HOUSE OF ASSEMBLY

Tuesday 19 November 1991

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

PETITIONS: PROSTITUTION

Petitions signed by 78 residents of South Australia requesting that the House urge the Government not to decriminalise prostitution were presented by Messrs Klunder and D.S. Baker.

Petitions received.

PETITION: GREYHOUND RACING BOARD

A petition signed by 129 residents of South Australia requesting that the House urge the Government to withdraw the owner registration form required by the Greyhound Racing Board was presented by Mr Becker.

Petition received.

PETITION: WATER RATING SYSTEM

A petition signed by 218 residents of South Australia requesting that the House urge the Government to revert to the previous water rating system was presented by Mr Ingerson.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 120, 132, 185, 187, 190, 197, 201, 203, 204, 205, 213, 218, 237; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

MAY STREET LEVEL CROSSING

In reply to **Mr HAMILTON (Albert Park)** 30 October.

The Hon. FRANK BLEVINS: Negotiations between the Department of Road Transport, State Transport Authority and Woodville council regarding completion of the work to finish the May Street level crossing closure have been finalised. The State Transport Authority has issued an order on council to undertake the fencing and tidying up on the eastern side of the railway line. Council expects to complete this work during December 1991. On the West Lakes Boulevard side, the State Transport Authority will undertake installation of permanent fencing and topsoil placement whilst the Department of Road Transport will install median kerbing and a hazard board. This work will be commenced in November 1991.

DAIRY BULL LICENSING

In reply to **Hon. TED CHAPMAN (Alexandra)** 30 October.

The Hon. LYNN ARNOLD: The licensing of dairy bulls was previously carried out under the Dairy Cattle Improvement Act, with funds used to improve dairy cattle standards and encourage the development of the dairy industry. With the repeal of the Dairy Cattle Improvement Act, dairy bulls have not been licensed since 1 July 1982. Dairy farms outside the metropolitan milk supply area are licensed under the Dairy Industry Act and milk producers in the metropolitan milk supply area are licensed under the Metroplitan Milk Supply Act. These two Acts are currently being reviewed.

NATIONAL PARKS

In reply to **Mr GUNN (Eyre)** 23 October.

The Hon. S.M. LENEHAN: Grazing is undertaken in selected national parks as a fire protection measure. This, in practice, is confined to pasture areas where cured pasture poses a fire danger. In forested areas the problem fuel is forest litter and shrubs and is of little interest to grazing stock. Controlled burning is undertaken as a measure to address identified fire hazard locations. The practice is approached with extreme caution because of the high potential for controlled burning to cause wild fires. The preferred approach, including in the Mount Remarkable area, is to implement fire protection on a regional scale with a coordinated programme of fuel treatment, fire trails, fire breaks, incident planning and training.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.C. Bannon)—
- Government Management Board—Report, 1990-91.
- Department of the Premier and Cabinet—Report, 1990-91.

By the Minister of Health (Hon. D.J. Hopgood)—
- Foundation South Australia—Report, 1990-91.
- Radiation Protection and Control Act 1982—Report on the Administration of, 1990-91.

By the Minister of Education (Hon. G.J. Crafter)—
- Accounting Standards Review Board—Report, 1990-91.

By the Minister of Labour (Hon. R.J. Gregory)—
- Workers Rehabilitation and Compensation Act 1986—Regulations—
  - Claims and Registration—Mesathelioma.
  - General Rise Exemption.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—
- Riverland Cultural Trust—Report, 1990-91.
- Industrial and Commercial Training Act 1981—Regulations—Automotive Servicing.

MINISTERIAL STATEMENT: GOVERNMENT EMPLOYEE HOUSING

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

Leave granted.

The Hon. M.K. MAYES: Government Employee Housing and Housing Trust accommodation operate quite differently, and I believe it is necessary to clarify this, because the Opposition has recently made comments on both, which has blurred this topic somewhat. Government Employee Housing is used for long-term accommodation for, as the name implies, employees of Government departments. Some

houses have been vacant uner this program. To understand why, it is necessary to know how the program works.

The Office of Government Employee Housing is essentially a landlord, and Government departments are essentially the tenants. The department receives an allocation of houses which they let to their employees. Vacancies arise when an employee, for one reason or another, leaves the house. That house may remain vacant until a replacement staff member is found. This usually takes somewhere between two weeks and two months. In some cases, houses remain empty for longer, usually if a vacant position is difficult to fill. A department continues to pay rent on properties and is technically tenanting them, unless it declares a house surplus to requirements and it is returned to the Office of Government Employee Housing.

The Opposition has suggested that private tenants be placed in vacant houses, or that they be allocated to the Housing Trust. These proposals are unworkable for the following reasons. A number of houses are on reserves and depots, and for safety and security reasons could not be tenanted by the public. The majority of remaining houses are vacant for only a short time—two weeks to two months—and it would be impractical to place tenants in them for such a short period.

Some houses are vacant because they are being offered for sale. It is impractical to grant a lease to private tenants and then attempt to sell the house encumbered. It provides little stablility for the tenants, knowing they could be evicted as soon as a sale is executed. Because of the state of the economy, house sales have been sluggish in recent times, particularly in rural areas, and this has contributed to some of the vacancies. In addition, the number of houses for sale at any one time fluctuates because the Office of Government Employee Housing continuously reviews its stock requirements.

The Housing Trust usually seeks longer term tenancies. Where it is interested in short term tenancies, such as for emergency housing, a different type of housing is normally required. I wish to stress that the Housing Trust and the Office of Government Employee Housing operate independently of each other. In recent statements about housing, the Opposition's spokesman has mentioned these two issues in tandem, causing confusion.

Vacancies in Housing Trust stock at Whyalla and Port Lincoln are a separate matter from OGEH housing. These houses have been leased to the Education Department to provide hostel accommodation for remote country students. The hostel scheme is up and running at Cleve and Port Augusta. However, the Education Department is seeking advice on its plans for Port Lincoln and Whyalla, and this has caused the delay. I would expect the Opposition to be supportive, not critical of initiatives to improve the educational opportunities of remote country children.

In closing, it is important to note in relation to Government employee housing that the State Government has been examining the pooling of houses. This involves OGEH controlling the stock of houses instead of departments. I point out that pooling has been on the Government agenda for a considerable time, and I am pleased to see that the Opposition has seen the merit of the concept.

PUBLIC WORKS COMMITTEE REPORTS

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

Flinders University of South Australia, Business Law Building,

Glenelg Sewage Treatment Works, Replacement of Aeration and Power Generation Equipment.

Ordered that reports be printed.

QUESTION TIME

ZHEN YUN

Mr D.S. BAKER (Leader of the Opposition): Will the Premier admit that the $260 million Halifax Street housing development for the city, in which Zhen Yun was a financial partner, has been cancelled, and will he explain why?

The Hon. T.H. Hemmings interjecting:

Mr D.S. BAKER: No, Terry, I won't give you that pleasure.

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker, I thought that under Standing Orders members were referred to by their electorate, not by their name.

The SPEAKER: That is correct. The honourable Premier.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: As to a particular development being cancelled, I am not aware of the status of any particular development that Zhen Yun was involved in.

CLELAND WILDLIFE PARK

Mr HAMILTON (Albert Park): Will the Minister for Environment and Planning bring the House up to date on the progress of the Government's facilities redevelopment program in the Cleland Wildlife Park, which is one of Adelaide's premier tourist attractions?

The Hon. S.M. LENEHAN: I thank the honourable member for his question, and I am very pleased to inform the House that the major structural works have now been completed. This includes a new entrance complex, souvenir outlet and a restaurant facility. The buildings have been very sensitively designed so that they fit into this park environment, and I have no doubt that the facilities will enhance the outstanding tourist attraction and appeal to both local and overseas visitors.

The landscaping, which indeed involves an extensive degree of work, the sewage treatment works and the picnic area works will also add to the quality of the use of the area and its managed impact on the park environment. Occupation of the building will be progressively undertaken over the next two months, and the official opening will be in the autumn of 1992. I take this opportunity to invite all members of the House to go and see this very worthwhile addition to the facilities of this very popular park.

ZHEN YUN

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is also directed to the Premier and is further to the Leader's question, in response to which the Premier said that he had no knowledge of the status of the other development. Will the Premier confirm that, in addition to Marineland, a redevelopment for West Beach totalling $500 million in which Zhen Yun was the developer has not proceeded, and will he explain why? I have a copy of a strictly confidential memorandum to the Premier from the

Deputy Director of State Development which refers to this massive Zhen Yun redevelopment project.

The Hon. J.C. BANNON: There were lots of proposals and plans around, particularly in that period of the late 1980s. I think South Australia did fairly well out of the wash-up of those things, as it happened.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I correct the Deputy Leader in relation to what I said. If I did not convey it, I make quite clear that I said that I was not aware of the current status of any proposal by Zhen Yun in relation to Halifax Street. That is something that the city council would have been involved in, and the question should more properly be referred to the council. On what might have happened down the track at Marineland and in what circumstances, the fact is that it did not. It was not financable. Zhen Yun did not proceed with its proposition, and we are in dispute with it over that very point.

ROAD FATALITIES

Mr De LAINE (Price): Will the Minister of Emergency Services indicate whether the current welcome downturn in road fatalities in South Australia is part of a national trend and will he say whether he has any information on the reasons for the decline in the number of road deaths?

The Hon. J.H.C. KLUNDER: I thank the honourable member for his question and indeed for his continued interest in the matter. Considerable information on the road toll picture nationally was provided by the Federal Office of Road Safety reports for the month of September. The reports indicate a dramatic downturn in road deaths, in September down 53.6 per cent on the previous September, as well as a 45.8 per cent reduction in the July to September figure, compared with the same quarter in 1990.

However, for interstate comparisons that is probably not a good figure to take, and one should take a longer time span. It is probably better to take the fatality figures for the first nine months of the year to the end of September. Using this measure, South Australia's road toll was down 24.3 per cent for the first nine months of this year, compared with the previous year, and that was the greatest reduction of any State.

Looking just at the mainland States, all except Western Australia achieved a reduction during this period and, indeed, nationally the reduction was of the order of 10.6 per cent. As for the reasons for this gratifying decline in road deaths, the Acting Commissioner of Police recently offered the following comments in relation to South Australia. He said that the reasons included such factors as random breath testing, police traffic campaigns, seatbelt usage and road safety publicity. The Acting Commissioner went on to say that the recession might also be a factor in its effect on the availability of money for petrol and alcohol, although, he said, this was a fairly difficult area to quantify. Finally, he indicated that it appeared that the introduction of speed cameras had had the most marked effect on rider and driver behaviour, persuading many people of the necessity to slow down.

The correlation between the decrease in the road toll and the introduction of speed cameras is the subject of ongoing speed analysis surveys that are conducted by the Police Department. I do want to stress however that, while any reduction in the road toll is very welcome, 131 fatalities on the State's roads in the first nine months of this year is no cause for complacency. In the last seven weeks, that toll has risen to 164 compared with 199 at the same time last year. We are now moving into the period of the year when, traditionally, the risk of death or injury on the roads increases. I urge all road users to exercise great care in the weeks ahead.

ZHEN YUN

The Hon. D.C. WOTTON (Heysen): My question is directed to the Premier. When Zhen Yun advised the Government in January 1989 that it could not continue negotiations with the Chairman of the West Beach Trust, Mr Virgo, because of Zhen Yun's belief that Mr Virgo had not been conducting the Marineland negotiations in a proper manner, what action did the Government take to ensure that Mr Virgo's behaviour did not jeopardise the project?

The Hon. J.C. BANNON: Commercial discussions took place around that time. These matters are the subject of inquiry by a select committee, and I am very surprised that the honourable member asks these questions. In the light—

Mr S.J. Baker interjecting:

The Hon. J.C. BANNON: You are right. The Deputy Leader interjects, 'We are not.' I suppose it does not require too deep a consideration to realise that behind it is the embarrassment regarding the way in which the Leader leapt on what he thought was an anti-South Australian band wagon and decided to take up the cudgels on behalf of a particular person who was disaffected with the action and complained loudly that there was a stalemate between South Australian and Chinese investment and trade relations. It was absolute and palpable nonsense. That was immediately revealed; it was confirmed by the Chinese Embassy and anybody else. So, the Leader of the Opposition, very embarrassed by this, has decided to try to cobble it up around Zhen Yun in particular.

Nobody denies that Zhen Yun was in fact intending to undertake an investment and, at the end of the day, did not, and that is a matter of dispute and consideration by this place. That is very different from what the Leader of the Opposition was alleging. I might say, incidentally, in relation to this West Beach development, that the Opposition is now questioning the Government as to why this did not happen and, obviously, trying to cobble this up around some Chinese/South Australian relations. What about the member for Hanson? Will he join this debate? He is reported as saying in this House over the years:

> Several attempts have been made to build a hotel at West Beach. For the life of me, I could never understand the stupidity of anyone wanting to build a hotel on that site.

That is what the member for Hanson thought about the issue—stupidity. Apparently, members opposite who are involved in advocating that are part of the stupidity. The Leader waves his finger about it because, again, he is discomfited by what his own people are saying. What about the member for Morphett? He is on the Opposition front bench, and in this House he is reported as saying:

> Let me say this to the Government: it should never underestimate the depth of feeling that exists along the western seaboard against this type of proposal on land that was dedicated years ago for public recreational use.

He did not want a bar of the project, whether Zhen Yun was investing $5 million or $500 million. He wanted it out. That was the attitude there, so what is this hypocrisy of the Opposition, compounded by the Leader of the Opposition? He was not in that position at the time, but in 1989 in the Estimates Committees it was the Leader of the Opposition who was questioning my colleague the Minister for Industry, Trade and Technology about why it was that we were

continuing to have anything to do with Chinese investment and with Zhen Yun in particular. He pointed out that Zhen Yun was owned by two of the provinces of China, and he wanted to know what we were doing, in the light of the Tiananmin Square events and things that had happened at the international level, having anything to do with it. That is what he was on about.

So, on the one hand, we have both the member for Hanson and the member for Morphett, not inconsequential members of the Opposition, deadly opposed to this project, demanding that it not happen and, only two years ago, we have the Leader of the Opposition—and he has forgotten this—implying that we should not have anything to do with these people, that we should not have a bar of it. Then we have the body of facts, the facts being that there are indeed substantial contracts, trade and investment.

One of the prominent companies in this area has as one of its principals none other than the Hon. Dean Brown, a former member of this Chamber, who sat on the front bench where the Leader of the Opposition sits. He is the man they are desperately trying to get back into this place via perhaps the member for Alexandra—or whatever other way they can do so—so that they can have a reasonable and sustainable Leader of the Opposition. So, it is very interesting that in wiping off Chinese-Australian investment—

An honourable member interjecting:

The Hon. J.C. BANNON: I will come to the member for Murray-Mallee in just one second. He can put on his wind-up sign, but I have something to say about him, too. The Leader of the Opposition's position on Friday was that nothing was happening and that something should be happening. He should talk to the Hon. Dean Brown, but I suspect he would find that a little too difficult in the circumstances.

Finally, in light of what the Leader said, I was very interested to read the *Murray Valley Standard* of 5 November. The member for Murray-Mallee would take a lively interest in this matter. On Friday, the Leader of the Opposition said that trade and investment between South Australia and China had reached a stalemate, nothing had happened, it was an appalling situation—he picked this up from the remarks of Mr Lee—the Premier should intervene and something should be done about it. In the *Murray Valley Standard* issued just a few days prior to this statement by the Leader of the Opposition, we see the headline 'Big chance to trade with China'. This indicates the depth of the relationship—it is at all levels, including local government.

The Hon. D.S. Baker interjecting:

The Hon. J.C. BANNON: The Leader wants to put a comma after 'Big chance'. Perhaps he had better tell his colleague the member for Murray-Mallee and perhaps he had better talk to the mayor.

Members interjecting:

The SPEAKER: Order!

The Hon. JENNIFER CASHMORE: On a point of order, Mr Speaker, I ask you to rule whether the Premier is being repetitive and unduly prolix in his answer.

The SPEAKER: Order! I think the Premier's response has been unduly long, and I ask him to draw it to a close.

The Hon. J.C. BANNON: I draw my response to a close on this point. I might say that I doubt whether the Leader appreciates the effort of the member for Coles to protect him; it is well meant, but it simply shows up even further the Leader's inadequacies. It is reported in the article—and this is where there is a stalemate and nothing is happening:

> Chinese officials want to send a deputation of five people to visit Murray Bridge and districts at a mutually agreed time.

