closed again.

I can appreciate that anyone would start to wonder where the conundrum would finish. There was a very intense examination of the circumstances surrounding the closure and, in the end, the result was correct. In the event that those further negotiations and investigations had not been undertaken and, subsequently, somebody came along and made a survey and wanted to upset whatever had been built on that part of the road that had been 'closed' and it was really opened, there would have been real problems.

I know that this has been indicative of the difficulties that many other councils have had. Recent Ministers have had a great deal of correspondence with the District Council of Saddleworth and Auburn involving many hundreds of miles of closed or unopened roads (unopened in the sense that they would never have been formed) and there were many difficulties associated with that. If those concerned have put everything together and the end result or bottom line is that eventually it will be all correct, I have no argument with the Bill, albeit with some minor amendments, but I do want to put in a word of warning that we should not rush into or needlessly implement a piece of legislation that may not necessarily have the same checks and balances which have existed in the past and which on occasions have been shown to be of tremendous importance.

I support the Bill but I would like the assurance of the Minister that the difficulties that I have indicated have been thoroughly researched and taken into account in the formulation of this measure. If at a later stage we find that we have usurped people's rights to their land or the parcel of land that they thought was a road or part of their property, there will be no difficulties down the track from simply wanting to make the procedure streamlined and less costly.

The less costly part of it is another aspect raised by the member for Napier. It has been a very expensive business, but if it is expensive and correct we do not have the problems that we have if it is not expensive but wrong, which is the difficulty that I seek to draw to the attention of the House.

Mr FERGUSON (Henley Beach): I support the Bill, and I took the opportunity of testing this legislation with the two local councils in my own electorate. One of the problems I discovered was that, under the old Roads (Opening and Closing) Act, it took an inordinately long time from when a council first set out to close a road to when it could actually close it. We waited for the subdivision of council land opposite the Henley High School, the proceeds from which were eventually to help the high school; it took two years from the outset, under the old legislation, before that road closure could go ahead. In all that time, during an inflationary situation, people were waiting around to be able to subdivide that land and assist the high school with the proceeds. Both the councils in my electorate are enthusiastically supporting this Bill and by which we would hope that these matters can be streamlined.

The member for Light expressed some fears as far as the streamlining process is concerned, but I refer to the second reading explanation, as follows:

> Before any road is closed, a thorough search of records must therefore be made to establish if any prior rights exist. The Highways Act 1926, Local Government Act 1934 and similar legislation in most other States include provisions for the cessation of private rights when a public right exists or is created. It is implicit in these provisions that the private rights of an individual are not prejudicially affected by the creation of an overriding public right, and appropriate provision for compensation is accordingly made. These particular concerns have been addressed in this Bill.

So, the checks and balances to which the member for Light referred already exist in the Bill, and I feel sure that, on a thorough reading of the Bill and the second reading explanation, all members in this House would be satisfied at the end of the day that this Bill ought to be supported.

I personally had two concerns as far as the Roads (Opening and Closing) Act was concerned. One of them related to conservation bodies and people of that nature, who expressed to me some trepidation about the fact that walking trails and road corridors for recreational activity might be affected by this proposition, and I have the reply from the Surveyor-General which I would like to read into *Hansard* and which allays those fears, as follows:

> All bodies interested in the use of road corridors for recreational activities, or for their retention for conservation purposes, have been consulted. (The National Fitness Council has not existed since 1974, when it became part of the Department of Recreation and Sport.) The Senior Drafting Officer, Roads Unit, is a member of the Committee Reviewing the Recreational Use of Road Reserves, and has kept this committee fully informed on the context and progress of the new Act.
>
> The South Australian Recreational Institute, Department of Recreation and Sport, has raised no objection to the Bill provided they are notified as a 'person affected' for all road closing proposals. They are to be included as a prescribed public authority in the regulations. Their interest will subsequently be protected either by non-closure of the public road under consideration or by negotiation with, and protection of their interest by, the prospective purchaser of the road proposed to be closed. In some cases roads may be closed and dedicated for recreational purposes pursuant to the Crown Lands Act.

One can see from that that by this process we will get, in addition to recreational land, a guarantee of an increase in the amount of land dedicated for recreational purposes, pursuant to this legislation. The other matter I thought should be raised was my concern about district councils, schools, agricultural societies, and so on, deriving benefit from free use of former road corridors, that is to say, those who will be asked to pay for land that is now used free of charge. Apparently, many people exercise *de facto* care and control already, and the answer I received on this is as follows:

> When roads are closed pursuant to the Roads (Opening and Closing) Act, they are disposed of to adjoining landowners or retained or reserved by the local council for some purpose of the council, and the fee simple is vested in the recipient. In rural and outer urban areas there are many of these 'former road corridors' awaiting disposal by the council. However, they are a council resource, and as such councils may realise on their eventual sale. Any bodies deriving benefit from their free use do so at the will of the council.

So, we will be referring back to local government the ability to grant that land to those people who are already using these closed roads for whatever the purpose might be.

Originally, the State was divided into sections, with a road reserve adjoining each section. A large number of these roads have never been formed or used as such—and the member for Light mentioned this earlier—and others have fallen into disuse. These roads are public roads within the meaning of section 301 of the Local Government Act and are vested in the council of the area pursuant to that Act. Therefore, the public has the right of access along or over them, provided the council has not leased or otherwise temporarily closed off the road under the applicable powers.

There are many cases, however, where roads have been illegally fenced off and included in the adjoining lands, particularly in rural areas. It is these landowners who derive benefit from the free use of the land in question. Furthermore, confrontation often takes place between the landholders and members of the public desiring to exercise their right of free passage. Action should be taken by the council to legalise this situation by formal closure and sale of the road at value, subject to the usual rights of objection incorporated in the Act. The situation in respect of roads, opening and closing, has been difficult in the past and the introduction of this new legislation will mean that some of those difficulties will disappear. For that reason, I think the Bill should be supported.

The Hon. S.M. LENEHAN (Minister of Lands): I thank members who have contributed to the debate and, in particular, I thank the member for Henley Beach who has obviously done an enormous amount of homework on this subject. I value his comments and his indepth understanding of the history and relevance of the Bill before the House. I also acknowledge the contribution, particularly by the shadow Minister, the member for Murray-Mallee (and I will turn to his comments in a moment) and the contributions of the member for Light and the member for Napier.

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: I think he made an error, but I think he will understand that. The member for Murray-Mallee raised five points in support of the legislation. He asked a question about the situation in terms of up front payment if the whole matter was not proceeded with and there is no recompense. I can inform the honourable member that there is now an ability to have agreement between the council and the individual landowner for the payment to be made at any time.

Mr Lewis: I'm talking about the old system.

The Hon. S.M. LENEHAN: Yes. The new system rectifies that, and I thank the honourable member for his support. The member for Light was the only member who raised a couple of questions, saying, 'Yes, it is all very well to streamline procedures, to reduce costs quite considerably and to reduce the time frame because of the frustration involved for all parties, but let's make sure that we do it properly and let's make sure that we do not usurp the rights of any individual concerned.'

I would like to give the member for Light the assurance that that will not happen. Because of the huge amount of consultation that has gone on over a period in respect of this legislation, I believe we are not going to make mistakes and errors, and certainly not usurp anyone's rights. I have before me all the correspondence that came in after the White Paper and the draft Bill were distributed. In fact, there was only one piece of correspondence, from the Local Government Association of South Australia, which did raise a number of questions and in a couple of instances some concerns. I am reliably informed by my officers that we have addressed each and every one of those concerns raised by the LGA. That indicates the kind of consultation and working together that has gone on involving officers of the Department of Lands, local government, the Local Government Association and other Government departments.

I would like to acknowledge publicly the excellent work of my officers and the other members of the community. Without going over my second reading explanation, I would like to summarise by saying that this legislation has many more checks and balances than the previous legislation. It also has the benefits of being able to shorten the time and, as other members have said, reduce the cost. Therefore, I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr LEWIS: I move:

Page 1, after line 17—Insert new definition as follows:

'adjoining council', in relation to a road process or proposed road process, means a council whose area adjoins the area of the council that commenced the road process:.

Page 2, lines 40 and 41—Leave out all words in these lines and insert—

(e) any adjoining council;
and

(f) any other person who has an interest in land in the vicinity who would be substantially affected by the process:.

The purpose of the amendments is to add some definitions that are relevant to amendments that I intend to move to clauses 13 and 22. The first amendment relates to the definition of 'adjoining council' which is straightforward, and the definition of 'person affected' needs to include 'any adjoining council'. That is an oversight and clearly an adjoining council is a person affected in the corporate sense of the meaning of the word 'person'. I then wish to put a further subclause at the end of that definition as it defines such people as including 'any other person who has an interest in land in the vicinity who would be substantially affected by the process', instead of the present definition, as follows:

(e) any other person who would be substantially affected by the process:.

That means anyone, whether a South Australian citizen or not, and that is why the Opposition believes that the net is too broad and why the provision ought not to be cast so wide as to permit vexatious involvement of people from outside who are not really substantially affected at all. They should be excluded from clagging up the works, slowing down the process and interfering in what everyone has agreed will happen. I hope the Minister can accept the amendments, which I respectfully request to be dealt with separately.

The Hon. S.M. LENEHAN: I hope that the honourable member will explain to the Committee whether he has been approached by a local government authority or by the Local Government Association. I only just received his amendments as we commenced the debate, but I have had an opportunity to check with my officers and, in the correspondence that I have seen, I have not received a request from any other council seeking to insert the definition of 'adjoining council'. Before finally replying, perhaps the honourable member will indicate whether he has been approached and what is the reason for wanting to include a council which does not actually adjoin the road and might just be adjoining a boundary of the council.

Mr LEWIS: District councils in rural areas across the State, such as those on Eyre Peninsula and in the mid-north, as well as in my own electorate of Murray-Mallee, have drawn attention to this predicament in which they would find themselves. Let us take the hypothetical case of where a surveyed road (but not a formally made road in the constructed sense of the word) is in existence and would provide access to and from rateable land in a district council area, and the district council involved in the process ignores the neighbouring district council's interest by making a decision that might, in the opinion of the neighbouring council, be contrary to what it would want to happen.

As I am sure the Minister appreciates, some roads provide the potential for access between ratepayers. In the case of a West Coast council, it is access to a bay on the coast. All

the people who will be affected are ratepayers of one district council, yet the road can be closed at the end and people be unable to get through to the coast when they want to go fishing. The road is not made, but it is still an access track. It is a damn nuisance to the two landholders involved, and the district council itself does not want to meet the cost of making that stretch of road to the coastline. It will not be bothered, so the simple thing to do is to close the road.

I do not know whether the clerks are aware of it, but I know that the councils are and that it is a point of controversy. I do not think that it should be possible simply to exclude the council that is significantly affected by the decision to close the road from having an input to the decision by simply not mentioning the matter. It seems to be an oversight. In Murray-Mallee—and I do not want to be too specific about this as I do not want to offend anyone—there was a section of road that would have provided a north-south regional access route to cut 30 km from a journey from, say, the Riverland to the South-East, but the district council sat on its hands.

In its opinion it did not have any funds, this road did not enhance the accessibility of any of its land to its ratepayers, and they did not want it, yet, for the movement of stock, commonsense dictated that those extra few kilometres of road be formally made (and it was a distance of less than 10 km), although not to the point of excavating and putting in extensive footing material underneath a paved surface or an unsealed surface of rubble, but simply to remove the necessary number of trees from the land the carriageway would have to occupy, then put some rubble sheeting over the deep sand on top of a couple of sandhills to make it possible for people to traverse an area that had not previously been open.

Eventually, that was agreed to, notwithstanding the fact that it suited the personal interests of some of the councillors and the majority of the council to which they belonged to have the road closed. I am sure that they would have succeeded in that closure, and that is the reason why I want to include these definitions. The Opposition does not believe (nor do the rural district councils to which I have spoken) that there ought to be the capacity for vexatious involvement. We want to make sure that everyone who is to be affected can be consulted.

The Hon. S.M. LENEHAN: From a careful reading of the two parts of the amendment, it seems to me that what we have done in the definition, in terms of what the Government proposes under 'person affected', actually covers that situation, because it provides:

> a person who has an interest in land adjoining land subject to the road process or proposed road process.

Surely, if there is a road through council land that leads into the area of another council, that would be adjoining. Even if it were not adjoining, it would still be picked up under paragraph *(e)* which provides:

> Any other person who would be substantially affected by the process.

Obviously, the examples the honourable member has given would come under the definition of 'person affected' or, if not under that definition, certainly under paragraph *(e)* because in the honourable member's examples the council would be reasonably affected.

The reason why I do not want to embrace this definition is not just that I think it is covered already by the fact that you must notify people who are going to be affected, but the honourable member's amendment says 'any adjoining council'. What about a council, such as some of the smaller ones in the Barossa Valley or other areas, which has four or five adjoining councils that have absolutely no interest in this area? Does that mean that those councils somehow must be involved in this whole process? We could be making a tedious amount of work for the department in terms of notifying people it is not necessary to notify.

The other point I want to make, and this is probably the only area in which the Opposition and the Government have a slightly different emphasis, is that we believe it is vitally important to include in the definition 'any other person who might be substantially affected by the process', because that includes the whole group of people involved in recreational pursuits, such as bushwalking.