The article states further that the city of Sanmenxia, in China, a district with which the council decided to formally enter into a sister city relationship, can provide enormous business benefits. So, apart from the State level, I suggest that the Leader get out into the regional districts and country areas and talk to people about Chinese relations; he would see what a fool he made of himself last Friday.

NATIONAL PARKS CENTENARY YEAR

Mrs HUTCHISON (Stuart): Will the Minister for Environment and Planning inform the House what response has been received from the South Australian community to the State's National Parks Centenary Year that will culminate on 19 December 1991, which is the actual centenary date?

The Hon. S.M. LENEHAN: I am very pleased to be able to inform the House that community response to this Centenary of Parks has been nothing short of extraordinary. Numerous events have been organised by the Friends of the Parks groups, by other community and conservation groups and, indeed, by the consultative committees of the parks. Seminars have been organised, and we have seen buildings restored and opened, and walkways, bridges and picnic areas opened.

What we have seen in every one of these events is the degree of spontaneity that has been shown by members of the community. What has also happened is that many South Australians, perhaps for the first time in some cases, have identified with our very extensive parks system throughout South Australia. The fact that we have the second oldest park in Australia and a system of parks of which we can be justifiably proud—some 17 per cent of the land mass of South Australia—I think augurs well for the future of South Australia in terms of protecting this vital part of our heritage. The next major event will be the Grand Heritage picnic, which will be held on Sunday 17 November in the Belair National Park.

Members interjecting:

The Hon. S.M. LENEHAN: That is one of the things we have done.

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: Indeed, it was yesterday.

Members interjecting:

The Hon. S.M. LENEHAN: It was yesterday, and it was attended by Her Excellency Dame Roma Mitchell.

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: Yes, it was, and I am thankful for the support that the shadow Minister has given. This whole year of celebrations, which as the honourable member says will culminate on 19 December with a presentation to 100 South Australian citizens to commemorate each year of the park's existence, will be well worth attending and will certainly highlight what has been a most successful year for everyone connected with the National Parks and Wildlife Service in South Australia.

COUNTRY HOSPITALS

Dr ARMITAGE (Adelaide): Can the Minister of Health give an assurance that any change to the future roles of 20 of our country hospitals will not affect patient care, patient access or equity, or be used as an excuse to cut specialist services in real terms? The Executive Director of the Health Commission's Country Health Services Division, Mr Ray Blight, has been quoted in the weekend press stating that fee-for-service arrangements, which cover visits by special-

ists to 20 out of 55 country hospitals, would be changed to cut treatment in those hospitals. I have been advised that many of the remaining country hospitals are unable to cope with the extra workloads without major additional expenditure.

The Hon. D.J. HOPGOOD: The answer is 'Yes', of course, because the changes envisaged are with a view to having more effective use of the funds available.

WORKCOVER

The Hon. J.P. TRAINER (Walsh): Can the Minister of Labour advise the House whether the Submarine Corporation has been granted a special WorkCover rate?

The Hon. R.J. GREGORY: I was amused when I read the report of the press release from the member for Fisher. Whilst the honourable member has been here for only two years, I would have thought he had been here long enough to know that WorkCover is managed by a board consisting of equal numbers of employer and employee representatives, plus someone with expertise in rehabilitation.

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: The member for Mitcham used to be the shadow Minister responsible for industrial relations until he got dumped because of his poor performance in that area.

Members interjecting:

The Hon. R.J. GREGORY: The member for Bragg also has had a bit to say about WorkCover but is also off the beam because his dire predictions about runaway unfunded liability have proved to be totally inaccurate and wrong. Despite being advised by his leak from the board that those figures he quoted were suspect, the honourable member did not want to let a good story get spoilt by the facts. As I say, I would have thought that the member for Fisher understood that the WorkCover board itself makes the decisions in respect of the levy rate and, as such, I have never interfered in that area at all, and I will not do so. I will not issue directions to the board as to what it should do, because I believe the board has the right to manage.

LAND RIGHTS

Mr INGERSON (Bragg): Will the Minister of Aboriginal Affairs unequivocally reject allegations by former Premier Dunstan that the rights of the Kokatha people have been ignored in the development of the Roxby Downs project and will he give an assurance that the Government will not support any land rights claim intended to impede this important project?

The Hon. M.D. RANN: I am delighted that I have received a question at last from the leadership aspirant. Certainly, the shadow Minister of Aboriginal Affairs—that must have been a change—is referring to a book launched at the weekend. I have not seen this book, which is produced by members of the anti-bases campaign, although I understand my staff have now procured a copy. Certainly, I do not believe that enmeshing the issues of Aboriginal land rights and the anti-bases movement is necessarily in the best interests of Aboriginal people.

Mention was made in that story of discussions and negotiations between the Kokatha people and the Government. I have received no request for land rights from the Kokatha people—no letter, no submission—and certainly I have had no receipt of any indication of their viewpoint. I am advised that some Kokatha people do hold land under the Aboriginal Lands Trust. If the honourable member had bothered to check with the shadow Minister of Aboriginal Affairs, whom he seems to be trying to usurp, he would have been told this. Obviously the Kokatha people can deal through the Aboriginal Lands Trust. Some people say that the territory occupied by the Kokatha before European settlement included Ooldea in the west, where they shared the permanent soak.

I do not want to repeat the debate in this place on Ooldea, Daisy Bates and 10 000 to 20 000 years of Aboriginal metropolis, but members, including the shadow Minister responsible for industrial development matters, will be aware that legislation passed through this Parliament only a couple of weeks ago (had he bothered to be in here or bothered to check with his shadow Minister he would know) which is designed to return Ooldea to the traditional Aboriginal owners of that land, and that measure had the support of every single member of this Parliament.

On the issue of site ownership disputes, I have already instructed my officers to begin work on establishing appropriate mechanisms for resolving the sorts of disputes that the shadow Minister of Aboriginal Affairs has raised on previous occasions. I am not aware of any such requests or complaints from the Kokatha people.

ETHNIC AFFAIRS

Mr GROOM (Hartley): Will the Minister of Ethnic Affairs indicate whether he is considering changing the name of the South Australian Multicultural and Ethnic Affairs Commission and the old Office of Multicultural and Ethnic Affairs by deleting 'Ethnic' and, if so, the reasons for such a change?

The Hon. LYNN ARNOLD: Any decision to proceed along that path would have to be implemented by means of amending legislation in the Parliament. I have had approaches from some in the community in South Australia who have indicated that they believe that the use of the word 'ethnic' is no longer appropriate, that the word has become somewhat pejorative, and it would be just as fruitful, in terms of fulfilling the spirit of the legislation, if both the commission and the office were to have the word 'ethnic' dropped from their title. Following those approaches, I referred the matter to the South Australian Multicultural and Ethnic Affairs Commission for its consideration. Its initial response has been not to favour such a dropping; it does not believe that the feeling that has been reported to me in a couple of instances is as widespread as might be believed.

Following that response, I referred the matter back to it again and asked it to survey all community groups in South Australia to ascertain their views on the matter of the use of the word 'ethnic' in the title of both the commission and the office. In so doing I have asked that it raise the issue in a dispassionate sense, putting both the pros and cons of having such a word continue or being removed from the title. That material has not yet been prepared. When it is, it will be mailed out to all those groups that we know of in South Australia representing different communities in this State, and we will then be in a better position to make further decisions.

To take exception to the word 'ethnic' is not to take exception to certain other words such as 'ethnicity'. Everyone in the community has an ethnicity by virtue of their own background. The argument being raised against the word 'ethnic' is to say that it is perceived that some people are ethnic and others are not. That point is being taken

exception to by certain members of some communities in South Australia, particularly those who, being third generation or more, are proud of the origins of their ancestors and proud of the heritage that they continue to carry on within a multicultural Australia, whilst not wanting something that divides them from one group—the majority—into a smaller group—a minority. They take exception to that, and that is what they think 'ethnic' as a pejorative word sometimes contributes towards. We will let the survey of groups determine what finally happens in this regard.

GRAND PRIX PROMOTIONS

Mr MATTHEW (Bright): Will the Premier investigate whether the Grand Prix Office is threatening local T-shirt retailers and manufacturers using the pretext of 'strict quality control' to maintain its monopoly for Goodsports Chinese T-shirts and designs? I have been given a copy of a letter sent to one Adelaide clothing business from Mr Rod Paech, the Finance and Administration Manager of the Grand Prix Office. This letter states that the Grand Prix Board 'has exercised strict quality control over products made under licence', and goes on to threaten legal action for any breaches of its monopoly. However, retailers have told me that Grand Prix T-shirts have had to be returned because the ink has run from the rain on race day and that the Chinese T-shirts supplied are below the Australian standard they would normally stock.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I thought that Chinese trade and investment was being encouraged by the Opposition. It is rather an irony that the honourable member approaches the question in this way. As to the matter of strict quality control, it is most appropriate that the Grand Prix Board—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —in fact maintains strict quality control. As to the circumstances that were outlined by the honourable member, I will refer his question to the Grand Prix Board and ask whether it has a response.

BARLEY MARKETING ACT

Mr ATKINSON (Spence): Can the Minister of Agriculture say when the review of barley marketing legislation in South Australia and Victoria will be completed, and when a Bill giving effect to the review will be put before the House?

The Hon. LYNN ARNOLD: Legislation with respect to the barley industry has been further delayed. I have been advised by my colleague, the Victorian Minister of Agriculture, that it is now unlikely that legislation will get through the Victorian Parliament until the August session next year because of some drafting problems they are facing. Some aspects of drafting have been left to the responsibility of Victoria, and I will be having further discussions with my colleague to see whether there is any way their timetable can be brought forward. It would be my hope that we could have legislation on the matter through this Parliament in the autumn sitting of this session; in other words, in February next year.

I have advised various groups of the decisions we are making with respect to the proposed selection of the Barley Board when it comes before the Parliament under the new legislation. As members will know, there has been an argument between two schools of thought: one says that the barley growers on the board should be elected and the other says that they should be selected. The review process recommended that they should be selected. Having heard the points of view of both groups, and after giving the matter further consideration, it appears that we may be able to arrive at a kind of hybrid position, and I will be proposing that that be included. I have already advised my colleague, the Victorian Minister of Agriculture, that this is my intention—that we include a provision that some grower members be elected and some selected.

The original proposal would have had a board of about seven members: I am now proposing that there be a board of eight members. Of those eight members, five would be growers or people with knowledge of the barley industry, and the sixth would be a person with knowledge of the barley industry but not necessarily a grower. Of those five members who would be growers or people with knowledge of the barley industry, the proposal is that three should be elected (two in South Australia and one in Victoria) and two appointed by the Ministers of Agriculture in South Australia and Victoria. However, that is just my proposition. I have no certainty that that will be accepted by the Victorian Minister of Agriculture, who is still part of the equation.

The views expressed to me by various quarters in Victoria are very strongly in favour of selection only. I come back to the point that I have made to all groups on this matter: at the end of the day I want to see the preservation of orderly marketing in barley. I do not want to see that sacrificed because we cannot agree on a package between the two States which could lead to *de facto* deregulation and which, I believe, is in nobody's interests. That is the hybrid proposition that I have floated. I am still receiving some responses on that. It is too early to say how well that will be received. In any event, the whole matter of legislation has been delayed longer than we had anticipated. We are trying to bring it forward, but it will certainly not be before Christmas.

DISCHARGING OF WARRANTS

Mr BRINDAL (Hayward): I direct my question to the Minister of Emergency Services. Are offenders who are issued with prison term warrants of five days or less having those warrants discharged without further penalty when the offenders present themselves to a police station? If so, what does the Government propose to do about it? I have been informed that a recent offender, who had 67 outstanding warrants, totalling more than $8 000 in fines, was discharged by the police in less than eight hours. I have also been told that other offenders with five-day stay warrants are being discharged in under two hours, upon the faxed advice of the Manager of Yatala Gaol. It has been put to me that, under these arrangements, offences such as the assault of police officers are becoming virtually penalty free.

The Hon. J.H.C. KLUNDER: I thank the honourable member for his question. Clearly, I will need to get some advice on this matter, because I think this is one of the things that is halfway between the portfolios of the Minister of Correctional Services and of myself. However, I will get the matter checked out. If the honourable member can obtain the details of the case to which he has referred in particular, that will be helpful.

PLASTICS RECYCLING

Mr HOLLOWAY (Mitchell): Will the Minister for Environment and Planning advise the House of the plastic recycling processes that require the use of different types of resin for the making of recycled plastic products? Recently the member for Heysen told the House that one Hills council had claimed that its collection of plastics was being undermined by interstate imports.

The Hon. S.M. LENEHAN: I thank the honourable member for his ongoing involvement in and commitment to the whole concept of recycling. I thank him particularly for his interest in this matter. First, I can tell the House that there are seven different types of plastic on the market and a voluntary coding system has been developed to assist recyclers and residents in sorting plastic containers by resin type. In South Australia, the two most common post consumer plastics being recycled are polyethylene terephthalate (referred to as PETE No. 1) and high density polyethylene (HDPE No. 2).

The PETE is being transported to a new Albury-Wodonga plant and is being processed into new bottles for such things as hand lotions, etc. HDPE is currently collected by Normetals, a South Australian company, which has the necessary equipment to 'block' the plastic ready for transport to Melbourne. HDPE is the plastic resin needed for Rib Loc's process to produce pipes made from recycled plastics. Again, Rib Loc is a South Australian company that is showing the way in the use of this post consumer plastic, in terms of this making of piping for a number of commercial and, indeed, Government uses.

So, Rib Loc uses the HDPE in its process of making pipes, and I have previously given the House details of the company's achievements. Further, Full Cycle Plastics of Melbourne supplies Rib Loc with plastic in the form required to make its pipes and it is currently transporting HDPE from Adelaide to Melbourne free of charge. So, in fact that company is collecting, if you like, waste plastic and transporting it to Melbourne where it is converted into a type of resin that can then be used in the Rib Loc process.

The consumer collection of HDPE plastics has been made known to councils in the metropolitan and Hills areas, and I am delighted to tell all members that, in particular, the Gumeracha and Onkaparinga councils have been informed of this collection service. Both those councils have recently been quoted as saying that their plastics are being dumped due to undermining by interstate imports. That is absolutely incorrect and I wish to refute that claim. It is quite incorrect. All councils in South Australia are continuously encouraged by me, and I would like to say by some other members of this Parliament as well, to collect HDPE and PETE and to include these plastics in their kerbside recycling schemes or their collections at drop-off centres.

It would obviously be much more appropriate for the member for Heysen to encourage his local councils to participate in the collection of plastic or recycling and reuse, rather than to criticise a very important innovation and an important process in terms of Rib Loc's making of these new pipes and to get behind South Australia—

Members interjecting:

The Hon. S.M. LENEHAN: The Opposition does not like this, but I would ask the honourable member to get behind South Australia and support our recycling industries and our kerbside collection schemes, rather than to knock South Australia continually.

POLICE RESOURCES

Mrs KOTZ (Newland): Will the Minister of Emergency Services explain why it was necessary for two police patrol cars to be sent to a gathering of about 50 representatives of senior citizens and frail aged groups at Modbury on 5 November, and was the sending of two patrol cars to such a peaceful gathering a waste of much needed police resources? The aged and elderly citizens were presenting petitions to me containing thousands of signatures calling for the retention of the Domiciliary Care Service at Smart Road, Modbury, which has been transferred to Elizabeth, and they believe this disadvantages the elderly in the north-eastern suburbs. I am advised that the elderly representatives assured the Police Force that their gathering was for passive protest and not with riotous intent.

The Hon. J.H.C. KLUNDER: I thank the honourable member for her question. The material she raises seems familiar; I may have read about it in the local paper. One of the things that members of the Opposition so frequently get up and yell about is that there are not enough police around the place to look after the population in general. I understand that on this occasion the honourable member is complaining that too many police turned up to a function which she attended and which was quite obviously a peaceful and quiet function. It may well be that the police had a phone call that there was an unusual gathering and that, under those circumstances, the police turned up, or it may well have been for any number of other circumstances. I would like to know indeed whether or not the honourable member was satisfied with the speed of the response and whether it was adequate for her purposes.

Mrs Kotz interjecting:

The Hon. J.H.C. KLUNDER: The honourable member wants to know who asked for the police to attend. I think I will have to take that question on notice, because I do not keep tabs on every single police callout. Clearly, the police were called out, they turned up by natural osmotic movement through the electorate or they were there for a particular purpose. If the honourable member is desperate to find out why two police cars were in attendance for the number of people there, I suppose I can try to find out for her.