The careful use of the words 'substantially affected' would rule out people who lived interstate and who wanted, for some strange and perverted reason, to throw a spanner in the works of the closure of a road in, say, the mid-north. The definition clearly makes a distinction between anyone who just wanted to take some kind of vexatious approach and people with a legitimate reason for putting forward an objection to closing a road. The honourable member might recall that when the pastoral legislation was before the House we, as a Parliament, very carefully and sensitively addressed the whole question of access of people to roads that were unmade and used for people to have access to properties. Adequate consultation mechanisms are in place to ensure that these things can be dealt with relatively sensitively. I will not be supporting these two amendments, but am looking favourably at the rest of the honourable member's amendments.

Mr LEWIS: 'Person affected' does not include a district council, which is defined elsewhere. The Minister may firmly believe that 'person affected' includes a district council, but it does not say that. Elsewhere it says that a council area means an area of a council, and it does not describe a council as being a person affected.

First, the Minister mistakenly thought I was saying that all councils adjacent to an area in which a road process is occurring would have to be involved. I never said any such thing. The Minister ought to listen to that and understand the point I am making. It is tragic that she misunderstood that point. The fact is that it is necessary for those adjoining district councils to be involved only if they want to object to the proposed process of the opening or closing of a road. They do not have to be involved—there is not the necessity for them to be involved—but the law provides that they can be involved if they want to be. There is a big difference between that and the notion of compulsion which the Minister seemed to have grasped from my comments. There is no compulsion at all; it just provides the opportunity.

Secondly, 'any other person' refers to human beings and bodies corporate, companies and the like. District councils are not bodies corporate; they have a separate Act. Now that I have the Minister's attention, I did not suggest that adjoining district councils had to be involved. My amendments provide the opportunity for them to be involved if they object to the process, whether that process is an opening or a closing of a road. If they object and want to be involved, they can state their objection at that point. It is not compulsory to be involved; it is just that the opportunity is there, but it is not there now. District councils are not persons affected as the definition stands—they are defined elsewhere.

Finally, for the Minister's benefit, my proposed new paragraph *(f)* differs from existing paragraph *(e)* in that I believe that the ability to be involved as a person affected ought to be restricted to those classes that are mentioned in paragraphs *(a)*, *(b)*, *(c)* and *(d)* of the Bill and proposed new paragraph *(e)*, 'any adjoining council' and proposed new paragraph *(f)*, which provides:

'any other person who has an interest in land in the vicinity' [that is, somewhere nearby] who would be substantially affected by the process.

Let me explain why I have moved that amendment on behalf of the Opposition. In rural South Australia at the present time there are a large number of roads that have never been opened in the sense that they have not been made. In fact, in many instances they have been leased to adjacent landowners and for years the fences have been complete and access to that land has not been allowed to the general public, even though the roads are there.

Over the past decade or so people have had more four-wheel drive vehicles and greater disposable incomes since the Second World War. A pastime has developed of exploring the State, and in the process there has also developed an interest in going to places that one might not otherwise visit. All in all, it is a good 'Life. Be in it.' type activity. Part of the recreational activity for some in that expanding group of people involves obtaining and using cadastral maps. One hundred years ago a surveyor, or a draftsman or draftswoman (I think it was only men in those days, and I mean no disrespect) sat down with a ruler and a drafting pen to an expanded scale map of South Australia and drew lines on the maps and said, 'Here is where we are going to need roads when we develop the countryside of our State to the extent that Europe has been developed.' The consequence of that was that many roads were drawn onto the map that were not necessary then, have never been necessary and never will be necessary. They went across cliffs, traversed ravines from side to side, went across wetland lagoons and salt marshes.

The Hon. S.M. Lenehan interjecting:

Mr LEWIS: They can be, but they will not be, because there will be people who will object to the process. There are the people who go out there now looking for these roads, imagine they have found them, take a pair of bolt cutters, cut straight through the fence and drive into the paddock. They say that they are driving on what is a road. The landholder goes out there and says, 'Hey, hang on, I have my ewes in here and they are lambing. What are you doing?' The response is, 'We are going for a drive.' The landholder asks, 'Why are you driving through the middle of my paddock?' He is then told, 'There is a road here; I have measured the distance and got it right.'

As it turns out, very often—this is not an uncommon occurrence—they have got it dead wrong, in consequence of which, they have not only caused great expense and inconvenience to the landowner but also cost the landowner the lives of several ewes and lambs, or cows and calves, or they have driven through his ruddy crop. They may become bogged, and some of these people (and this is not an isolated instance among this group) walk to the farmhouse—it may not even be the home of the person who owns the property—knock up somebody at any time of day or night and say that they are bogged or are caught on a stump, have pulled a propellor shaft loose or some other thing, and expect to be rescued.

Some of these people get very belligerent when it is suggested that they might like to contact the local garage, which may be 50 kilometres away at Meningie. They do not do that and they do not like being told to do that. If the landowner does not go out and fix them up and get them on their way, giving them some fuel if they have run out, they get spiteful. I have known people to set fire to properties. Landowners do not do anything about it, because it is a no-win situation: they know that these people can come back again and again and cause this same problem. They can cut fences at night when no-one is looking, just out of spite. What landholders do is to try to get them off their property with as few hassles as possible, and see them on their way so that they are not too upset by it.

It is not good enough. What we need to do, and very quickly, is to identify those roads we wish to keep for walking trails and access purposes. We need to define them as a special part of our parks network. I hope that the Minister understands this, because someone will die very soon if she does not. Farmers are fed up to the back teeth with ignorant people from outside the locality coming in and presuming to have rights that ride roughshod over the interest of the farmer. In years like this year, last year and so on, when the rural economy is so depressed, to be required to go to that additional expense to pull some yuppie out of a saltmarsh or to—

An honourable member interjecting:

Mr LEWIS: Yes, yuppie. The honourable member is out of his place, but is curiously and innocently inquiring. We need to identify which of the roads that are shown, but which have not been made, we intend to keep for this network of trails and strips of land upon which vegetation is to be retained. We need to do that quickly so that there is no further damage to the adjacent properties and the people who own them. We need to put them on the map and not have them there as roads, but defined as a particular class of recreational land. We need a policy and money to keep the vertebrate pests and pest plants out of that land.

Unless that money is provided for local pest plant boards and vertebrate pest boards to get on with the job of controlling them, these pests will become a source of continued reinfestation of the surrounding land—either the weed or the ruddy rabbits that live on them. There is nothing one can do about that if one happens to be the hapless landowner living next door. It is not good enough for us, in repealing the old Act, where there have been problems, to walk past those problems and imagine that they do not exist. They are there. I have adverted to one earlier in my remarks and I now advert to this major problem, of which I thought the Minister was aware because if she is not then her colleague in the other place and his predecessor most certainly are aware.

Landholders from around this State have been writing to the Minister of Local Government and to the Minister of Transport for years about roads such as they are allocated, complaining about the fact that they do not have property owners' prerogative rights to try to deal with the problem that exists. Nothing has been done about it. This is the chance to rectify the fault and the Minister seems willing to pass it over. Indeed, she is almost bloody-minded in her indifference to it. I hope that that is not the case. I plead with the Minister to reconsider her position and allow us to accept this amendment for, if she does not, it will be possible for people who have no interest in the land other than simply to keep it in the state that it is in, causing the problems that it does, with nothing being done about it, to object when the landholder and the district council set about getting the surveyed road removed from the record—to close it and get rid of it. That and the due process by which that can be undertaken is, in my judgment, important to restrict the people who can object to those who will be really affected. Let us get a comprehensive plan of those roads and change them from the status of roads to something else if we want to keep them there.

I know that walking trails are important and I have acknowledged that. I therefore say to the Minister that, as the Minister responsible for national parks and wildlife, she is proposing to close a road in spite of the objections being raised conversely by local landholders, who want to get to the sea at Beachport. The Minister is proposing to close a

road and incorporate it into a park because there is park either side of it. She should and would know about that. That is not fair. On the one hand she is expecting farmers to put up with the kind of interference that is possible under the new legislation the way it is now written (which I propose to change) but on the other hand she is not prepared to accept that for herself. If that is not a double standard, I do not know what is. I hope the Minister understands what I am saying and accepts the plea that I am putting to her.

The Hon. S.M. LENEHAN: Given the honourable member's fairly lengthy explanation, I will be very brief. The honourable member has raised two issues, first, that adjoining councils may have an interest in being notified having the right to object. There are two separate issues. One relates to the notification of people and who is to be notified. I believe that the definition under paragraph *(e)*, 'any other person who would be substantially affected by the process', picks up councils. In fact, 'any other person' is a council. I do not intend to go into great, tortuous debate, but that does include district councils other than the council in which the road that is to be closed or opened is situated. So, in terms of the honourable member's concern about one council wanting to develop a housing estate and another council wanting to close a road, the council that is directly affected or substantially affected would be notified.

We then get to the issue of who has the right to object. While this is not the clause we are dealing with, it is certainly something that the honourable member has raised. Under the definition in the Bill, people who have the right to object would include the council. Other councils would have the right to object under our definition, as would other people affected including those interested in walking trails. The honourable member referred to Beachport. Part of the road through the national park is in the correct position; the other part wanders around through the park. It has been agreed between the local community and the National Parks and Wildlife Service that the road will be reinstated in its actual alignment so that it will be realigned to its correct legal position and kept open as a public road under the control of the local council. A recommendation has been made along those lines.

I have a very clear and deep understanding of the issues raised by the honourable member. It is quite wrong to suggest that I do not understand what he is saying: I understand very clearly what he is saying. However, what I am saying to the honourable member is that the concerns he has raised are addressed in the definition of 'person affected' and are certainly covered under the ability of people to object. I will not accept the amendments as those matters are clearly covered within the parameters and definitions of the legislation as proposed.

Amendment negatived.

Mr LEWIS: I move:

Page 2, line 41. Leave out all words in this line and insert:

(e) any other person who has an interest in land in the vicinity who would be substantially affected by the process:.

I continue to protest on this point. Having lost my proposed amendment to insert a definition of 'adjoining council', I now move the next of my amendments, as I believe that the classes of people who can object ought to be restricted to those who have land in the vicinity and who will be substantially affected by the opening or closing of a road. It ought not to be possible for people who do not live there, or even within 150, 200 or 500 kilometres of the place, to object simply because they want to object in the belief that by so doing they will in some way or other retain a walking trail or whatever.

These surveyed, unmade roads are a problem around the State, particularly if one's property adjoins them. They are a thorn in your side, a source of reinfestation of weeds and rabbits. One cannot do anything about it, and the very fact that they appear on the map means that once in a while people may want to look at them; they think they have found where they are, chop your fence, drive into your place, do what they like, get into trouble, expect you to bail them out and burn your crop if you do not. They get involved in that kind of activity and are a damned nuisance. The Government's responsibility in this is to identify those unmade roads around the State that it wants to keep, change their status and put them on the map as different from what is shown now so that people will not get the mistaken impression that there is a road there—made or otherwise—upon which, under law, they are entitled to travel. They are not so entitled. Such pieces of land ought to be stricken from the record *per se*.

For example, the District Council of Peake could not sustain the kinds of costs that would be incurred if it were challenged and taken to the courts by a group of people through the Conservation Council. It would back off and leave the poor landholder with the problem forever. That would suit the political process, because no-one would have the guts to address it. I beg the Minister to understand what I am saying, to clean up the mess and to allow us to remove these festering sores from the cadastral record so that this embarassment and confrontation that has been going on for years will cease.

The Hon. S.M. LENEHAN: I oppose the amendment. The scenario that the honourable member has described—somebody coming along with bolt cutters and driving through a lambing paddock is an example of a situation that the Bill is designed to address. The honourable member does not understand what is in the Bill. Under the Bill the road will be closed. Certainly, somebody may wish to object if they are substantially affected, but that objection can be overridden. They will not be running through all the courts in the country. From where did the honourable member get that piece of information—that somehow councils will back off because a person or a group of individuals acting in a vexatious way may choose to object? That is an important factor in the equation, as that is the type of person the honourable member is talking about, not reasonable, sensible people who have worked through the committee looking at the establishment of walking trails.

That committee involving the Department of Environment and Planning and the Department of Lands is up and running. Responsible bushwalkers would have worked through that scenario. They will not be arriving with bolt-cutters and disturbing lambing. We are talking about a bunch of cowboys doing something like that. This legislation will ensure that the landowner can close that road because the council, the Surveyor-General or the Minister will not say, 'Yes, let's have the road open through lambing paddocks.' The ability of someone to object does not mean that they will override the legitimate requests and requirements of the local council or landowner.

As I understand the reading of this Bill, somebody with a vexatious objection cannot take the legal process and frustrate the individual council or landowner. The honourable member does not understand that this is why we have talked about streamlining the legislation, which goes right back in our parliamentary history. I ask that he take on board the points I have made.

Mr LEWIS: I am reassured in some measure by what the Minister says, but she fails to grasp the point. There is nothing in the wider law to stop a group of people doing

on any one or more of those roads what was done to her and her department in relation to the proposed development at Wilpena. An action in the Supreme Court has to be answered. If a group of people got together and decided to take such an action, the District Council of Peake, for instance, and other small revenue-based councils in rural South Australia which have large numbers of these roads that have never been made, would find themselves confronted with a $50 000 bill to get a QC, a barrister and a solicitor. There is nothing to stop people from having a bash and preventing those district councils from doing what this legislation envisages.

I know what the legislation envisages and I support what the Government is doing in that regard. I just want to make it possible for the legislation to achieve its goals by making it plain that, as a Parliament, we do not want people, who are not substantially affected, objecting to the process. We want people, through the committees to which the Minister has referred, making submissions for the retention of appropriate trails for walking, and so on. However, let us, as quickly as possible, get rid of these marks on maps which indicate where someone once drew where they thought a road ought to be without any regard to the topography or anything else. It is no longer appropriate and it causes problems.