PART-TIME WORKERS

Mr FERGUSON (Henley Beach): Can the Minister of Labour advise the House as to what action is being taken to assist the industrial needs of a growing number of part-time workers, especially women, in South Australia? I understand that very little research has been done on this subject.

The Hon. R.J. GREGORY: I thank the honourable member for his question. Last week I was able to participate in the launch of a research paper done on part-time work, which paper indicated that the enormous growth in employment in South Australia and Australia has been females seeking part-time work. They seek part-time work for a considerable number of reasons, including that they want to go back into the work force to reuse their skills and that they have families to bring up, but they find that they are being completely disadvantaged because many of the awards do not provide for permanent part-time work. As a consequence they are missing out on annual leave, sick leave, superannuation, long service leave and many of the other benefits that people take for granted when they are employed in the workplace.

One of the amazing things that came out of that report was anecdotal evidence to the effect that middle aged females actually believe that award conditions are the result of Government legislation. I might add that, if the Liberal Party introduced some of the measures it intends to, these people would be quickly disabused, because they would find that these protections they take for granted would be taken away from them and they would be further exploited. It is estimated that by the year 2000 there will be equal numbers of males and females in the work force, with an enormous number working part time.

I want to congratulate the people who prepared this report, because it will assist the people who work in unions and Government departments and the employers to properly cater for this growing and very efficient, educated and talented work force.

JANE ELIZA MARINA/RESIDENTIAL DEVELOPMENT

The Hon. P.B. ARNOLD (Chaffey): Why has the Premier not supported the Jane Eliza marina/residential development of Mr Ian Showell at Renmark, which has now been placed in receivership, in the same way as the $6 million taxpayer funded bridge at Goolwa will financially support the developer on Hindmarsh Island?

The Hon. J.C. BANNON: That is a pretty churlish question. It does not help Mr Showell and the Jane Eliza landing with the problems, nor does it help the development of the Hindmarsh Island project. I have shown support for the Jane Eliza project and was honoured to be involved in some of the ceremonies connected with its commissioning. I have a high regard for Mr Showell and his family and their commitment, but it was a commercial operation, and I was not aware of a role for the Government in that. In relation to the Hindmarsh Island development, what the honourable member is referring to—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON:—is the undertaking by the Government to construct a bridge. I point out that the proposition involves a recoupment of part of the cost of the building of that bridge from development that will take place on Hindmarsh Island. I am not aware that the Jane Eliza project had particular requirements of that kind or, indeed, that there was any proposition put. In addition, by the construction of a bridge substantial recurrent savings will accrue to the Government in that there will no longer be a need to operate a fairly costly and not very efficient punt service at Goolwa. Again, there is no analogy.

If a proposition could be put to the Government in relation to a Berri to Loxton link that would involve not only the defrayment of recurrent expenditure but a substantial private sector contribution to that bridge, we would obviously be willing to look at it. However, again, the honourable member does his constituents absolutely no service with this kind of sour grapes approach to two very different propositions. The Berri bridge has been assessed in great detail on a number of occasions, and it simply does not stack up as a commercial proposition. On the other hand, the Hindmarsh Island proposition does stack up, but it is unrelated in that the Berri bridge is part of general transport over the Murray itself. The Hindmarsh Island project is related to access to a particular island and developments that will take place on that island which, in turn, will contribute to the defrayment of costs.

I say again, it is a great regret that the Jane Eliza project is experiencing its current financial difficulties, because it is a project of vision, it is a major contribution, and an enormous amount of blood, sweat and tears has gone into it. I greatly regret the situation that has arisen. In time, one hopes that this project will work its way through its financial problems, but I am not aware that it is appropriate, or, indeed, that the Government has been called upon, to assist that development in specific terms.

RUGBY UNION

Mr HAMILTON (Albert Park): Did the Minister of Recreation and Sport see the 1991 Rugby World Cup final between Australia and England, and does he agree that the match was a great advertisement for that code?

The Hon. M.K. MAYES: Not being a major sport in this State, rugby union often needs as much support from the community as it can get. I think the State Government has offered that support to rugby union, and I am sure that Dr Peter Allen would endorse that comment.

An honourable member interjecting:

The Hon. M.K. MAYES: Well, the member for Morphett played rugby union, as did my colleague the Minister of Employment and Further Education and you, Mr Speaker. The list goes on, so I withdraw my comment. It appears that it is a majority sport. The Premier and the Deputy Premier also played rugby union. It appears that it is not a minority sport in terms of this Chamber.

We have not had the opportunity to congratulate the Australian side on a magnificent performance and also the English on a game played with great spirit. The game provided great publicity for the sport and sport as a whole. Those of us who sat up through the early hours of the morning to watch the game, although we were slightly patriotic in support of Australia, in the end felt that it was such a good game that it really did not matter who won because of the high quality and standard of the game. It was of a high standard and significantly afterwards, as members who took the trouble to watch the match would know, the players congratulated each other on the way the game was played. That is a great credit and promotion for the sport not only here but internationally, because the game was televised to about 60 million people throughout the world, and I am sure they enjoyed it as well.

It would be remiss of me not to congratulate the Australian side, particularly the Wallaby coach (Bob Dwyer), the captain (Nick Farr-Jones) and, of course, the wingman (the sensational David Campese) for their great contribution to the sport. Great sportsmanship was exhibited not only by the Australian team but also by the English team. For those of us who have not been rugby devotees, it was a great exhibition of sport, and I am sure that it will go down in the annals of history as one of the great matches played in the World Cup.

SATURDAY BANKING

Mr BECKER (Hanson): I direct my question to the Premier. Does the Government intend to move to allow selected State Bank branches to open on Saturday mornings? If so, when? I understand that the ANZ Bank announced today that a selected 45 of its eastern States branches will open for business on Saturday mornings to improve its service to customers.

The Hon. R.J. GREGORY: I thank the honourable member for his question. The trading hours of a bank are covered by section 7 of the legislation, which refers to bank holidays,

and the schedule includes Saturdays. There have been negotiations with banks, and it has been made clear to banks that this Government will not be a pawn in the argument between banks and unions as to what people should be paid for Saturday work. It was made clear to both parties that, when they sorted themselves out about Saturday pay, the Government in South Australia would consider amendments to the legislation so that they could open. Until the industrial parties in this matter reach an appropriate arrangement, we will not be doing anything.

ENTERTAINMENT CENTRE

Mr De LAINE (Price): Will the Minister of Housing and Construction explain the safety features of the Adelaide Entertainment Centre? The Opposition recently questioned aspects of the centre's doors, claiming they were unsafe and did not meet Australian standards.

Members interjecting:

The Hon. M.K. MAYES: I will ignore the banal remarks of the member for Murray-Mallee. I thank the member for Price for his question, because it is an important one. I have received several telephone calls to my office from members of the public who are concerned about the fire safety standards, particularly of the doors, as a consequence of the Liberal spokesman on public works and construction raising this question. I want to make clear and precise for the benefit of not only this House but also the community that the Adelaide Entertainment Centre is safe and meets all Australian standards in safety requirements. The centre's builders—Jennings—say that the 640 general doors in the centre were individually inspected after they were hung and each has been certified as meeting the Australian standard.

In relation to fire doors, I refer to compliance certificate No. 694, and I table it. That certificate shows that 46 standard size doors have a fire resistance rating of one hour, eight standard size doors have a fire resistance rating of two hours, and 77 large size doors have a fire resistance rating of one hour. That is in accordance with the Australian standards, under compliance certificate No. 694. Contrary to the erroneous claims made by some, I assure the House and, more importantly, the public that the doors at the Adelaide Entertainment Centre meet safety standards.

In relation to other aspects of the centre, I point out that it incorporates safety features of the highest standard. The seating meets the latest in safety standards. In fact, the State Government spent slightly more than intended on seating, principally because of the impending release of a new Australian code relating to fire retardant materials and a decision to meet this new code in the interests of public safety. The seating is covered in fire retardant foam with pure wool covers. Also, the curtains in the centre are in pure wool fabric. The building has a fully automatic alarm system directly linked to the South Australian Metropolitan Fire Service, a VESDA system (very early smoke detection alarm), an emergency warning and evacuation system, emergency power, and exit lighting for a period of two hours. The building is fully sprinklered, and is the first centre in Australia to be so protected.

The building is designed so that the distance of travel and exit provisions are within those allowed under the Australian code or by the special building regulations committee. The safety features are not restricted to inside the centre: special care has been taken to provide facilities for pedestrians to and from the centre, with signals, warning signs and road improvements bolstering the safety of the centre's environs.

SOUTH AUSTRALIAN INSTITUTE OF SPORT

Mr OSWALD (Morphett): Why has the Minister of Recreation and Sport so publicly aligned himself with the Acting Director of the Department of Recreation and Sport, Mr Peter Young, against the institute's board by endorsing the board's appointments? What is the Minister's principal objection to the board's request that it should be set up as an autonomous statutory authority, and is Dr John Daly to be appointed to the position of Acting Director of the institute?

The Hon. M.K. MAYES: The answer to the last question is 'No'. Given the time constraints, the situation has to be brought down to a couple of key issues; first, the legal requirements under the Department of Recreation and Sport's current arrangements regarding SASI. Matters have become quite public through statements made about the legal structure applying to the appointment of coaches—for example, contracts—and the accounting procedures. These matters came under closer scrutiny through the appointment of Mr Peter Young as Acting Director. In order to comply with standard requirements under Treasury guidelines, the new accounting system—the central deposit accounting system known as TAS—was put in place in SASI for the department. That met the requirement of Treasury's instruction and that of the Minister of Finance. The legality of the appointment of coaches was raised in order to clarify the situation with regard to the board's capacity to appoint staff. As a non-statutory, unincorporated body, it has no legal status in terms of appointing staff. That was the second issue requiring clarification.

That position has now been clarified. I had a very successful meeting with coaches last week. A report has been prepared under the direction of the Commissioner for Public Employment stipulating the number of options available. The option that I favoured and conveyed to coaches was that they be employed under the Government Management and Employment Act so that they have tenure and so as to provide accountability to me, through this Parliament, to the public. That highlights the key issues involved. Some board members believe that over the years the view has been expressed that the board is an autonomous body, but that is not the case. Obviously, with various administrators over a period, some views have been expressed indicating some autonomy within the board, but legally that is not so.

I met in 1987 with the then Chairman, Mr Geoff Motley, and the Director, Mr Mike Nunan, and they raised with me a number of questions regarding the operation of the board, one question being whether or not they could move towards becoming a statutory authority. At that time I believed that it was more appropriate for SASI to operate as it had been operating and to remain within the Department of Recreation and Sport as part of Government, where it could be involved directly with sport, and that is the advice I gave at the time.

Some board members—and this is no secret—believe that SASI should be a totally autonomous body. I believe that that would lead to a lack of accountability to this Parliament and the public, and I have expressed that view to them quite clearly. I am prepared to involve the board—I have a meeting with members of it this afternoon and do not want in any way to pre-empt any discussions that might occur—in as many activities, in terms of the SASI operation, as is legally possible.

Otherwise, any board member involved in authorising the SASI budget would be held personally liable and obligated to honour any shortfall in funds caused by the failure of an activity for which those funds had been allocated.

That is a responsibility that I am sure no board members would want to wear, nor would the Government want to allow them to wear that responsibility. They are the sorts of issues I am endeavouring to have clarified so that we can see a very clear picture of how the board will operate concerning its legal and accounting requirements and its status within the Department of Recreation and Sport.

I believe it is important that SASI have a fundamental role and relationship involving sport and Government. I will be endeavouring to ensure that that can be structured so that, for example, it can have a say in the appointment of coaching staff for a particular sport. It is very important that it have that link. I think that there is a basic misunderstanding of the legal intricacies of the situation.

The SPEAKER: I think the Minister should draw his response to a close.

The Hon. M.K. MAYES: I look forward to discussions this afternoon with the board. I hope that they are useful and come to a very satisfactory solution.

STA SAFETY PHONES

Mr HAMILTON (Albert Park): Can the Minister of Transport advise the House whether the State Transport Authority intends installing additional safety phones at other metropolitan railway stations? A Seaton commuter has approached me and expressed her support for the installation of safety phones at other railway stations in the metropolitan area. My constituent has advised me that this safety phone is very successful: hence my question.

The Hon. FRANK BLEVINS: As the member for Albert Park would be aware, I attended a small ceremony for the installation of a safety phone at the Salisbury interchange. At the same time as we established the safety phone, we had to install an additional 10 observation cameras just for that one interchange. I think that that gives the House some indication of the seriousness with which the STA and the Government regard the safety of STA passengers and people who may be passing through the interchange. Of course, it is a sad indictment of society that we have to take such extreme measures, but there is no question that those measures are required.

We are not prepared to have our passengers or people using our property put in danger in a way that has occurred in the past, and I draw everybody's attention to the fatal attack on a police officer at the Salisbury interchange. It is the intention of the STA to install these safety phones at a number of other locations, principally at other major interchanges. I think the next safety phone to be installed will be at the Noarlunga interchange, and we will gradually introduce them in various locations in the metropolitan area. I cannot say if or when we will get to the Seaton station: I will have that matter examined and give a more detailed and precise response by letter to the member for Albert Park. In summary, safety phones will be extended throughout the STA network. It is sad that it is necessary, but it is something we just have to do.

GRIEVANCE DEBATE

The SPEAKER: I pose the question that the House note grievances.

Mr BRINDAL (Hayward): Matters pertaining to drugs and alcohol have long been deliberated upon in this House, and we have heard plenty from Government members about what they may or may not do about the various problems. I rise in this grievance debate today to highlight the Government's inaction in a very specific area relating to drug and alcohol abuse, and I refer in particular to the Marion youth project. As honourable members will know, this is a valuable community initiative that was originally sponsored by the cooperative enterprises of business interests, local government and State Government. Unfortunately, while the project has always attracted the highest praise, not only from those associated with it but also from all those who live and work in the local community down there, of late it has had some funding problems. The Minister of Youth Affairs (Hon. Mike Rann) has visited the project, and I feel sure that he would support my words about its valuable nature.

It is with regret that I put on record the fact that the project is unable to continue to offer as many options to the local community as it would like to do because of the difficulty it is experiencing in obtaining recurrent funding at an appropriate level. For a long time now it has been an ongoing concern of the management of the project that there has been an alarming increase in drug use in the area. Westfield Shopping Town is a major focal and congregating point for youth, not only from my electorate but from the south-western and southern suburbs. Where such concentrations of youth occur so do the problems associated with some of our youth. On a daily basis one can see at Westfield examples of these children whom the Minister of Education says do not exist, children who quite clearly are somewhere between the ages of five and 15, who are not in the company of their parents or any other adult and who obviously are truanting.

Yet, the Minister has made comments on radio and television and in the newspapers that truancy is not really a problem and that the Government is doing something to address the matter. I invite the Minister of Education to come down on any day of the week to Westfield Shopping Town and to have a look at the truancy problem that can be seen there, or he can send his truancy officers down there, instead of letting them sit on their bottoms in an office. They might then see at first-hand some of these children and some of the problems that do exist. However, truancy is the least of some of these kids' problems. Drugs present a much more insidious face in relation to what some of these kids are being subjected to.

I invite any of the members opposite who are heehawing, especially those members who trumpet about how rigorously they stand up for what is right in this place and how strong they are in keeping the Government in line, to come down to my office, where I will show them a collection, which I acquired in less than half an hour, of drug-related apparatus, ranging from hypodermic syringes through to bags that have been used for glue sniffing and empty spirit bottles, presumably stolen, marijuana deal bags, and butane containers. As members on both sides of the House would know, this substance has caused the death of a number of youths in the past couple of years. That is the nature of the problem in the area. Westfield Shopping Town is a congregation point. That area and the environments thereof are used for racking, which, as members opposite may know, is stealing to order. The places in the vicinity are used for drug deals and for various other things.

The problem that I am highlighting is a problem of society, but I bring it into this place reluctantly, because some weeks ago I wrote on this matter to the Deputy Premier in his capacity as Minister of Health. I know that, for months before that, the management team of the youth project had

been working consistently through the correct processes to obtain some help in this matter. However, they met with filisbuster and excuses and not much action at all from the Deputy Premier's Health Commission. In an area where there is obviously great need nothing has happened. I wrote to the Deputy Premier and nothing has happened. The youth project needs a drug and alcohol rehabilitation counsellor; that is a clear and demonstrable need and I call on this Government to stop its pontificating, to stop giving platitudes and excuses for why it will not do anything and to get on with the job.