People want access and they demand it; they get it wrong; they do not know where the road is; they think that is where the map pointed, but they get it wrong. Moreover, while we leave them in that state, landholders have the problem of reinfestation that will otherwise arise. We ought to make it plain that only those who are to be substantially affected can object. I hope that the Minister understands the plea that I am making. It is not my intention to divide on the proposition.

The Hon. S.M. LENEHAN: I will not take up the time of the Committee, except to explain that, when we talk about the right of someone to object, we are talking about their ability to go to a public meeting and register an objection with the council. The council then makes the decision. There is no ability in this Bill for that objector, with or without QCs, to go to the Supreme Court or any other court and frustrate the decision-making process.

I think that the member for Murray-Mallee must be confusing this with clause 35, which mentions the Supreme Court, but only with respect to the clarification of points of law; it is nothing to do with a vexatious objection or any other sort of objection. People can go to the public meeting and object.

Mr Lewis: Wilpena.

The Hon. S.M. LENEHAN: Wilpena is not the Roads (Opening and Closing) Act. Let us stick to the Bill. We have thought this through very carefully to ensure that there is the ability to facilitate what everyone in the community (perhaps with the exception of a few people dwelling on the fringe) sees as a commonsense and reasonable approach to the opening and closing of roads in this State.

The honourable member's point is not accurate. People do not have the ability to rush to the Supreme Court or higher courts with legal representatives. The decision will be made at local council level and then it will be reaffirmed, or it can be overridden, up the line to the Minister; but there is no ability for anyone to frighten the life out of the councils because they will have to retain expensive counsel. That is not the intention of the Bill and it is not written anywhere in the Bill. I must oppose the amendment.

Amendment negatived.

Mr Hamilton interjecting:

The CHAIRMAN: Order! The member for Albert Park is completely out of order with that remark.

Mr Hamilton interjecting:

The CHAIRMAN: Order! The member for Albert Park will cease interjecting.

Clause passed.

Clauses 4 to 10 passed.

Clause 11—'Dealings in land after commencement of process for road opening.'

Mr LEWIS: Honourable members, if they look at the Bill, will realise that the Surveyor-General and the Registrar-General must do certain things. For example, in paragraph *(a)* (i), 'the Surveyor-General must forthwith' and in a subsequent clause the Surveyor-General 'must' do certain things. It is all very well—and it might even be a semantic argument—but as legislators we should know that, whilst there is compulsion in such a statement, there is no penalty. We cannot do anything to the public servants to whom the work is assigned by the Registrar-General or the Surveyor-General.

I believe we need to discover how these senior public servants—not necessarily those two, but the people to whom they assign the work—can be dealt with if they fail to act in accordance with statutorial directions. If a person fails to comply with the provisions of this clause, he is guilty of a summary offence and is liable to a Division 7 fine, which is not insignificant. If by chance it has escaped the attention of members, I would point out that this clause has other provisions which require citizens, persons and bodies corporate to do certain things if they are involved. If they are naughty, they do not get a slap on the wrist like public servants; they get socked with a Division 7 fine. There are penalties for one group of people whose duties are addressed in the clause, but no penalties for that other group of people whom the clause addresses.

The Opposition will not delay the process. We simply draw to the Committee's attention the increasing degree of anger in the public at large because people who work for the Government can do things and get away with it and make life hard for the poor citizen, yet, if the poor citizen attempts to avoid his duty, he gets slapped with a fine fairly quickly in return. That causes disenchantment to increase in the public arena. As legislators, we ought to be thinking more carefully about the *quid pro quo.*

Clause passed.

Clause 12 passed.

Clause 13—'Objection or application for easement.'

Mr LEWIS: This is contingent upon other amendments having been passed. I am simply putting on record the fact that I do not believe that this clause ought to be so wide as to enable any person from anywhere to object and cause problems for the district council, local landowners, city corporations or ratepayers in getting on with the job of tidying up this massive mess of lines that we have across our State's cadastral map. I am reassured in some measure by the Minister's statement, though I am cynical, as my experience in this place in dealing with her and with other members of the Government has taught me to be, that what is said today might be found to be inconvenient tomorrow and that is just hard luck.

Clause passed.

Clauses 14 to 21 passed.

Clause 22—'Error or deficiency in order.'

Mr LEWIS: I move:

Page 10, after line 29—Insert new subclause as follows:

(2) Where the Surveyor-General amends an order under subsection (1)—

(a) the Surveyor-General must, as soon as practicable, give notice in writing of that amendment to the relevant authority; and

(b) the relevant authority must, as soon as practicable, give notice in writing of that amendment—

(i) to any person who was required to be given notice in writing of the road process order under section 19 *(a)* or 19 *(b)*; and

(ii) where the council is not the relevant authority—to the council.

The Opposition's concern with this clause is that, where amendments to the record of the order are made after a number of people have been involved in the development and establishment of that order, we believe that they ought to be told that the change has been made and a simple reason given for it. I understand and respect that the existing officers would not do anything mischievous, but as the clause stands it could happen in the future and I am delighted to learn from the non-verbal signals I am receiving from members opposite that the Government proposes to accept this. It is not an onerous amendment and it ensures that everyone knows what is going on, and no-one could complain about it afterwards.

The Hon. S.M. LENEHAN: I am pleased to accept this amendment. It highlights communication so that people will not feel that they were not informed. If there is a genuine error it seems to me that it is a reasonable thing for the Surveyor-General to inform those people who are affected, even if it is merely a word—a drafting matter or what we call euphemistically a 'typo'—so they have the right to have the corrected version. The amendment will not create an enormous amount of work and I am happy to accept it.

Amendment carried; clause as amended passed.

Clauses 23 and 24 passed.

Clause 25—'Vesting of land pursuant to road process order.'

Mr LEWIS: This clause states that, where a road closure is confirmed by the Minister under paragraph *(e)*, if the order includes an order that the land be vested in the Crown, the land vests in the Crown. Great, but I would like it to be identified as belonging to a particular category of land which is identified elsewhere as being of necessity addressed by the local vertebrate and pest plant board. Who pays; who has the job of looking after the plant and vertebrate pests on the land, because we are creating a new category of land by this process? It will be vested in the Crown, called Crown land and will be a long strip of Crown land; this Crown land will not be identified as having to be the responsibility of either the adjacent landholder or all the ratepayers within the board order.

It will be the responsibility of the local landholder next door; the land is not a road and the law as it stands at the moment puts the onus and responsibility, where the road is made and opened, on the landholder to control the rabbits and weeds; or, if he or she does not, the local pest plant and vertebrate pest board does it with a contractor or their own equipment and tidies it up. That is there in the law. Now we are creating another category of land that will pass between privately owned areas of land, and there is no definition of who will pay.

I do hope the Government accepts that it is in the interests of the public at large that we retain this land, and we should not expect the local boards to pick up the tab. It has been kept there for walking trails for everyone, or for purposes such as that, so it would be a particular category of land and, in fairness, the public purse—the State Treasury—should pick up the cost of that, not the local board. Local ratepayers should not have to do that; the land is there for the benefit of everyone and, therefore, everyone should pick up a little of the cost through that mechanism. Does the Minister agree that the State ought to meet this cost out of general purpose funds and, if she does not, how will the Government address the problem of meeting the cost of controlling weeds and rabbits?

The Hon. S.M. LENEHAN: As I understand the process, once the land is vested in the Crown, the Crown then decides under which relevant Act that piece of land should be placed. For example, it might be under the Forestry Act so that land would then be controlled by the Woods and Forests Department. However, for Crown land *per se*, the Animal and Plant Control Act 1986 is the one that has the general care and control of vermin and the protection of plants. I understand that the Government pays local boards a subsidy to help them carry out their eradication programs. I also have a recollection that my department is involved with a number of councils. I know of the councils that have the new Ngarkat park within their boundaries.

We actually work very closely through the National Parks and Wildlife Service to provide support through the payment of a park employee who is responsible for the control of the dingos, and the honourable member would know that, because that is in his area. So, in a sense, what the honourable member suggests is happening now. I would not want to make a definitive statement that somehow Treasury should pay from the collective purse when in fact the various departments responsible for particular Acts, such as the Woods and Forests Department, which is responsible for the Forestry Act, are already doing the job and getting on with it; but subsequent to this Bill passing in the House, I am happy to look at how best that control and management of vermin is undertaken, because it is a very critical issue to the question of land care and preservation of the bio-diversity of species. I take the point the honourable member is making.

Clause passed.

Clauses 26 to 44 passed.

New clause 44a—'Delegation by Minister.'

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

Page 20, after line 13—Insert new clause as follows:

44a. (1) The Minister may, by instrument in writing, delegate any of the powers, duties or functions of the Minister under this Act to the person holding or acting in any specified position in the Public Service of the State.

(2) A delegation under this section may be given subject to such conditions as the Minister thinks fit and specifies in the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the Minister from acting personally in any matter.

I have had this amendment circulated. I think it is evident that there is a lot of routine work involved in the administration of this Act. It seems to be a commonsense approach, that the Minister have this power. The most relevant of these is that a delegation under this section is revokable at will and does not prevent the Minister from acting personally in a matter. This provides some flexibility in terms of those issues that are relevant and critical for the Minister personally to oversee and some of these, I guess one would say, are fairly routine and standard issues which the Director-General of the department or some other responsible person in the department could carry out on behalf of the Minister.

Mr LEWIS: On the one hand we have taken away the responsibilities of Government applicants from the Government approving authority and now, on the other hand, the Minister is giving *carte blanche* to whomever is the Minister from time to time to delegate the authority back to a Government authority. I hope the Minister never makes the mistake of delegating the authority for approval to the very Government agency that applies for the process. That

is one of the amendments we put in the legislation. It would be a foolish administrative conundrum if that were to occur. It would cause again the public to mock us as legislators for, on the one hand, appearing to be doing one thing and, on the other hand, turning it on its head.

I know what the Minister wants to do. It would have pleased me more if, instead of saying 'a public servant of the State of South Australia', it was a public servant employed in a department that was not a proponent in the process.

The Hon. S.M. LENEHAN: I wish to clarify that. I can agree with most of what the honourable member has said. It would be wrong for the Surveyor-General or the Registrar-General or anyone in those two separate sections of the Department of Lands to have the delegated power. It would certainly not be my intention or that of subsequent Ministers to do that. However, the Director-General of Lands is a different matter because the Director-General, as long as he did not hold the position as Registrar-General or Surveyor-General, is in a different position.

I have already discussed this in getting the amendment drafted with my officers and I made it clear that the same people would not request the decision and then approve it at the end of the day. The Director-General, who is in a sense at arms length from all that, may well be the appropriate person. I take the point that the honourable member has made, and I will certainly give it thoughtful consideration.

New clause inserted.

Remaining clauses (45 to 49) and title passed.

Bill read a third time and passed.

MINISTERIAL STATEMENT: PUBLIC SERVICE APPOINTMENTS

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

Leave granted.

The Hon. R.J. GREGORY: In December last year the Hon. D. Laidlaw asked the following questions in relation to patronage in the Public Service:

1. . . . has he (the Commissioner for Public Employment) had discussions on how this matter may be resolved to ensure that he is able to investigate all such matters without prejudice in future and do so effectively?

2. . . . as the matters that I have raised relate to a former Commissioner and a former head of the department, it would be very difficult for the Commissioner in this instance to refer the results of his investigations to the very person whom he may be investigating. Therefore, will the Attorney-General undertake to discuss this matter with the Premier and possibly the Commissioner to ensure that any limitations within the GME Act can be removed and that matters can be properly and independently investigated?

Prior to asking these specific questions, a number of allegations were made that implied that a group of individuals were involved in instances of patronage and nepotism. The majority of these allegations involved the current Chief Executive Officer of the Department of Local Government, Ms Anne Dunn, and named a number of individuals under parliamentary privilege.

The Commissioner for Public Employment has supplied a report on both the specific questions and the individual allegations which relate to public servants employed under the Government Management and Employment Act. I now present to the House that report and seek leave to have it inserted in *Hansard* without my reading it.

The SPEAKER: The Minister is making a ministerial statement and as such the Chair will not allow material to be inserted. If the Minister wishes the material to be on the record, he will have to read it or table it.

The Hon. R.J. GREGORY: I will read it. Headed 'Report into allegations of patronage and nepotism raised in the House by the Hon. Diana Laidlaw', the report states:

Powers of the Commissioner for Public Employment

1. The Commissioner currently has adequate powers under either section 31 or section 35 (3) of the Government Management and Employment Act to investigate allegations of patronage.

2. If a decision was made to investigate any issue involving a chief executive officer, the Commissioner for Public Employment has ability to invoke section 44 (1) and section 44 (2) to withdraw powers from the chief executive officer and make them exercisable by the Commissioner in relation to an administrative unit. Alternatively, to overcome the issue of briefing the chief executive officer rather than the Minister the Commissioner could invoke section 35 (3) to submit a special report to the Minister. This report would be tabled in Parliament by the Minister.

Specific Allegations re: Appointments

The allegations about individuals made by the Hon. Di Laidlaw cannot be substantiated. The information outlined below indicates that the inferences made in Ms Laidlaw's address are both inaccurate and unfair to these particular individuals. The particular allegations are addressed below:

1. Anne Dunn promoted Maranda Rowe whilst she was employed at the Parks.

The surname is incorrect. It is assumed that this is intended to refer to Ms Miranda Roe. Ms Roe was employed in January 1984 by the Parks Community Centre. The appointment was the responsibility of the board. Ms Dunn was not involved in the appointment of Ms Roe. The Parks Community Health Centre which employed Ms Roe is a discrete organisation within the Parks Community Centre. Ms Dunn was not involved with the selection of staff in the health centre. Ms Dunn's term of appointment at the Parks as coordinator of the Parks Community Centre ended in February 1981. (Two years prior to Ms Roe's appointment). Ms Dunn had no further involvement with any appointments at the centre after February 1981.