Mr McKEE (Gilles): I would like to highlight in this grievance debate the fact that the Opposition has a general lack of policies, as we have just heard. It is simply no good for members of the Opposition to come into this Chamber attempting to distort the position the Government has taken on many important issues without the backup and honesty of policies of their own to present.

Members interjecting:

Mr McKEE: It is true. Over the past few weeks I have spoken on issues concerning the general area of health: first, to state the Government's position clearly and precisely and, secondly, to divulge the fact that the health area is another case of the Opposition's not having a policy. It reminds me of the anecdote that highlighted the rivalry between George Bernard Shaw and Sir Winston Churchill. Shaw sent two tickets to Churchill with a note which read:

> Dear Sir Winston, Please find enclosed two tickets to the opening night of my new play, *Pygmalion*; one ticket for you and one for a friend . . . if you have one.

Not to be outdone, Sir Winston sent back the two tickets with a note which read:

> Dear George, Due to the pressures of office I cannot attend the opening night of your new play. However, I would like to attend the second night . . . if you have one.

As far as I am concerned and, I am sure, my colleagues on this side of the House and the public of South Australia, we cannot wait for the Opposition to announce a health policy . . . if it has one.

The Hon. JENNIFER CASHMORE (Coles): It is not my custom as a rule to use grievance debates to read into the record the words of other people. However, I and other members, including the Minister of Water Resources, received in this morning's mail a letter that is so poignant and so effective that I believe it deserves to be put on the record. The letter is protesting against the Government's new water rating system and is from Mrs Gwenda Riddle, of Kensington. She writes in part to the Minister along the following lines:

> I object very strongly to, and am very concerned about, your recent changes to E&WS charges and your arguments re the fairness of same. You stated in your TV interviews, print media, etc. that only 15 per cent (the wealthy people of the State) would suffer because of the property value of the segment. Again, in trying to soothe the savage reaction to this iniquitous tax, you went on TV to state something to the effect that 'Who would quibble at having to pay $2.40 per annum because their home is valued at $120 000?' The amount a mere $3 000 above the limit of $117 000! I wish this were my situation.
>
> Here is the story of my accumulation of wealth. For 19 years my husband and I ran a small country newsagency, on a mortgage and much of the time on a bank overdraft. The hours were long and hard but we were lucky enough to have one week's holiday together during that time—in a motel about 130 km from home. In 1970 we were forced to sell our business to move to Adelaide where my husband could get medical treatment for problems both physical and mental, problems which had made him unable to continue such long working hours and unable to cope with any responsibility. All the money from the sale of our business was used as downpayment on a modest three bedroom, one bathroom house in a run down area of Kensington. The sale of our 80 year old, salt damp riddled cottage realised $6 000, a small part of which was to be paid over a 2 year period. Most of the remainder went to pay off our overdraft and the rest of our mortgage, stamp duty and other sale costs, transport of household contents, floor coverings, blinds, etc. for our new home. The remainder was all we had on which to live until I could find work.

Later, she states:

> Neither of us drank nor smoked. We had two teenage children to educate and support . . . I was a teacher before marriage so managed to gain re-entry to the Education Department but on the lowest salary level . . . Knowing that we had little chance of meeting high repayment levels, we took out a very long (45 year) repayment schedule to meet the loan on our house. I still owe $8 000+. Is that deducted from assessed value before charging? My guess is that it is not.

And, of course, we know it is not. Mrs Riddle goes on in quite some detail to explain the difficult situation with respect to her income. She also explains that the value of her house has risen by leaps and bounds. She says that in the past two years it has risen by $35 000 to $180 000, which is almost 25 per cent. She goes on to say that her income from all sources is a very limited amount, which I will not read into the record, and that there is no way on earth that she can continue to meet costs of the kind imposed by the Government. She concludes by stating:

> Now in my retirement, I no longer need to stay up till 1 a.m. or later, as was often the case, to prepare schoolwork for the next day, or to do a pile of ironing. I had hoped to be able to relax and enjoy my home which holds so many memories, both happy and sad. Is that too much to expect? I am afraid that in a few years I will not be able to meet rising costs.
>
> I am reasonably fit and healthy for my age and able to cope with most problems, but am still on light medication for stress . . . However, if house valuation and the resultant rises in rates and taxes continue to escalate at their present speed I may only have a few more years in my home. What then? Many people advise me to sell my home and buy a small unit but the cost of such a move is prohibitive, and I want at least to have enough space to have my children and grandchildren stay with me when they come to visit. I hope you can be persuaded to change your mind about this cruel and unfair tax. It is a 'wealth' tax, call it what you will. My problem is that my wealth is intrinsic, not tangible.

Mr HAMILTON (Albert Park): How appropriate are the comments of the member for Coles. Last week I was motivated by Radio 5AD and the *Advertiser* to do a little homework, and I compliment the *Advertiser* on an article of Friday 15 November regarding water misers which, because of the scarcity of time, I will not relate. However, I commend that item to the House and to the community at large. Similarly, I recommend that all members read an article in the *Sunday Mail* of 17 November on beating the heat in relation to the conservation of water and how to water one's garden efficiently. Perhaps the slogan for the summer months in South Australia should be: 'Don't be a wally: save water.' That slogan has been effective in other States.

Motivated by the media, I wished to determine how much information was available to South Australians so that they could look at what they could do to conserve water. In the short time available from Friday last, I have been able to gather some 18 leaflets. I know that you, Sir, would be surprised. I am not permitted to display it, but one is a nice little card which I recommend everybody carry around in their hip pocket so that every time they go to get money out of their pocket it reminds them how to conserve water.

A pamphlet entitled 'To the householder'—and I will return to it later—provides many self-help guides on how to conserve water in South Australia. The pamphlet entitled 'Where does your household use its water?' includes many items by which people in South Australia can conserve water. Another pamphlet is entitled 'How to save water in your garden', and I commend it to all members of the

House; indeed, to everyone in South Australia. Yet another pamphlet is entitled 'How to save water in your home'—I include the member with the bad memory—and another refers to how to save water using dishwashers and washing machines.

Other excellent pamphlets at which all members of the South Australian community should look refer to shower roses and how to save water by showering with a friend and things of that nature. The Water Use Advisory Service, which is available to all South Australians, issues pamphlets on checking for leaks and how to read water meters, etc. The Water Use Advisory Service produces an excellent pamphlet on water connections with other water sources. A device known as aqua miser provides people with an opportunity to monitor the water usage in their garden. Other helpful pamphlets are entitled 'Giving your plants tender loving care'—a drip watering system—'Planning a native garden', 'Twenty native plants for beginners', 'Rainwater tanks for households without a mains water supply', 'Rainwater tanks'—

An honourable member interjecting:

Mr HAMILTON: Talking about drips, a member opposite interjects. Other pamphlets are 'Mosquito control in rainwater tanks', 'Water quality control in rainwater tanks', 'Luxury showers', 'Great Vibrations—your personal care shower'—that is fascinating, I will read that later when I get a chance. They are a few of the pamphlets that I have been able to pick up in a very short time. As I said to the media last week, I think it is incumbent upon members of Parliament in this State to show by example. As I have indicated, I had people out to my place on the weekend measuring up to make sure that I have these drip facilities to water all the plants on my property. I commend a drip system to every member of the House, including the shadow Minister.

An honourable member: Both Houses.

Mr HAMILTON: That is right, both Houses. I commend such a system to all members of the House. I hope that the Minister will give consideration to providing every member of the House with this kit. They can have one in their electorate offices so that when constituents ask them about water conservation they can say, 'Here are many ways by which you can conserve water.' It is an excellent opportunity for everyone.

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

Mrs KOTZ (Newland): I want to bring to the attention of the House and the people of South Australia a further blatant act of discrimination against residents in the north-eastern suburbs by this Bannon Labor Government. With almost indecent haste, the Bannon Government has transferred the Modbury-based Domiciliary Care Services to the Elizabeth-based Lyell McEwin Hospital. This move is a blatant act of discrimination against residents in the north-eastern region. Frail aged and retirees make up a growing percentage of the population in that area, yet this Government has seen fit to take away a facility that is vitally important to those people who need help when they are discharged from hospital.

I remind Government members in this House that the policy that directs early discharge from our hospital system and the subsequent support of back-up services to maintain convalescence in one's home is a policy initiated and supported by this Government. It would now appear that the portion of the policy receiving most support is the portion which moves people out of hospitals as quickly as possible but which gives scant regard to the care and support of our citizens once removed from the hospital environment.

The Government has been most vocal with regard to keeping people out of hospitals or reducing their length of stay because of the expense, especially when health dollars are at a premium, but it then makes it almost impossible to provide back-up support to those patients on their return home. With the relocation of the Modbury Domiciliary Care Services to the Lyell McEwin Hospital at Elizabeth, people in the Modbury region will now be 20 minutes further away from help. It has been suggested that paramedical aid equipment has always been stored at Lyell McEwin and that therefore no change or effect on services in the Modbury area will occur.

The main storage and maintenance area for paramedical equipment has been at Lyell McEwin for the past 5½ years, during which time the Modbury community has had a domiciliary care service. Certain items of equipment are also held on site at Modbury for quick and easy access to people in need in the north-eastern area, but it should be recognised quite clearly that to state what is an undeniably true fact, referring to where equipment is stored, and then to assert an undeniable fabrication does not turn that fabrication into the truth.

The service will be affected and will, in fact, be drastically reduced. I ask the members of this House to consider a further pertinent point that indicates the seriousness of this latest reduction of services: the Domiciliary Care Services in the north-eastern suburbs was cut by 50 per cent last year. Therefore, this latest reduction leaves very little of the original service, but it has been catering for emergency and priority cases. Because of the 50 per cent slashing of this service last year, only the more serious cases were accepted by domiciliary care. What will happen now to those in immediate need of home assistance in a matter of crisis? The essence of domiciliary care is the ability of the service to react quickly and immediately to the needs of the community from a community base. The nonsense argument that paramedical aids are and have been stored at Lyell McEwin and therefore there will not be any effect on service provision is just that—a nonsense. That argument is totally irrelevant.

It should be noted most strongly that the professional staff who have worked from the location at Smart Road, Modbury for the past 5½ years are the first contact for any person in need. They are the case managers, the assessors, the professionals who determine what or which specific service or paramedical aid is required to support and maintain an incapacitated person in their own home. It is an absolute nonsense to claim that there is no effect on service provision because equipment is already stored at Elizabeth. Losing the Domiciliary Care Services from the Modbury Hospital is bad enough, but it follows a potential phasing out of a 24 hour a day police station at Tea Tree Gully. The $700 000 a day extra that we have to find for the State Bank loss alone would have provided all the domiciliary care that is required for South Australians. A good sign of a Government on its way out is when it is only interested in looking after its mates and others for straight-out electoral advantage.

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

Mr HAMILTON (Albert Park): Returning to conservation—

An honourable member interjecting:

Mr HAMILTON: I would have thought that the shadow Minister of Water Resources would be most interested in

what I am about to say about conserving water. Instead of interjecting, I would have thought that he would listen with interest to what I am about to say. One of the matters I am going to raise here today for the benefit of the drip opposite is how to check for leaks. It may be appropriate for the shadow Minister that I talk about that subject. A leaflet supplied by the E&WS shows how to check for leaks, and it says:

Last thing at night turn off all household and garden taps and then record your meter reading. First thing in the morning, before anyone uses any water, read the meter again and record the reading. If there is a difference between the two readings you have a leak.

That is pretty obvious, but when people multiply that by the number of hours—

The SPEAKER: Order! The honourable member will resume his seat. We are working under revised Sessional Orders. As the honourable member has spoken in this debate previously today, I think it is wise to look at the Sessional Orders, which provide that up to six members may speak for a maximum of five minutes each. It seems to the Chair that, as the honourable member has already spoken in this debate for five minutes, it is out of order under the new Sessional Orders for the honourable member to speak again in the same debate.

An honourable member: I agree entirely.

The SPEAKER: Order! The honourable member may not be here to agree. Therefore, I suggest that the time remaining be used by another member. The member for Mitchell.

Mr HOLLOWAY (Mitchell): I wish to address a different matter. I was outraged yesterday when I read the *Advertiser* editorial, which was one of the most blatantly and outrageously dishonest pieces of newspaper journalism I have ever read.

Mrs Kotz: Very accurate.

Mr HOLLOWAY: The honourable member says it was very accurate. Let us look at how dishonest it was. What did this disgraceful editorial say about the Privacy Bill, which we have all been debating? It said that the Bill was 'designed primarily to raise extra funds from the public'. Fancy describing that Bill as being designed primarily to raise extra funds from the public. I would like to know from the Editor of this publication exactly how it is supposed to achieve that function.

The editorial went on to accuse the Government of forcing 'tens of thousands of people to pay steep increases in water rates'. Members know that changes to the water rating system that have been introduced are revenue neutral; there is no net increase in revenue above the inflationary component as a result of those changes. The Editor got it quite wrong again. The editorial then goes on to refer to councils being allowed 'to levy businesses for displaying advertising billboards outside their premises'. How is that going to provide income to this Government? The Government is accused of introducing measures that do nothing but raise revenue for the Government, yet one of the examples cited is a measure that will affect councils. Again, the editorial is quite dishonest.

It then refers to the charging of hotels and clubs for installing gambling machines. Is the *Advertiser* Editor really suggesting that hotels and clubs should be allowed to operate video and poker machines without paying any taxation or revenue? What a ridiculous idea. In any case, I remind the *Advertiser* Editor that that measure resulted from a private member's motion moved by the member for Davenport, although I do not say that critically of him. I supported the measure and I believe the member for Davenport should get the credit for moving that motion. But it was a private member's Bill that initially led to that, and I do not believe that any reasonable person would suggest that hotels and clubs should not pay their fair share of taxes.

The most outrageous and dishonest comment of all was the comment 'and even to license prostitutes'. Where did the *Advertiser* get the idea that this Government is going to license prostitutes? That is beyond me. For a start, the decision on prostitution is a conscience vote. Perhaps the Editor got it mixed up with a Bill introduced in another place by a member of the Australian Democrats. Nevertheless, it is outrageously dishonest to accuse this Government of introducing measures to license prostitutes, of all things, as a revenue raising measure. The *Advertiser* editorial was totally off the beam, and it is a sad state of affairs.

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

GOODS SECURITIES (HIGHWAYS FUND) AMENDMENT BILL

Returned from the Legislative Council with a suggested amendment.

WHEAT MARKETING (TRUST FUND) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

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

That the time allotted for—

(a) completion of the following Bills:

Aboriginal Lands Trust (Parliamentary Committee and Business Advisory Panel) Amendment,
The Flinders University of South Australia (Joint Awards) Amendment,
Superannuation (Miscellaneous) Amendment,
Motor Vehicles (Historic Vehicles and Disabled Persons' Parking) Amendment,
Wrongs (Parents' Liability) Amendment,
Fisheries (Miscellaneous) Amendment,
Stamp Duties (Assessments and Forms) Amendment and

(b) consideration of the amendments and suggested amendments of the Legislative Council in the—

Housing Co-operatives Bill and
Pay-roll Tax (Miscellaneous) Amendment Bill

be until 6 p.m. on Thursday 21 November.

Motion carried.

PAY-ROLL TAX (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's suggested amendments:

No. 1. Page 3 (clause 4)—After line 9 insert new paragraph as follows:

(ba) where the services are of a kind ordinarily required by the designated person for less than 180 days in a financial year;.

No. 2. Page 3 (clause 4)—After line 16 insert new paragraph as follows:

(ca) where the Commissioner is satisfied that the services are supplied by a person who ordinarily renders services of that kind to the public generally;.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's suggested amendments be agreed to.

Some queries were raised in the Legislative Council about the effect that this Bill would have on *bona fide* building contractors. The Government does not accept that this measure has any effect on *bona fide* contractors within the building industry. The measure will capture, and was intended to capture, those who construct artificial devices in an attempt to avoid the payment of payroll tax, and we believe the Bill does that effectively. These amendments do not detract from the main thrust of the intent of that part of the Bill. They result from a number of discussions including the Government, the Australian Democrats and others, and we believe that the amendments are a reasonable addition to the Bill.