2. Anne Dunn employed Lynne Pool (the girlfriend of her sister Midge Dunn) at the Parks.

The name is incorrect. This allegation is presumed to refer to Ms Lyn Poole. Ms Poole was appointed by the Board of the Parks Community Health Centre in August 1985. As outlined above, Ms Dunn was not involved in this appointment.

3. Anne Dunn appointed Lynn Pool (unqualified and the girlfriend of her sister Midge Dunn) to a top job in local government.

Ms Poole commenced work with the Department of Local Government on 10 November 1986 in a temporary position at the AO1 level. Prior to this Ms Poole was acting in a position at the Parks Community Health Centre. According to Ms Dunn, the incumbent at the Parks wanted to return early to her position, the Health Commission was unable to find a place for Ms Poole to honour the contract she had, and the department had an appropriate short-term vacancy. On previous occasions there had been staff transfers between the Department of Local Government and the centre. On this basis Ms Dunn, at the request of the Parks Community Health Centre, agreed to her placement.

Ms Poole was appointed to a permanent middle management position (AO2—Manager, Corporate Services, Department of Local Government) from 11 September 1989. Ms Poole was a temporary public servant acting at the AO2 level at the time of her appointment. Ms Dunn has stated that this position was filled on the basis of merit, after proper selection processes as outlined in the Commissioner's circular 33. The position was on open call and subject to appeal. The unanimous decision of the selection panel was that Ms Poole was the superior candidate. Ms Dunn accepted the recommendation of the panel. There was no appeal.

The panel members have all confirmed individually that they were not influenced by Anne Dunn. According to them this particular appointment was a slow process because of the calibre of the applicants and involved both exercises and comprehensive referee reports.

Under Anne Dunn, Jill Gale (the sister of Jan Lowe), got a top job in libraries.

The surname is incorrect. This allegation is assumed to refer to Ms Gael. Ms Gael was apointed to a middle management position AO3 as Acting Manager, Lending Services, from 29 March to 31 December 1989.

This position was advertised in the notice as a temporary position for six months. Four applications were received. Ms Dunn was not a member of the selection panel; Ms Gael was the unanimous choice. This appointment was subject to appeal. There were no appeals. At the end of her temporary assignment, Mr Euan Miller sought permission to extend her appointment. This was granted but not agreed to by Ms Gael's substantive employer, the Salisbury Community Health Service. The job was called

again as a permanent position. Only two applications were received, of which Ms Gael's was one. The selection panel included the Chairman of the Libraries Board and the State Librarian. It did not include Ms Dunn. According to one member of the selection panel, whilst the final decision was unanimous she had some doubts as to the suitability of Ms Gael for this position. The panel member's views were incorporated in the selection report.

Ms Poole was not contacted in view of the fact that she was named elsewhere within Ms Laidlaw's question. In both instances Ms Dunn accepted the recommendation of the panels and, according to Ms Dunn's statement, in neither instance did she have any communication with the panel. Ms Poole was a member of the first appointment panel in her position as Manager of Corporate Services. This was consistent with the department's practice to have a member of the Corporate Services Branch sitting on all panels above CO5.

Denzil O'Brien (a man) who followed Anne Dunn as Equal Opportunity Officer in education, also got a top job in local government, after getting a job in DPIR when Anne Dunn was on the Public Service Board. [The relationship and implication of these appointments is not made clear].

Denzil O'Brien is a female, not a male as stated in the honourable member's question. Ms Dunn moved to Darwin after she vacated her position as Equal Opportunities Officer within the Education Department. The position was advertised. Ms O'Brien was appointed to an acting appointment by the then Director-General. Ms O'Brien acted in the position until it was advertised permanently and won by Ms E. Ramsay. According to Ms Dunn's statement, she had no involvement in either the acting or permanent appointments to this position within the Education Department.

Following Ms Ramsay's appointment, Ms O'Brien ceased acting as the Equal Opportunities Officer (ED3) and reverted to her substantive position (ED1). The Equal Opportunities office changed to become more employment oriented. Ms O'Brien lacked the necessary background to undertake ongoing duties within that unit. As no other suitable positions were available to match her qualifications and work experience within the Education Department, the then Director-General (Mr J.R. Steinle) contacted the Chairman of the Public Service Board about arrangements for her redeployment elsewhere within the Public Service.

As a Commissioner of the Public Service Board, Ms Dunn was responsible for Ms O'Brien's subsequent placement but not for her transfer, which was made pursuant to the excess provisions of the then Public Service Act. Ms O'Brien was initially assigned duties as a Project Officer within the board's Equal Opportunities Branch and subsequently worked within the Redeployment Unit in DPIR in the position of Senior Consultant. Whilst in the Redeployment Unit her position was reclassified to AO4. She undertook one further placement at Carclew Arts Centre on the request of the management who was seeking a redeployee for a temporary placement.

The SPEAKER: Before the Minister goes on, I draw his attention to the time and to the fact that he must either extend the sitting or move to adjourn the House.

The Hon. R.J GREGORY: I move:

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

Motion carried.

Mr Lewis: You'll pay for it!

The Hon. R.J. GREGORY: I have now been threatened by the member for Murray-Mallee, and I am pleased about that.

The SPEAKER: Order! The Minister will resume his seat. There was a statement made—it was an interjection, which was out of order. I am not sure whom it was directed at; however, it was out of order, and I draw all members' attention to the events of this House today. Interjections, as you all know, will be dealt with.

The Hon. R.J. GREGORY: The report continues:

Ms Denzil O'Brien applied for an AO4 position as Manager, Development Branch, within the Department of Local Government, which was advertised on 6 December 1989. Of the six applicants, three were selected for interview and one of these three withdrew prior to interview. Ms Dunn was a member of a panel of four which included the Director, Local Government Division and two staff representatives. Both the applicants were know to Ms Dunn. The panel selected Ms O'Brien unanimously and she was appointed to this position from 2 April 1990. The position was subject to appeal. There were no appeals.

All panel members have confirmed independently that they were not influenced in any way by people outside the panel. Whilst Ms Dunn was on the panel it was Mr Roodenrys who apparently had a large input into the actual questioning. The other panel members have indicated quite clearly that the correct procedures were followed and Ms O'Brien was appointed on merit.

Denzil O'Brien's friend Annie Shepherd moved to Denzel's job in the board.