Mr S.J. BAKER: I am pleased that the Minister is accepting the amendments, because he would have noted when we debated this Bill that I raised a number of questions about how the Act would operate and about how such service contracts would be viewed by the Taxation Commissioner. I was not satisfied that there would not be a number of innocent people caught up in the provisions who were not meant to be so caught. Now that we have provided an exemption in terms of 180 days, there is more flexibility in the system, and I believe that will preclude or exclude many people who could have fallen unnaturally under the provisions of the Act and who, therefore, would have been subject to payroll tax provisions. The first amendment is a worthwhile addition.

The second amendment is a matter of conjecture. We wanted something more specific, as the Minister would understand and appreciate. We wanted to see the building industry specifically excluded from the provisions of the legislation in the same way as two other industries were excluded. We wanted the same conditions to prevail. However, the Australian Democrats came up with an alternative provision that they deemed would effectively do the same thing. We refute that proposition. We refute that it will not be expensive for the housing industry, and we believe that the Minister should have taken greater account of what is happening in the marketplace today, especially the difficulties faced by construction companies, who need all the help they can get in order to provide cheap housing in South Australia, without our even talking about the non-residential building construction sector, which is at its lowest ebb for perhaps 30 or 40 years in real terms.

There were dilemmas that we believe should have been considered by the Minister. I believe that both the amendments will assist in doing exactly what Parliament would wish the Act to do, that is, to exclude those people who work on their own behalf, who are not employees as such and who, therefore, should not come within the ambit of payroll tax. There is still a little way to go, but the Opposition is pleased with the ultimate outcome.

Motion carried.

HOUSING CO-OPERATIVES BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 6, line 17 (clause 9)—Leave out 'three' and insert 'two'.

No. 2. Page 6 (clause 9)—After line 17 insert new subparagraph as follows:

(a) one being chosen from a panel of three persons who have a wide range of experience in the housing industry submitted by the Housing Advisory Council Industry Committee, or if that body is no longer in existence, being chosen after consultation with some other appropriate organisation or body involved in the housing industry determined by the Minister;

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendments be agreed to.

Mr LEWIS: We can count: we know what the numbers are in this issue and, therefore, the Opposition will not oppose the proposition. However, let me put on record in this place our belief that the authority should have not only some policy direction but also some real control and direction from people who are independent of the cooperative move. That has been our argument all along. We are very concerned, because we believe that the amendment is inadequate in that regard.

However, it is better than the previous position taken by the Minister in the form in which the Bill left this place. It was our opinion, and still is our opinion, that we needed to have balance with members of the Housing Industry Association and the Real Estate Institute, which are specific organisations with hands-on experience in determining matters relevant to the housing industry. They understand different facets of that industry which are otherwise not present on the current body, nor will they be present even with the adoption of the amendment of the other place, which the Minister now accepts. He did not give any reasons in making his statement for saying why he will accept this move, and I am astonished at that. I would have thought that he could give reasons for accepting it, as he apparently was unable to do that when the measure was before this Chamber on the last occasion.

We therefore simply say that we would have liked to see a much better balance in the committee and the additional safeguard that the committee cannot be hijacked by the people for whom it is established. The reason that we fear it might be is that, whilst it is established for their benefit, they have no real obligation. They are not risking anything in the process of policy determination: the taxpayers will pick up the tab if those people decide to simply hijack the committee. Accordingly, we fear that the same kind of thing could happen in this case, albeit on a scale relevant to the organisation we are talking about, as has occurred in SGIC or any other of a number of Government instrumentalities where the people running them are not really risking anything. They will simply take what they can get as it suits them. We see the amendment, therefore, as some minor improvement in the legislation, although we are disappointed to find that the Government and a Party called the Australian Democrats have chosen to ignore our warnings. With that, we wish the legislation speedy passage into life.

Motion carried.

ABORIGINAL LANDS TRUST (PARLIAMENTARY COMMITTEE AND BUSINESS ADVISORY PANEL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 1684.)

The Hon. D.C. WOTTON (Heysen): The Opposition supports this legislation. It is a good move in the right direction and, whilst we will propose amendments at a later stage, I will speak in a positive manner regarding the Bill. The Aboriginal Lands Trust was established 25 years ago this year. It is perhaps a little regrettable that in recent days we have seen publicity relating to that 25th anniversary that I do not believe is totally appropriate as far as some of the local people in that area are concerned. It is not appropriate that I should go into a lot of detail about that, but I certainly

recognise the 25th anniversary of the proclamation of the Aboriginal Lands Trust Act. Since the passage of that legislation, we have seen the passage of two other Bills: the Pitjantjatjara Land Rights Act and the Maralinga Land Rights Act. Both pieces of legislation have included provision for the establishment of a parliamentary committee, the purpose of which is to review and monitor the operations of the Act. I am aware that those committees are working very well indeed. It is totally appropriate that wherever possible in this portfolio area and when looking to do all that we can to help Aboriginal people we work in a bipartisan manner. It is one of the aims of the committee and the way it has been formed to ensure that that happens.

The Bill before us presently seeks to establish a similar parliamentary committee to work with the Aboriginal Lands Trust on the operation of the Aboriginal Lands Trust Act and on matters which affect the interests of Aboriginal people, particularly those living on Aboriginal Lands Trust land. In the establishment of the Aboriginal Lands Trust, provision was made in the legislation at that time for the ability to provide assistance, particularly technical assistance, for the development of the lands held by the trust. The Bill that we are now debating provides a mechanism for providing such assistance though the establishment of a business advisory panel. Members of this panel will work with the lessees of trust land on the management and development of business enterprises carried out on that land. I refer to the Minister's second reading explanation in which he states:

> Reviews of economic development programs both in Australia and overseas have consistently shown that a major cause of business failure is the lack of effective business advice to a manager once the business has been established. Members of the business advisory panel will work with communities and individuals who either have a business proposal or are managing a business on trust land. Panel members will provide their time at no cost and will be available on the phone or in person to discuss ongoing management issues with managers.

I support that concept very strongly. I have some questions about that program that I hope the Minister will be able to answer when he responds. I would like to know, for example, how much money is to be available in the program. I know that members of the panel will be working in a voluntary capacity, but the panel will need to be serviced. I would like to know more detail on how any funding made available will be spent in the servicing of the panel. They are fairly minor points, but they need to be considered.

In talking about business failures and management, I was most impressed recently when I attended a workshop on Aboriginal enterprise development. It was a business awareness workshop and it was very well organised, providing an opportunity for Aboriginal people in particular to look more closely at how they might become involved in business. In the report prepared to coincide with that workshop, it was stated that there are not many Aborigines in business in Australia generally. The report continues:

> There are different reasons for this situation, but the major reason is that many Aborigines do not learn about business when they are young. People who are successful in business often learn the ropes from their family and community.

The scheme put forward at this workshop was intended to try to help Aborigines overcome this problem and teach them how to start and run a business. I was most interested in that program and hope that, as a result of the information that was provided, there will be some great success stories for Aboriginal businesses which will thereby provide the opportunity for more and more Aborigines to take control of their lives and start their own businesses.

As I said earlier, the Bill provides for a seven-member panel, including the Chairperson of the Aboriginal Lands Trust, the Chief Executive Officer of the Department of Employment and Technical and Further Education, and five other persons with experience in business areas such as tourism, marketing, manufacturing, administration and agriculture. They are all very important areas in which one would hope Aborigines are able to become involved. The second reading explanation also states that the purpose of the panel is to provide advice to enterprise managers on trust land, and it is not intended that the panel would meet formally on a regular basis but, rather, use their time directly with enterprise managers. I believe that we have a lot to look forward to in relation to this program.

I have two small concerns: first, how the committee will be established; and, secondly, how the five people who will be appointed to serve on the advisory panel will be appointed. However, those matters can be addressed during Committee. As I have said previously, I believe that all members in this place have concerns about and are extremely anxious to help Aborigines wherever possible. After getting to know a lot of these people better, and moving around and working with more of them, I am concerned about their very high unemployment rate and the number of young Aborigines who drop out of school.

I acknowledge the fact that the Minister kindly provided me with some information, which came out of the Estimates Committee, about the number of Aboriginal children and students who are in different levels of education: I was very interested to receive that material. However, the information I was really trying to obtain at that time was how many of these young people, whether it be at primary, secondary or university level, start these courses—and that information was in the material provided by the Minister—but do not complete them. The information I have is that a very large number of young Aborigines who start courses do not complete them, and that is a particular concern because it must add significantly to the problem we have in this State and throughout Australia with regard to the unemployment statistics of Aborigines.

Obviously, I am concerned about the health aspect, the number of family breakdowns and so on, but they are not matters that are being considered in this legislation. I raise them only because I believe that they are vitally important in the setting up of the panel, which will look at helping these people get into businesses and maintaining them effectively. I wish the panel and the committee success in the work they have to do.

I would like to see consideration given to the three separate committees we now have being rolled into one committee. I think that it is important that that occur. The member for Eyre, who is a member of the other two committees, may wish to address this matter in his contribution, but I see advantages in having the one committee. I am sure that, while we are looking at different areas, many of the responsibilities the committee would consider could be handled better if there were one committee rather than three committees. Without pre-empting the changes that we would seek during Committee, the Opposition supports the legislation.

The Hon. T.H. HEMMINGS (Napier): I obviously support the Bill. It has been my privilege, since I have been on the back bench, to have been a member of both the Maralinga Tjarutja and Pitjantjatjara committees. The second reading explanation states that it is the intention that the Aboriginal Lands Trust parliamentary committee work in a similar fashion to the other two Aboriginal lands parliamentary committees and have the same membership, powers and functions. So, although I am perhaps a little

presumptuous in saying that I will be on the committee that will be established by the Bill, I look forward to that.

One good thing about the two existing committees is that they work in a completely bipartisan way. In certain aspects of parliamentary life there is a bipartisan approach, and I think that within the two existing committees nothing could be more so. I have seen the member for Eyre sit down with the Minister, as a result of some deputation that we had when we visited the lands, and between the two of them they have worked out a solution which has come before the rest of us, and everyone has been happy. This indicates that the member for Eyre carries the full weight of the Liberal Party on his shoulders when he visits those lands.

That is not in any way trying to downgrade the role of the member for Chaffey, the member for Stuart or myself. That is the way we work it; in effect, the two power brokers work out the best way it can be resolved through the individual Party rooms. I am mystified as to why the Liberal Party has not chosen to put its spokesperson for Aboriginal affairs on the committee, although I am sure that there is a valid reason for that. In fact, the member for Heysen in his supporting speech—and I congratulate him on that—paid tribute to his two Liberal Party colleagues for the work that they do.

I refer briefly to some of the comments that the member for Heysen made about it being a pity that, with the three committees having the same membership and the same powers and functions, they cannot, in effect, be rolled into one. I have not discussed that with the Minister at all nor with any members of the committee. However, what I would say to the member for Heysen is that in relation to the two communities that we are presently dealing with, namely, the Pitjantjatjara people and the Maralinga people, they are fiercely proud of their individual roles in dealing with the Parliament. In fact, one of the reasons why the Minister brought this Bill into the House was because the Aboriginal Lands Trust board was unhappy at not having the same access to the Parliament as the other land holding communities. I bow to the advice from and wisdom of the Minister in this matter.

However, when going to the individual communities, one has a one to one relationship between, say, the Maralinga people and the committee, and it is from such one to one relationships that the Parliament, a couple of weeks ago, agreed to enlarge the Maralinga land holdings, to include the Ooldea Soak. I look forward to the visit that we will make in the early part of December to formally hand over, on behalf of this Parliament, that land to the Maralinga Tjarutja people. Whether or not the Minister agrees with me on this matter, I do not know, but as an individual member of the committee that is the point I would like to make.

It is also very fitting that we should be considering this legislation almost 25 years after the original Aboriginal Lands Trust was set up. One could well argue why we have waited 25 years for this natural extension of the Aboriginal Lands Trust. On this occasion, it is perhaps due to the enthusiasm and commitment of the Minister of Aboriginal Affairs to, in effect, provide all the Aboriginal communities with a conduit voice into the parliamentary scene. This measure will assist the Aboriginal Lands Trust to be more pro-active in giving support to the individual communities that are scattered throughout the State.

This has been a problem with the Aboriginal Lands Trust, as opposed to, say, the Maralinga and Pitjantjatjara people, with their distinct areas of land. However, with others they are not localised in a particular area and the Aboriginal Lands Trust jurisdiction can go from one end of the State to the other, with different groupings of people having different views. This legislation will see a great improvement in the attitude of the Aboriginal Lands Trust board in pursuing the hopes and aspirations of the people in these communities that are currently under the Aboriginal Lands Trust.

On the business assistance aspect of the Bill, I think we will see a massive improvement in the business expertise of the Aboriginal communities currently under the auspices of the Aboriginal Lands Trust. Too often in the past we have seen business experiments which have failed and which also have been given front page newspaper prominence and television coverage. However, there have been many achievements, and they are too numerous for me to list to the House today. Rarely, though, do they get a mention. In regard to these matters, more expertise can be provided, and I understand that the Minister has received assurances that many prominent members of the business community are prepared to give their time, assistance and advice to the Aboriginal Lands Trust. They will not be there to push their own ideas, their own barrows or the white man's views, but actually to provide to the Aboriginal Lands Trust options that they might want to pursue.

I stand to be corrected by the Minister on this, but I think this is a first in this country, where we will actually have this partnership between the business community and Aboriginal people. I think history will show that this aspect will be of even more importance than actually bringing the Aboriginal Lands Trust into the parliamentary committee system. I shall be long gone before the runs are really on the board and we see whether this does become the major tenet of the Bill; however, I look forward as a member of the committee, if the legislation passes both Houses, to undertaking trips, along with other members of the committee, and to getting the views of the members of these Aboriginal communities that are currently covered by the Aboriginal Lands Trust. I shall offer all the assistance I can, together with other members of the committee, in helping them achieve their hopes and aspirations. If the strengths and successes of the two other parliamentary committees are anything to go by, this is bound to be a success. I support the Bill.

Mr GUNN (Eyre): I thank the House for the opportunity to speak briefly on this important piece of legislation. The Aboriginal Lands Trust has under its control a very large area of land in South Australia. If the Aboriginal communities are to improve their economic status, those areas must be effectively managed and the people involved must have access to the advice that will assist them in their commercial undertakings. I was pleased to see the reference to TAFE in the Minister's second reading explanation. Mr Donald Fraser, who has had a lot to do in relation to representing the Pitjantjatjara people, speaks very highly of the involvement of TAFE in the Pitjantjatjara lands. He explained to me on one of my regular visits that, in his view, the TAFE people were the only group attempting to work themselves out of a position.

I look forward to seeing the involvement of TAFE with the Aboriginal Lands Trust. If the Aboriginal people are to derive the benefits of this land they must have adequate and suitable qualifications. TAFE, obviously, in many cases is a suitable vehicle by which to do that. I have had some experience with TAFE in recent times. It is providing excellent courses. The Marleston TAFE college is an outstanding organisation, from my experience, and the wool course there, in particular, is recognised throughout Australia and the world.

The Hon. D.C. Wotton: And the carpentry course.

Mr GUNN: Yes, that as well. Therefore, if people like that are involved in conducting the courses I have no doubt that they will be a success. We should be very proud of the work that is done at Marleston college. From the involvement of one of my family in one of those courses, I have nothing but praise for that college. I sincerely hope that those dedicated people can be involved in assisting the Aboriginal community, because I think it is important that this very valuable land is brought into productive use. Expanding the role of the parliamentary committees is in my view an excellent concept. If Parliament can be properly informed, I believe we are then in a position to make constructive and responsible decisions.

It is essential that there be a responsible and bipartisan approach when we are dealing with the social issues such as those which affect Aboriginal communities. We all know of cases where there have been problems. The role of this Parliament should be to solve those problems and to put into effect sensible and responsible policies that will assist these communities. The only way that they will be assisted on a long-term basis, whether in the Pitjantjatjara lands, the Maralinga lands or the lands under the control of the Aboriginal Lands Trust, is to ensure as far as possible that they achieve a degree of financial and economic independence. I look forward to the expansion of the parliamentary committee system; as the member for Napier rightly pointed out, it has previously worked very well. I strongly support this legislation and I look forward to its operation, as I believe that the Aboriginal Lands Trust is a vehicle which can be improved and, therefore, I have pleasure in supporting the second reading.

Mr S.G. EVANS (Davenport): I will be brief. I support the Bill, because I believe that to some degree the Aboriginal Lands Trust itself has not operated as effectively as it should have or as we would have expected it to operate. In saying that, I want to bring a matter to the Minister's notice and I hope that under the new system it may be resolved. In the early 1970s a piece of land on Shepherds Hill Road was passed over to the control of the Aboriginal Lands Trust by the then Liberal Government. I refer to the old Colebrook Home, which has not been used since that time and which has become a bit of a menace to the local community. It represents a fire danger and, with the local council cooperating with the Aboriginal Lands Trust, the area, which is full of cape tulip, a noxious weed, is slashed only once a year. There are sporting fields adjacent to it and, through the local council, the local community has attempted to acquire the property.

I know the previous Minister and the Lands Department tried to find a way of resolving the problem. The Aboriginal Lands Trust would like to see it rezoned residential and then to capitalise on that, but I believe that that would be unacceptable to the local community. That could be done in part and I think that cause could be pursued (although the soccer club and other sporting clubs can see a benefit). It would be a better use of the land, and the moneys received could be used by the Aboriginal people for other projects.

At one stage it was suggested that the Government just transfer the ownership of the land to another piece of land in the northern suburbs if one could be found. In supporting the Bill, I hope that the new system will work more effectively, and I hope the Minister will follow through with cases such as that which I have raised in relation to the Shepherds Hill Road land, and determine whether there is a manner in which they can be resolved so that all parties can benefit. It is quite a large piece of land for an urban area adjoining a council dump; better use could be made of it to remove that concern from the local community. I look forward to the new committee structure working to the benefit of the Aboriginal people in particular.

Mr LEWIS (Murray-Mallee): There is a significant population of Aboriginal people in the electorate of Murray-Mallee. This population comprises two parts: those who live in the lands called Raukkan, which has otherwise been known as Point McLeay for over 100 years after European settlement but which has been known as Raukkan by the inhabitants there for thousands of years (it is now signposted as Raukkan); and those who have to some degree assimilated into the communities around the electorate, particularly Meningie, Tailem Bend and Murray Bridge, with others living in towns such as Swan Reach, Mannum and so on.

Most of the land which is or could come under the control of the Aboriginal Lands Trust is to be found on the Narrung Peninsula, Raukkan. Unquestionably, some assistance would need to be provided to the Raukkan community council in developing enterprises which properly provide for the profitable employment of members of that community. They have already had a harsh time of it since the late 1970s because of problems which are well understood by them, which are not germane to this debate and which do not require any more than a fleeting reference of the kind I give them here, at this point. However, the will to do well is present and the ability to do well is being acquired to an even greater degree than was the case prior to 1985.

In this instance I want to refer not only to the Business Advisory Panel but also to the function of the people of whom it is comprised, and to make a plea to the Minister about that. I acknowledge the excellent work that has been done through TAFE by his department, particularly at the Murray Bridge campus of the Barker College of TAFE. A significant number of people, both those from the families at Raukkan and those who have lived in the wider community at Tailem Bend, Murray Bridge and Mannum, have obtained considerable benefit by participating in them. Those courses of TAFE, however, have not been seen as the be all and end all of what has been needed, and I am sure the Minister knows of the course provided through the Australian Institute of Management earlier this year where some outstanding achievements were made by people in the Aboriginal community, particularly from the Lower Murray.

I would like to think that the Minister would give serious and sensible consideration to including someone on that panel from the Australian Institute of Management who has the understanding and insight not only to have devised the course in response to the requests (having identified the need for it), but also to have empathy with the Aboriginal people who join the course, having got that participation and that commitment from them. The graduates of that course are very proud that they were able to participate in it and get the benefit from doing so. They are very proud, too, of the relevance which their qualifications now have in the day-to-day work they do and, where they are part of the Raukkan community, for instance, in making decisions for the whole community on that council. They are very pleased with what the Institute of Management provided after perhaps being a little sceptical initially. They are very pleased to the point where they have made it plain to me that they would like to see that opportunity duplicated for others.

I was very impressed, too, by the way in which they and the institute invited me to participate or to be present to

witness their graduation at the conclusion of that course. I said on that occasion when I was invited to speak on behalf of the Parliament and not on my own behalf—there was no partisan comment made by me—that I was delighted that the people themselves had chosen to take up the opportunity offered by the Institute of Management, and that the Parliament and the Minister were pleased to assist in ensuring that they could take up that opportunity by supporting it with cash and otherwise. That is the first of my requests to the Minister about the way in which the legislation should operate.

The second of my requests does not result from playing politics but comes from my previous involvement as a consultant and from cursory contact that I have had with some of the communities to which I was a consultant during the 1970s and since my election as a member of Parliament. Some of the people who get involved in policy decision-making and implementation in Aboriginal communities, who come from cultural backgrounds other than in the main Aboriginal, are there to push a separate agenda. They push a notion of governance, which is not really Aboriginal. They are clever at it and, in my judgment, they destroy the development of realistic and competent decision-making procedures relevant to the society in which they are made and the enterprises to which they relate.

These people have more of a Marxist model on how enterprise ought to be run and how it ought to be established, in the first instance, even before it is run. The Marxist model entails decision-making processes which ensure that an enterprise will fail, because no one at any point can be absolutely sure that the decision taken to do a certain thing will endure to the point where it finally gets done. One gets halfway through the implementation of a decision when it is turned around and headed off in yet another direction. Meanwhile, capital and time and, therefore, money have been invested in the partial implementation of the program up to that point.

The use of the soviet notion—that is, a council notion—of decision-making for that kind of program is not only inappropriate and bad but quite destructive and irrelevant, as people in eastern Europe have discovered. We ought to remember that they have tried it every which way for over 70 years, and it has not worked. We ought not to allow any of these people to whom I am referring to impose that model on Aboriginal communities and their business enterprises, because it will ensure that they fail. In my experience, such enterprises have never succeeded—and I have seen a good many—and no benefit will be derived from pushing that barrow further.

I trust that the Minister, notwithstanding the sincerity with which the people who have this notion in their brain want to see it put into effect, will nonetheless save the Aboriginal community from the destructive consequences of their well-intentioned involvement by excluding them. They do not belong; it is not relevant; it does not work; it has never worked, and in my judgment it will never work. Otherwise, why have those societies of eastern Europe and the USSR, in particular, chosen to ignore it and put it aside, and why have they, through a process of social economic revolution, changed, as rapidly as possible, to a system akin to that in OECD countries? So, with those pleas, more in hope than in certainty, especially in relation to the latter, I put on record my pleasure in supporting this legislation. I wish it a speedy passage from this House to the effect it must surely have in law once it has been proclaimed.

The Hon. M.D. RANN (Minister of Aboriginal Affairs): I thank all members for their contribution this afternoon in support of this Bill. I want to make a couple of general points. Mention has already been made of the fact that the Aboriginal Lands Trust will in December this year celebrate its 25th anniversary. I hope to invite a number of members to join me in celebrating that very important anniversary, because I think the Aboriginal Lands Trust is the first example of land rights in Australia. In mentioning that, I think we should pay tribute to former Premier Don Dunstan for having the wisdom, foresight and vision 25 years ago to move towards the structure of the Aboriginal Lands Trust, which was certainly ahead of its time.

Indeed, when we think that other States, such as Queensland and Western Australia, are still experiencing fights, arguments and total discord between Aboriginal people and the Parliament and between Parties in Parliament over land rights, here in South Australia we can be justifiably proud that we have proceeded sensibly and in a bipartisan way. That is one of the reasons I thought it was very necessary to extend the role of the existing Aboriginal lands committees covering the Pitjantjatjara lands and the Maralinga lands to include the Aboriginal Lands Trust, because those committees are an example to the community and to the Parliament of bipartisanship in action. I believe that, in respect of something as sensitive and difficult as Aboriginal lands issues, all members of the committee during my time as a member of it and in the past two years as its Chairman have worked together extraordinarily well. We do not have divisions along Party lines on that committee. What we have is commonsense. We can sit down amongst ourselves and resolve issues and reach a consensus, and that is the way I want that committee to continue to operate.

It has been pointed out to me over the past two years that, in a sense, our existing structure of two committees serving the larger land holdings was unfair on many of those small communities within the Aboriginal Lands Trust. As has been pointed out by previous speakers—in particular, by my predecessor the member for Napier and former Minister of Aboriginal Affairs—the Aboriginal Lands Trust is the land-holding body that leases land back to Aboriginal communities that are scattered far and wide in places such as Raukkan, which was mentioned by the member for Murray-Mallee; Gerard in the Riverland; Yalata, which has experienced considerable difficulties since the atomic testing at Maralinga when people were removed from their lands; and, of course, regions such as Point Pearce and Davenport, near Port Augusta.

So, those diverse communities with different family, community and tribal structures are represented on the Aboriginal Lands Trust. Perhaps they felt that they did not have the same access to the Parliament or to a parliamentary committee as other land-holding bodies. This Bill resolves that problem, and I believe that we will see the sort of commitment that this Parliament has made to the other two land-holding bodies repeated through the Aboriginal Lands Trust.

The second part of the Bill is somewhat of an innovation in terms of the Aboriginal Lands Business Advisory Panel. I have to confess that it is not original. For some time I realised that I was constantly coming across examples in Aboriginal communities of genuine attempts to get business enterprises working. With the Aboriginal Lands Trust one goes to places like Point Pearce on Yorke Peninsula to see a farm that is running well, a trailer-making garage and so on, and there are other examples of successes as well as failures in Aboriginal Land Trust communities in terms of business enterprises.

A number of people said it would be good to have access to advice in terms of preparing submissions to the Com-

monwealth for funding and advice concerning difficulties that a business enterprise might be experiencing, whether it be farming, small-scale manufacturing or tourism. Simultaneously, a number of distinguished and prominent business people said to me, 'Look, we would like to make a commitment to Aboriginal people, not for any cost, charge or fee but simply to give up a couple of weeks a year if we are wanted to help resolve issues or assist in negotiations.'

I thought of a way in which we could dovetail that need from the communities with those generous offers by distinguished South Australians in terms of their time and expertise. After we had these talks it was pointed out to me that something similar had been set up in Western Australia in 1985. Normally, I do not look to Western Australia for advice on Aboriginal issues, but an Aboriginal enterprise company was set up in that State in 1985 or 1986. Although described as a company, in a sense it was funded in a manner similar to a statutory authority. That Aboriginal enterprise company was set up to provide funding, loans and guarantees to Aboriginal business enterprises, as well as providing advice.

I visited Western Australia and talked to officials and looked at the company. As a result of those discussions I was convinced that we did not want the Aboriginal Lands Business Advisory Panel involved as a kind of bank or lending agency. The funding responsibilities are clearly with the Commonwealth—that has been determined. Part of the work of the Western Australian company has caused considerable controversy and there have been failures as well as successes. However, the Western Australian enterprise company was successful in giving business advice to a range of Aboriginal organisations. I refer to the Emu oil venture and other ventures, including a range of farming ventures in the north of Western Australia and a number of tourism ventures that have been given expert advice.

The company has also been successful in assisting Aboriginal stores. The local community store is very much the centre of Aboriginal communities, yet they found in Western Australia that they had a succession of failures simply because people had not been given advice and training. In that area they have now been spectacularly successful in getting stores up, running and viable. Again, I emphasise that we are not talking about some group that will run around interfering in Aboriginal affairs. That is not our intention. The group would act very much in response to calls for assistance by the Aboriginal Lands Trust and individual communities. The panel is not to lend money, make loans or guarantees. Instead, a number of business people who have particular expertise that can be of use to the communities can be called on.

Also, I was pleased about some of the things said about TAFE today, because I am proud of being involved with TAFE in South Australia. I refer to similar experiences when I have been in Aboriginal lands and have heard good reports about the role of TAFE. For that reason it is important to have the Chief Executive of TAFE as a member of the committee along with the Chairperson of the Aboriginal Lands Trust. Advice in itself can be very helpful, but it must be backed up by training. We should not say that we will conduct negotiations for Aboriginal people, because that would be patronising and would not assist them in terms of making their business enterprises successful. Training is vitally important, and I want to integrate TAFE's role through the School of Aboriginal Education and other parts of TAFE in terms of giving support to the Aboriginal Lands Business Advisory Panel. In that way we can ensure that there is ongoing follow-up.

Over the past year we have undertaken a number of experiments involving a couple of businessmen who offered their assistance in order to see whether the scheme could work. We told people in Aboriginal communities that these people were available to assist. The Gerard community has called upon the assistance of one distinguished South Australian and the report back to me is that he was extraordinarily helpful in terms of resolving some of the difficulties. Currently these gentlemen are looking at providing assistance at Point Pearce and other areas. We want to make sure that we are not doing something that is culturally inappropriate or stepping over the role of the Aboriginal Lands Trust. By enshrining in legislation the role and importance of this panel and the fact that it is responsible to the Aboriginal Lands Trust, including the Chairman of the trust and the head of DETAFE, we can ensure some success and follow-up. Certainly, I appreciate the bipartisan support for the measure and commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Insertion of ss. 20a and 20b.'

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

Page 2—

Line 21—Leave out 'the Minister' and insert 'that House'.

Line 25—Leave out 'Minister' and insert 'Speaker'.

Lines 38 and 39—Leave out 'The Minister may, after consultation with the Speaker of the House of Assembly,' and insert 'The Speaker of the House of Assembly may'.

With the appointment of five members to the Aboriginal Lands Business Advisory Panel, it is important that Parliament have an opportunity to have some say. The most appropriate way of doing that is to ensure that the Aboriginal Lands Trust Parliamentary Committee is consulted in respect of the people who will serve on that committee. My amendment would bring that about, and I seek the Committee's support for it.

The Hon. M.D. RANN: Following discussions at lunchtime, the Government is happy to support and accept the amendment.

Amendments carried.

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

Page 1, after line 32—Insert subclause as follows:

(3a) The Minister must consult with the Aboriginal Lands Trust Parliamentary Committee before nominating a person for appointment under subsection (3) *(b)*.

It is important that the House have an appropriate role. I am satisfied that the amendment achieves that, and I seek the support of the Committee for it.

The Hon. M.D. RANN: This issue was raised with me by you, Mr Chairman, last week and I am certainly pleased to further the bipartisan role that we are conducting this afternoon by accepting and supporting the amendment.

Amendment carried; clause as amended passed.

Title passed.

The Hon. M.D. RANN (Minister of Aboriginal Affairs): I move:

That this Bill be now read a third time.

Mr LEWIS (Murray-Mallee): I will not delay the House for any length of time, but I simply put on record the pleasure that I got from the manner in which the Bill was improved through the Committee process to be the Bill now before us. I note that in all probability no-one in the media will notice or report the fact, as is usually the case. The vast majority of our decisions are made unanimously in this place, yet the only decisions ever reported are those on which there has been some conflict, confrontation or controversy. I always find that a bit galling. In this instance, however, it is more particularly pleasing that the Bill reaches

the third reading stage in this form and, in any case, if the media cannot publicise it, I certainly shall to the best of my limited ability.

Bill read a third time and passed.

THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA (JOINT AWARDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 1683.)

Mr SUCH (Fisher): I indicate the Opposition's support for this Bill. In South Australia we are fortunate to have very fine tertiary institutions, of which one is the Flinders University of South Australia. I indicate briefly that it is very important that such institutions continue to guard jealously their reputation for fine teaching and excellent research. I trust that that will continue not only at the Flinders University but also at other tertiary institutions. The measure before us provides for flexibility, which is desirable. In this day and age, if tertiary institutions and other bodies are not flexible, they will not survive. The Opposition welcomes this measure.

Mr S.G. Evans: The Liberal Party.

Mr SUCH: The Liberal Party welcomes this Bill, which will allow Flinders University to join with other institutions in conferring degrees, diplomas and other awards.

Mr S.G. Evans interjecting:

Mr SUCH: The member for Davenport points out that this is the university's special anniversary year, so this is appropriate. The Bill will allow flexibility and the provision of joint awards. To that end, it is welcomed by the Liberal Party. I again indicate our support for the measure.

Mr HOLLOWAY (Mitchell): I also express my support for this legislation as the member whose electorate takes in the Flinders University, as a member of the Flinders University Council and as an engineering graduate, I believe the only one in this place. These changes to the legislation arise in part from the establishment of an engineering school at the Flinders University. That is something we should all warmly welcome. The new engineering school at the university will operate cooperatively with the University of South Australia, which has had a long involvement in engineering. Under the new arrangements, the first year of the engineering course will, in the initial phase, be at the Flinders University. It is an important milestone for the university that an engineering school be set up because, with the establishment of the new law school, Flinders University can now offer the full range of traditional courses to students in the southern suburbs.