Ms Shepherd won a position in DPIR while Ms O'Brien was still employed there. She was not and is not currently employed in Ms O'Brien's former position of Senior Consultant. Ms Shepherd's position was advertised and five applications were received. Of these, four applicants were eligible for further consideration and these four met individually with the selection panel which consisted of the Manager, Government Workers Compensation Office: the Assistant Director, Personnel Development Division DPIR; staff representative, DPIR; and Manager of the Redeployment Unit, DPIR. The applicants were required to give a 10-minute presentation relating to the position of Senior Consultant, Workers Compensation Redeployment Unit. Ms Shepherd was unanimously selected by the panel for a 12-month position at the AO3 level. This position was subsequently extended. Neither Ms Dunn nor Ms O'Brien was involved in the selection process.

Additional Allegations

1. Jan Lowe was chairman of the interview panel, which gave an EO1 job at the Spastic Centre to Midge Dunn (Anne Dunn's sister, far above her talents).

Issues relating to appointments at the Spastic Centre are outside the province of the Commissioner for Public Employment. The Woodville Spastic Centre is a non-government organisation governed by a board which is responsible for all appointments at this centre. According to Ms Dunn's report, Ms Lowe has never chaired a selection panel at that centre. Ms Lowe was a member of the selection panel which selected Ms Dunn. Ms Lowe has been providing consultancy advice on organisational development to the centre with her Director-General's approval. In this role she has been a member of a number of panels.

2. Jan Lowe and Anne Dunn over the years gave hundreds of thousands of dollars in work—

Mr HAMILTON: On a point of order, Sir, is it the usual practice of this House not to have one member of the Opposition on the benches?

The SPEAKER: Order! The honourable member will resume his seat. There are no Standing Orders requiring members to be here. If the honourable member has some concern about the numbers in the House, he is well aware of the procedure required.

Mr HAMILTON: My point of order is that is it not a fact that we should have some member of the Opposition in the House?

The SPEAKER: Under Standing Orders there is no such requirement that I am aware of.

The Hon. R.J GREGORY: The report continues:

Two questions were asked in relation to FEM Enterprises and the Department of Local Government and the Department of Community Welfare during 1989. A response dealing with the Department of Local Government was tabled in the Legislative Council on 28 September 1989. The question asked by Mr S.J. Baker of the Hon. D.J. Hopgood was not replied to in the House. The services of FEM Enterprises have been recommended by the Office of the Government Management Board. The total amount paid to FEM Enterprises by the Department of Local Government in the financial years 1985-86 to 1989-90—

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

A quorum having been formed:

The SPEAKER: Will members please resume their seats. The honourable Minister's time has expired and under Standing Orders he is required to seek leave to extend.

The Hon. R.J. GREGORY: I seek leave to extend.

Leave granted.

The Hon. R.J. GREGORY: The report continues:

The total amount paid to FEM Enterprises by the Department of Local Government in the financial years 1985-86 to 1989-90 is $38 677 in a consultancy budget totalling $656 093. It is estimated that FEM Enterprises has received an additional $2 450 from the Department of Local Government during the period 1 July 1990 to 8 February 1991.

The Department for Community Welfare used FEM Enterprises to plan, design and conduct a managers development workshop in 1989 for $3 500. This was paid for by Commonwealth funds. In addition, the Department for Community Welfare also hired the Management and Research Centre, a division of the Salisbury Education Centre which is a non-profit organisation supported with funding from DEET to run a series of management programs in 1989. Eve Repin is on the board of management of the Management and Research Centre. She was one of seven consultants used to run a series of courses for 40 participants. The department contributed $40 000 towards these courses and individual participants paid $250, making a total payment of $50 000.

3. Denzil O'Brien called in Eve Repin to do consultancy on Carclew's activities. Eve Repin was appointed to the Carclew board and is now Chairman of the Fringe. [Implications that this is related to mutual friendships because of earlier allegations].

Mr Paul Smith, the Director of Carclew, requested advice from the Department of Personnel and Industrial Relations on suitable consultants. The names of two individuals were supplied and both were interviewed by Mr Smith. Ms Repin was deemed the most suitable and her name was put forward to the board by Mr Smith. The board subsequently engaged Ms Repin as a management consultant.

Appointments to the Carclew Board are made by the Government on the recommendation of the Minister. In the process of selecting new board members Mr Smith forwarded a list of suitable names to the Minister. Ms Repin was appointed to the board primarily because of her management background.

Members of the Fringe Board are elected by the membership at the annual general meeting of the Fringe. The board subsequently elects its chair. According to the Director of the Fringe no attempt was made by Ms O'Brien to influence the selection of Ms Repin as Chair of the Fringe Board. Ms Repin was elected unopposed by the board.

The report makes two points quite clear. First, the Commissioner of Public Employment currently has adequate powers under the Government Management and Employment Act to investigate and report on patronage and nepotism. Either section 31 or section 35 (3) of the Government Management and Employment Act can be used to investigate allegations of patronage.

If a decision was made to investigate any issue involving a chief executive officer, the Commissioner for Public Employment has the ability to invoke section 44 (1) and section 44 (2) to withdraw powers from the chief executive officer and make them exercisable by the Commissioner in relation to an administrative unit. Alternatively, to overcome the issue of briefing the chief executive officer rather than the Minister, the Commissioner could invoke section 35 (3) to submit a special report to the Minister. This report would be tabled in Parliament by the Minister.

Secondly, the allegations which were made about various individuals and which represented a substantial slur on their characters were inaccurate. As this report details, members of the various interview panels have been contacted and it is clear that the proper process was followed in departmental selection processes. The selection reports for the various departmental positions have all been reviewed and they clearly document the reasons why the particular individuals were chosen. In all cases these appointments were made on merit.

Several panel members expressed extreme disquiet about the nature of the allegations and believed that they also represented a slur on panel members. All members contacted have clearly indicated that they were not approached by or in some way influenced by Anne Dunn in making their selections. For the benefit of the House I would like to quote from some of the individual responses.

In relation to the appointment of Manager, Corporate Services, Department of Local Government, one panel member stated:

When I learnt of the allegations I was resentful of their implications of improper process and wish, vehemently, to state that in no way did Anne Dunn or any other persons influence the selection process which appointed Lyn Poole to the position of Manager, Corporate Services, Department of Local Government.

In relation to the Manager of the Development Branch in the Department of Local Government, the current Director, Local Government Services Bureau, wrote:

I can state without reservation that no pressures were placed on me by Anne Dunn or any other person. The selection was carried out totally in accordance with normal procedures and in a way that I consider to have been fully equitable for all concerned . . . Denzil gained the selection fully on her merits and in open and fair competition with other applicants.

These unsubstantiated allegations have caused considerable disquiet in the local government area, so much so that a petition from the staff of the Department of Local Government was forwarded to the Minister of Local Government shortly after the allegations were made in the House.

Given the serious nature of the allegations, I believe a public apology from the Opposition is appropriate in an attempt to repair the damage which has been caused to the individuals named and I note that there is only one Opposition member here to listen to this.

The SPEAKER: Order!

ADJOURNMENT

At 5.9 p.m. the House adjourned until Tuesday 5 March at 2 p.m.