The Bill before us also introduces changes to enable the conferring of diplomas and other awards at the university. This reflects the absorption by the Flinders University of the former Sturt College of Advanced Education, and it is pleasing to note that that has been a successful development. I also take this opportunity to congratulate the first appointee as Professor of Engineering at the university, Andrew Downing, who was a fellow student at the Department of Electrical Engineering in the University of Adelaide when I attended that establishment. Professor Downing has conducted much socially productive research, particularly into areas of assistance for disabled people. His appointment as the foundation Professor of Engineering is a very worthy one, and I wish him and the engineering department well in their activities. I conclude by again welcoming the developments which underlie this Bill and which are very important for Flinders University and the southern suburbs.

The Hon. M.D. RANN (Minister of Employment and Further Education): There appear to be many 25th anniversaries being celebrated today. It is the 25th anniversary of the Flinders University of South Australia. The university is marking this year with a number of extraordinary advances in terms of the future. We are seeing Flinders, in terms of the joint engineering program, as honourable members have said, showing that it is truly innovative and is prepared to work with other institutions of excellence for the betterment of education in South Australia, nationally and internationally. That augurs particularly well in terms of the MFP because, with its educational provision, it is vitally important that our institutions work closely to drive and participate in this process, indeed not only to work closely but also to work together with interstate and overseas universities to make Adelaide truly a university city and South Australia a State which celebrates excellence in further and higher education.

I point out that, of course, there are other advances in that the Flinders University will offer law from next year. That is not particularly related to this Bill, but it is an exciting step forward and one for which I have received a lot of flak from other quarters regarding the recommendation that it be allowed to offer law and be given facilities in terms of capital works to assist that process. However, I believe that the demand for the law course, which was recently publicised, illustrates that it was a right decision. I commend the Bill to the House.

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

SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 1556.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the proposition before us. It certainly makes the benefits more equitable for those people who survive in the event of the death of the contributor or superannuant. It is pleasing that changes have been made. I note that the estimated cost of the changes is only $50 000, so it will not be a burden on the scheme at a time when all superannuation schemes have to perform. Indeed, if we look back at the old pension scheme, we could say that the Government is putting in far too much money compared with the new lump sum schemes and that is a matter of concern when the budget is so difficult. I support the proposition before us. It contains a number of ingredients and I wish to canvass some matters in Committee as well as to air concerns, in particular in regard to whether one of the amendments is legal and whether one or two of the formers will do the job specified in the explanation.

The Hon. FRANK BLEVINS (Minister of Finance): I thank the Deputy Leader for his expression of support on behalf of the Opposition and also for his assistance in the speedy passage of this Bill through the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.J. BAKER: I note an interesting dilemma in this clause, which provides that section 15 will be taken to have come into operation on 1 July 1988. The clause that enabled the Government to bring statutory authorities under the auspices of the Treasurer so as to avoid taxation on the contributions and earnings of the fund came into operation in 1990, yet this clause, by providing 1 July 1988, assumes that that occurred in 1988. I have great difficulty in understanding whether or not that is legal. I am sure that the Minister has taken the best of advice, but I have some concern about the way this clause has been drafted. I wonder whether there might be a better way to approach the problem that has been created.

The Hon. FRANK BLEVINS: I am advised that the Deputy Leader has misunderstood this provision, but that is understandable and not difficult to do. My advice is that it relates only to the provisions regarding other public sector superannuation schemes, not the main State scheme, and that those other schemes were levied tax from 1 July 1988. I am sure that when the Deputy Leader looks at that in *Hansard* tomorrow and goes through it, he will see that that is correct.

Mr S.J. BAKER: I ask the Minister to reflect on what he has said. He really has not provided a satisfactory answer to what I think is a very interesting question—the extent to which something can be deemed to have occurred at a time in the past. As the Minister would remember, the Opposition has in the past made a number of statements about retrospectivity—in fact, over the past 20 years. When we talk about retrospectivity we are usually talking about something that takes away a right or imposes a cost in retrospect, so that there is a disadvantage. Given that the Commonwealth is being disadvantaged in this case, we do not count that as being retrospective. As the Minister would know, only if our citizens are unduly affected would we fight the retrospective provision. In relation to this clause pre-dating the changes to the Act, I note that schedule 1a did not come into operation until April 1990 and, to that extent, was brought into operation only by the amendments of 1990. I know what the Minister is trying to do, and I thoroughly agree with him. But, if the matter were to be challenged, I question whether or not it would succeed. That is my major concern.

The Hon. FRANK BLEVINS: I respect what the Deputy Leader has said. I will reflect on my earlier answer and supply some amplification on it in the next couple of days, certainly before this Bill goes through the other place.

Clause passed.

Clause 3—'Amendment of s.28—Resignation and preservation.'

Mr S.J. BAKER: I spent some time working out whether the formulas do approximately what they are supposed to do. Why does there appear to be an increase in the potential benefit? The clause provides two formulas in paragraphs *(b)* (i) and *(b)* (ii), and states that the result is to be the lesser. This generally coincides with section 28, although it contains a proscription in relation to the contributor dying before reaching the age of 55 years. According to my reading, if this person is a long-term contributor, their spouse would receive an increased benefit of 50 per cent. I did not know that we were being that generous, given that surviving spouses have generally received about 75 per cent of the pension that would be available to the contributor. I would appreciate the Minister's clarifying that matter.

The Hon. FRANK BLEVINS: I am advised that the question of a 50 per cent increase is not remotely possible, but it is so remote as to be of no consideration. Theoretically, the answer to the question is 'Yes', but in practice the answer is 'No'. My advice is that it is highly improbable that those circumstances will ever come about. The general intent of the provision and the formula that is provided has been clearly stated in the second reading explanation. It is an attempt to preserve the accrued benefit for the estate up to the date of death, and that is a desirable objective, as everyone would agree. However, I will have a look at the Deputy Leader's question and come back with a more detailed written response to enable the Deputy Leader to follow it through further if he is still not satisfied with it.

Mr S.J. BAKER: I am particularly interested in the cost angle. It is stated that the total changes will cost $50 000. All we need is a few people coming under this category and it could make a considerable difference to the total additional cost to the scheme. I thank the Minister for undertaking to provide a further explanation in relation to this clause.

Clause passed.

Clause 4—'Termination of employment on invalidity.'

Mr S.J. BAKER: In clauses 4 and 5 there is again a change to the formula. Under clause 4 *(b)* (ii), the denominator is now 360, whereas previously it was 420. This increases the value of the contribution quite considerably, although not to the extent of section 28. This is an invalidity provision and we have seen a large number of those cases, particularly for stress. Will the Minister explain what the proposed change will do for those people who are affected?

The Hon. FRANK BLEVINS: I am advised that there is no change to the provision. It appears that the Deputy Leader is looking at the principal Act prior to the 1990 amendments. Those amendments that went through here must have slipped his mind.

Clause passed.

Clauses 5 to 10 passed.

Clause 11—'Notional extension of period of employment.'

Mr S.J. BAKER: This is a clarifying clause, to suggest that, when a person has an entitlement to recreation leave, the basis upon which the calculation will be made will take into account that entitlement. I question what happens with long service leave.

The Hon. FRANK BLEVINS: I am advised that long service leave is not taken as remuneration for the purposes of this provision.

Clause passed.

Clauses 12 to 14 passed.

Clause 15—'Amendment of schedule 1a.'

Mr S.J. BAKER: I have three questions on this clause. First, what is the status of the Commonwealth's attempt to recover taxation from the States? Has that advanced? What is the status of that case? Secondly, are the authorities mentioned in clause 15 the only ones involved? I seem to recall that the Electricity Trust would be brought under the ambit of this legislation. Thirdly, I refer to the changes in policy adopted by SASFIT and the trust in the way it invests its money, to obtain a better benefit from the pension fund, as distinct from the lump sum fund. As the Minister would appreciate, there is a vast difference in the earning capacity of the two funds. I suspect that the more recent lump sum fund benefited from the fact that most of its money was invested in the money market and was not therefore subject to loss of assets associated with equities and with real estate. I suspect that that is the major reason for the difference. I would appreciate details of any discussions that the Minister has had with the superannuation funds to determine a policy that will provide a better return than was evident at least for the lump sum fund during 1990-91.

The Hon. FRANK BLEVINS: As to the status of the case to which the Deputy Leader referred, I can say that the case has been heard and it is still before the High Court for decision. As to the second question, if I understood the Deputy Leader correctly, this has nothing to do with ETSA and those types of statutory authorities. We are dealing with the Lotteries Commission and with schemes that are outside the main State schemes, and of course that does not include ETSA. As to the third question concerning the earnings of the various funds and reserves, I have no need to tell the people responsible for investment to invest as wisely as possible and to get as large a return as possible. That is their charter. I believe that overall they do very well. I do not think there is any investment group in the nation that does not have a few dogs on its books. The schemes that are administered by our trustees, etc. and our investment people I think have fewer than most. They certainly compare very favourably with the industry average. If I wanted to be nasty I could pick out other schemes and name them here—

An honourable member interjecting:

The Hon. FRANK BLEVINS: If I was pressed; because there are some schemes that certainly this year have had quite extensive negative returns. It would be easy to point the finger and say that they are hopeless and that we are great, but I would prefer to take it over a longer period—and see who is hopeless and who is great then, because we are talking long-term investments. Although we would compare very favourably, it is unfair to point the finger at other funds over one year's results. There may have been extraordinary provisions and write-downs in that year to tidy up the portfolio. It is all very well saying that all these things should be liquid and in cash and that you do very well, but I notice that, overnight, cash is down around about 8 per cent at the moment. So, three months ago perhaps one would have been better off buying TNT, or even Adsteam.

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: Yes, but what is it now?

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: So, one could say 'financial genius!' I think people ought to be a little bit wary about pointing the finger at individual parts of a portfolio. The important thing is the portfolio as a whole, assessed over a long period of time. I think all members in the House would agree, irrespective of on which side of the House they sit, that the people responsible for investment in the State schemes have more than held their own with comparable schemes.

Clause passed.

Title passed.

Bill read a third time and passed.

MOTOR VEHICLES (HISTORIC VEHICLES AND DISABLED PERSONS' PARKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1351.)

Mr S.G. EVANS (Davenport): The Liberal Party supports the Bill. There are some aspects of this measure for which the Liberal Party has been fighting for some time, and others are initiatives that are quite proper. I would like to refer, first, to increasing the time span for permits for disabled people's parking. Until now there has been an annual permit for individuals entitled to park in disabled areas. The Minister has taken the opportunity to extend that period up to five years and the Registrar will do that on a piecemeal basis so they are spread out over the five-year period. As I read it initially, this does not mean that all the permits will be for five years; it will be up to the Registrar's discretion.

I do have one question in that area, namely, what would be the position if, for example, a person had a five-year permit and, through good medicine, good luck or whatever, they were no longer disabled to the point where they would be entitled to such a facility? I know it would be unusual if it occurred and it might not be worth being concerned about in the total scheme of things, but I wonder whether there should be a provision for doctors to advise the Registrar, whether some other measure could be taken or whether just an honesty system would apply. I do know that it is of great benefit to disabled people. I know that there are some fools in the community who are selfish, who park illegally and who take up a parking spot that has been set aside for the disabled, but that is something we just have to live with in a society where not everybody will abide by the rules.

The other main feature of the Bill is to allow for people who have historic motor vehicles—vintage or veteran cars—to be able to register them at a reduced rate for 12 months, in lieu of the old procedure of taking out permits for special events. I have to declare some small interest in this area, because I do have an older model car; it is one year older than I (some members might think that that is very old) so I have some interest in the area. By allowing for an annual registration we are brought in line with some of the other States, with a couple of variations.

I want to refer to one variation in a moment where we are not the same, for example, as Western Australia. The Federation of Vintage Car Clubs of South Australia Incorporated has worked with the Minister and the shadow Minister, the Hon. Diana Laidlaw, on this aspect for some time. On behalf of the Liberal Party, the shadow Minister introduced amendments to a Government Bill in November 1990 to provide for a club plate system similar to that operating in Victoria, but those amendments were defeated and, immediately afterwards, the present Minister of Transport said he was prepared to consider any proposal by the Federation of Vintage Car Clubs for an annual plate permit. That is the background to our arriving at this point.

The Federation accepts the proposal that is before the House virtually without qualification. There is one area that does cause it some concern and that is in the case where, under the scheme, people would be allowed to use a vehicle at a special event if it is registered for 12 months as long as they belonged to a historic or approved car club (or vehicle club—it may be a truck) as long as the club was approved by the authorities. The Bill also provides that they may use the vehicle for 20 other events throughout the year. A small concern has been expressed involving the situation where, for example, they are going on the Birdwood run on a weekend and on the Friday they want to take the vehicle for a test run before going to Birdwood (it may be only a very short test run): would that be classed as one of the 20 other runs? A concern has been expressed that it is hoped that the Registrar, working with the clubs, would look at that as part of the Birdwood run, the idea being that people were preparing that car for that particular event.

The clubs realise that the old permit system will still be available for those who wish to make use of that system. It will suit some owners just to get the odd permit when they want to use the vehicle, because not all of them become involved with regular events or many events throughout the year. So, they are prepared to accept that, but I suppose then we must consider that both major political Parties are saying that people must belong to a club which is acceptable

to the authorities before they can get this cheaper registration and cheaper insurance.

In doing that, we are virtually forcing people to join the clubs. I do not express a lot of concern about that, except to register the point that members of the clubs will have to make sure that they attend meetings so the cost of joining the clubs does not become too prohibitive. If the wrong people took the wrong attitude in some clubs it may become more expensive to join the club than to register the vehicle. I do not think that that is likely; there would soon be an uproar and at the next annual general meeting there would be some conflicting elements and an overall fight. However, I just raise that as my own concern; it is not one of the Liberal Party's concerns. The Liberal Party accepts without any concern at all that that would be the process.

A concern was also expressed whether, in regard to these clubs, agricultural shows could apply to be a suitable club, where they had regular exhibits of historic vehicles at their shows. I raise that because, subject to the Minister's comments, it is something that could be considered in the other place. It is just something that we would like the Minister to consider in relation to agricultural shows. The 20 other trips that the legislation will allow are similar to the number allowed in Victoria, except that it is noted that in Western Australia unlimited trips are allowed; there are no restrictions whatsoever. Whether in time to come we move down that track will be something for future Governments or future Parliaments to determine. The Liberal Party is not advocating that at this stage, except that we want it noted that that is the case in Western Australia.

Likewise, we recognise that within this trade or hobby—for some people it is a trade and for others it is a hobby, and I will come to that in a moment—there is a lot of skill. Many of the traditional skills that were in existence nigh on a century ago—my grandfather was driving a Benz around Edinburgh in 1905—involve coach work. I think it is great that we have people in many of the colleges learning those skills and, more particularly, that there are people who are practising them. If one looks at the craftsmanship put into restoring these vehicles from virtually just a complete wreck to a vehicle of first-class standard, one must admire the dedication and great skill of these people.

Then there is the mechanical aspect. Many parts of older vehicles were hand made. So, when replicas or replacements are not available, the same thing occurs today. I admire the people in the trade. I know of one person who is doing this sort of work full-time. He has only moved into the trade in the past five years, but he now has his own business. He has been able to employ old skills in a modern business.

I also admire those who do this sort of thing as a hobby. Families work together on a vehicle to get it back into first-class condition for use on trips. It is a hobby but, at the same time, they are working on a valuable asset, particularly some of the very old vehicles. One must acknowledge that not just the thrill of driving one of these vehicles is involved but the dedication and, for many, the pleasure of restoring a vehicle to first-class condition, something which most of us would not have the patience to do—I know that I would not.

So, the Liberal Party has no reservations at all in supporting the Bill. I am sure that members of vintage car clubs who own older vehicles, who have been fighting for legislation like this for many years, are thrilled with the proposition. I want to give credit to the Hon. Di Laidlaw, the shadow Minister who was involved in getting the Bill to this stage, for the dedication, hard work and time that she has put into making sure that the Parliament has before it legislation that is acceptable to members of clubs and owners of vehicles. People will be able to insure their vehicles for $40 a year and register them for $25, a total of $65 a year, which is hundreds of dollars cheaper than normal registration.

We know that those figures could change in the future. The date for acceptance is 1 January 1960—any vehicles before that date will be classified. That could change in the future—and that should be possible—and perhaps the provision about the number of trips a vehicle can make may also change, but the Liberal Party believes that all aspects have been covered and we support the measure.

Mr HAMILTON (Albert Park): I want to speak briefly to the Bill, as there is a club in my electorate. I have listened intently to the previous speaker, and there is no doubt that this legislation will benefit clubs in particular, the overwhelming majority of which are, I understand, happy with this legislation. I am equally pleased to see that the disabled will again be catered for under this Bill, because I, with everyone else in this House, am fully supportive of assisting the disabled wherever possible.

A fee of $16 for five years is proposed under the regulations. I understand that there was some public discussion in relation to that amount, but overall I do not believe that people see it as onerous. I do not intend to go over all the matters raised by other speakers; suffice to say that I support the Bill and I wish it a speedy passage.

Mr LEWIS (Murray-Mallee): I wish to put on the record some points in connection with this measure. My first point relates to one provision in particular of the Motor Vehicles Act 1959. Whilst it is not mentioned in this Bill, this is an opportunity for me to draw the attention of the Minister and the House to an anomalous situation which I believe could be easily rectified. People who live in rural areas now have to travel to, say, Bordertown, Mount Gambier, Adelaide or Renmark to have a photograph taken in order to get a driver's licence whereas previously this was not necessary. I think it is a bit unfair, and I believe that it should be possible, in respect of a population of 200 or so living more than 50 kilometres from any place in which a photograph may be taken for a driver's licence, once every eight weeks for the Registrar to send a camera to that community, advertise that he is intending to do so, and allow people who wish to renew their licence in the next two or three months to have their photograph taken so that it can be included on their licence when the need arises.

My second point, which relates to concessional registration, is more directly covered by the ambit of this legislation. I believe that people whose vehicles are registered at concessional rates should be allowed to use them only on specific fixed occasions proclaimed by a club or a body properly incorporated and recognised by the legislation. I do not think that anyone having such concessional registration ought to be able to use that vehicle in a general way, but should be travelling either to or from a function of specific significance. I say that because I think public liability and costs start to blow out a bit if one can register an old car and use it at substantially concessional rates.

I do not have the hang-ups that some people have mentioned about old cars, that they are significant contributors to pollution. The small number of them will make no great difference to survival of life on this planet as we know it. One donkey would contribute more per annum by way of damaging gases that contribute to the greenhouse effect and the destruction of the ozone layer than would a vintage car. That, simply, is not an argument. The real risk is to other road users. If these vehicles become part of the general

traffic travelling from point A to point B, rather than as show vehicles, because they are not as safe as other vehicles they would become a significant part, in percentage terms, of the traffic and would be likely to be involved in a greater number of collisions that cause injury and property damage of one kind or another. The intention of this legislation is, I believe, and should continue to be, to provide concessional rates to people who wish to keep themselves off the streets and out of mischief by restoring old cars and putting them on show on designated occasions.

My next point relates directly to the remarks that I have just made. People do not only belong to clubs or organisations specifically referred to as historical motor vehicle clubs. Large numbers of people in rural South Australia who do not have a club in the immediate vicinity indulge in this sort of hobby and constructively contribute to the preservation of this part of our heritage.

They do it to no less a degree of commitment and purpose than do people who belong to clubs that tend to be located in the metropolitan area. In the main, that is where they are. The sort of clubs to which I refer are agricultural show societies around the State. They have an increasing number of members involved in not only the restoration of motor vehicles—be they cars, motor bikes or whatever—but also the restoration of old traction motors and steam tractors using bunkering oil for fuel or coke to create hot air or hot steam as the propellant.

I have opened a number of agricultural shows, and not just in my electorate I might add, since I have been a member of Parliament. I am a patron of many of them and I believe sincerely that the people who join those societies specifically in country communities and participate in the restoration of historic vehicles of one kind or another, not only to enter in their local show but also to take to other shows nearby, ought to be able to obtain the same concessional registration. The country show, so proclaimed, would constitute the kind of function to which I referred in the first segment of my remarks on this measure. It would be an appropriate function to which members of show societies or associations could take their vehicles.

That would of course include people from the city or anywhere who were members of what we have narrowly defined as historic motor vehicle clubs. I am asking the Minister to tell us whether the general definition of 'historic motor vehicle club' could include—and this is the nub of it—agricultural shows around the State. If so, well and good. If not, and without any fuss in this Chamber, I suggest that the Bill could be amended in another place, assuming that it passes this Chamber, which I believe it will.

The Minister deserves commendation for having put forward this piece of legislation, and I also place on the public record, for the second time today, that the Bill has received a measure of bipartisan support. Indeed, all partisan interests in this Parliament have expressed the view either privately or publicly at some time or other recently that they support the measure, whether it is the Labor Party, the Liberal Party, the Democrats or any other member of this place, including yourself, Mr Speaker.

I acknowledge before I sit down that up until a couple of years ago there was a grey area in the law which enabled local police stations to issue permits, which is the way that the people to whom I have referred obtained legal passage for their vehicle for the journey from their home to the showgrounds and back again on show day. They would pay the $8 fee, ostensibly for trade purposes. They would ride their old motor bike, tractor or car to the showgrounds and then take it home. I hope that the historic motor vehicle club definition will cover the agricultural show societies to which I have referred. I wish the measure a speedy passage.

Mr HOLLOWAY (Mitchell): I wish to speak briefly in support of the legislation. I congratulate the Minister of Transport for introducing it. I do not wish to make any comment on that part of the legislation that relates to historic vehicles, because that has been well covered. I just wish to add my support to the provision that introduces five year parking permits for disabled people. This replaces the existing system of one year permits. While that may seem like a fairly small change, for disabled people in our community just the act of physically renewing permits and fitting them can be a major trial in itself.

The fact that we have extended the period to five years will be of substantial benefit to those people who require disabled parking permits. I should also place on record that the cost of the five year permit at $16 is a slight reduction on the cost for five one year permits. We should compliment the Government for that reduction. The measure is a worthy complement to changes to the Local Government Act that were introduced in this Parliament earlier this year to enable councils to enforce disabled parking provisions in shopping centres. There is no point in having disabled parking areas if they are abused by members of the public. I understand that since those amendments were introduced much of the abuse of disabled parking spaces has been reduced, which is something about which we can all be pleased.

I welcome this measure. There is no doubt that measures relating to disabled parking make an enormous difference to the quality of life of disabled people, those people who are not able to get around easily. I have certainly become aware, since becoming a member of Parliament and having had dealings with people in this unfortunate situation, how much they value disabled parking permits. This small measure is something that we should all welcome, and I am pleased to support it.

Mr VENNING (Custance): I will be brief. I congratulate the Government on bringing in this Bill and the shadow Minister (Hon. Diana Laidlaw) in another place, who has been liaising well with the relevant clubs. South Australia has been lagging behind the other States, but now it appears that we are almost up with them. I commend the Minister. I know we tried a measure earlier and it failed for other reasons, but it is good to see this matter now being tidied up.

As to the 20 separate movements, I am concerned about it. I will not foul up arrangements today—that matter can be the subject of amendment on another day. Let us get these provisions up and running and discuss it again further down the track. I pay high tribute to the car clubs in South Australia, including the Northern Automotive Restoration Club that I helped start in 1974.

An honourable member: You have a vested interest in the Bill.

Mr VENNING: I do have a vested interest in the Bill. The member for Murray-Mallee referred to show societies, which have a lot to do with the vintage car movement. In fact, most clubs got started as a result of parades at such shows. Vintage vehicles form an interest for the whole family, both city and rural families. They are a form of recreation and sport for families, and it is great to see the Government supporting this activity. This area is tied up with tourism and heritage, which are so important in South Australia. South Australia can boast probably the best vintage car collection in Australia and almost the world, because

our clubs were started much earlier than those of anyone else, particularly the collections of Vinall and Rainsford, which are world class.

South Australia houses the Birdwood National Motor Museum, and we also conduct the Bay to Birdwood run, which is a world class event. It is great to see that the Government has now put into position a system to help enthusiasts. To say the least, it has been a pain in the neck to go through the permit system. I remember all the nonsense one had to go through because I have done it myself. I had to obtain a permit and stick it on my vehicle. This will be a great boon for those people who are interested. I am the owner of several vehicles. I commend and support the Bill.

Mr S.J. BAKER (Deputy Leader of the Opposition): I congratulate the Hon. Diana Laidlaw for her consistent and persistent efforts and the Minister who finally listened so that we have the measure in this form before us tonight. It is something in which I have had an interest over time as many people in my electorate own vintage cars. They have made a number of representations to me over the nine years that I have been a member on whether the law could be changed. They have found it quite inequitable to take out the car on only four, five or a few more occasions each year, yet they had to pay the full registration fee or, alternatively, they had to live with a system where a one-day permit was provided. It is certainly a step in the right direction and I congratulate the Minister and the Hon. Diana Laidlaw. I also believe that the five year fee for disabled parking permits is appropriate. We have had representations from disabled people to the effect that it is a little steep. I do not believe that to be the case, and it reduces the amount of administration required for the scheme, which is good.

The one issue that I wish to raise and ask the Minister to ponder in Committee relates to the number of representations received on other issues associated with the disabled. The Minister would have received a letter from me in relation to two matters. The first relates to people who are temporarily disabled and who require a great deal of assistance to get around and perhaps rely on a member of the family who may have to go through the same procedures. We should be trying to assist these almost totally disabled people in their recovery by allowing them to get out and about and to park close to facilities. My other question relates to the situation facing many institutions that are full of disabled people—people who will spend the rest of their life in those institutions and will have only occasional outings.

The Julia Farr Centre is in my electorate. It has a bus for its own use. A number of nursing homes in my area hire buses to take residents on outings. It would be of marvellous assistance to all nursing homes with a bus or even a private car for taking residents out for the day or to do some shopping if the sticker that allows them to get within crawling distance of shopping centres and other facilities could be made available to the chief executive officers of those institutions for the disabled. The alternative is for each institution to ask one of its residents who would rarely get into a car to apply for a disabled parking permit. I do not believe that that is necessarily the best way to overcome the problem. An opportunity exists for the Minister to provide buses and cars for such outings.

I had a difficulty some time ago with the Botanic Gardens, which had refused to allow a bus carrying disabled people from the Mitcham Nursing Home through its gates. I am sure that a disabled sticker on that bus would have assisted the cause. Now that we recognise the needs of the disabled, we should extend the system a little, particularly in relation to nursing homes and hostels where people are not mobile and where they rarely have the opportunity to get out and about. That would put the cream on the cake and truly reflect an understanding of the needs of such people. With those few words I commend the Minister for his initiative.

The Hon. FRANK BLEVINS (Minister of Transport): I thank all members for their contributions and kind words. Members will recall that over 12 months ago I made clear to the House that we were still having negotiations with vintage car clubs for a better and more refined system. I was not satisfied that we had the best possible system. Negotiations were extensive with vintage car clubs because they could not agree totally on what they wanted. The discussions were protracted but amicable, and in turn the clubs had to refer the matter to their membership and, depending on whether an individual had one car or 30 cars, there was great debate in the car clubs as to the best possible system.

We are working towards the best possible system, although I can see already that some refinements will need to be made to this Bill. Some of the suggestions today indicate the way that the Government should go. I have a great deal of sympathy for the agricultural societies. I am not sure how practical that is, so I cannot give a 'yea' or 'nay'. If we can work out a practical system, I can see no reason why agricultural societies should not be treated in the same way as vintage car clubs. I am open to argument on that, and maybe the vintage car clubs will come back and say that they ought not to be. I will listen to what is said.

With so few vehicles, they must be respected if not treasured. I want to assist people to use them in a proper manner, which was spelt out clearly by the member for Murray-Mallee. They are not to be in traffic night and day—that is not the idea of it. Nobody in the House would want that. If people want to do that they can register their vehicles in the normal manner, which is appropriate.

We are about assisting these people to enjoy their recreation. I think that they add a great deal to our enjoyment of life if we do not tinker with them, merely look at them and get pleasure from that. I assure the House that the question of agricultural societies will be considered by the Government. Also, the Government will consider whether or not the number of 20 permits is correct. I cannot say whether it is correct, whether we should have a limit at all or that it will not be changed. We are talking about very few vehicles doing very few movements. People do not drive a 1910 vehicle to work every day: it just does not work that way.

Mr S.G. Evans: It's too valuable.

The Hon. FRANK BLEVINS: That's right, they just couldn't afford to do it. It is far too valuable. It is not as though we are looking at a huge problem of avoidance, because there is not a huge number of these vehicles, and people treat them with a great deal of respect. It is a toe in the water approach, to see how the system goes. I assure the House that, if there is no disadvantage to the community by increasing the limit of 20 to 50 or by removing the limit altogether, as is done in Western Australia, the Minister has no problems with that. Let us see how it works.

As regards parking permits for the disabled, the member for Davenport asked about somebody who is disabled and then recovers. It is purely on an honour basis: to make it other than on an honour basis would, in my view, be unduly bureaucratic. Again, we are talking about very few people,

and good luck to them. I am sure that they would be so pleased to have recovered that they would not be interested in keeping the parking permit any longer than necessary. Of course, if they have a five-year permit and they recover in two years and want a three-year refund, we can accommodate them on that: there is provision for a refund.

More substantial were the questions asked by the Deputy Leader about parking permits for somebody who is temporarily disabled, for a care-giver who is assisting somebody who is disabled, although not themselves a driver, and for the institutions, their buses and vehicles. I was surprised by the example that was related to us by the Deputy Leader about the Botanic Gardens, although I am sure that the situation was made right very quickly by the management. However, I point out that an individual is entitled to get a parking permit, and that can be on any vehicle. So, if any of those individuals who were in that bus had applied for and received a disabled person's parking permit, they would have been entitled to put that on the bus, whether the bus carried 80 or eight people.

The same applies to the care-giver. If an individual wanted a disabled person's parking permit and was quite clearly eligible for that, if the spouse constantly drove a disabled person, they would be quite free to put the permit on their vehicle while it was being used to transport the disabled person. It is possible to work within the system to overcome the problems, but it ought not to be necessary. The Minister for Local Government Relations is reviewing all these problems, and I am sure she will come up with something sensible. I repeat that a very small number of people have particular problems, and it ought not to be beyond the wit of the Parliament to solve them for those people to make a difficult life a little easier without our being unnecessarily bureaucratic. I thank members for their support of the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.G. EVANS: My question concerns a person who is no longer a member of a club. I take it that it would be the responsibility of the club to inform the Registrar that that person was no longer a member, because the Registrar would not know unless the person using the vehicle was apprehended by the police.

The Hon. FRANK BLEVINS: The answer is 'Yes', the obligation is on the club. The principle behind this part of the scheme for vintage cars is that clubs assist the Government, in their own interests, in administering the provision. I think that is very significant and a lot more of it can be done. In an area like this that lends itself to it, there is no reason to have a huge bureaucracy dotting every 'i' and crossing every 't'. I think the clubs are responsible enough and are quite capable of administering, in many significant ways, this provision.

Clause passed.

Remaining clauses (3 to 5) and title passed.

Bill read a third time and passed.

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

WRONGS (PARENTS' LIABILITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September. Page 834.)

Mr INGERSON (Bragg): The Opposition will support the Bill in principle. During the Committee stage we will move to make some amendments, which we believe will enhance the Bill. The Opposition hopes that the Government will recognise the value of those changes in making it a much more productive Bill and one which we believe can be administered fairly within the community. The Bill makes parents liable for damages awarded against a child where the young person is guilty of an offence, in the circumstances as set out in a Bill that was introduced prior to the 1989 State election. That Bill did not proceed, for many reasons, and it was reintroduced again in early 1990. When that Bill came before the House it was decided that, in the best interests of everyone, we should set up a select committee to have a look at what turned out to be a very controversial area.

The select committee has recommended support for this type of legislation, in which the responsibilities of parents are more widely recognised in law and, in particular, as it relates to the actions of their children. It is the first attempt that has been made in this State to in any way tie together a situation in which some other person's actions can be tied to a so-called innocent person; in other words, the child and the parent. The select committee made many recommendations. I note that in this Bill the Government has taken up almost all of them. I will talk more about one section in particular further on in my presentation.

The Bill provides that, where a child under the age of 15 years commits a tort and is guilty of an offence arising out of those circumstances, the parent of the child is liable, with the child, for any injury, loss or damage resulting from the tort, if the parent was not exercising an appropriate level of control and supervision of the child at the time of the commission of the tort. In essence, the Bill is saying that we recognise that there should be a particular age at which a child's actions are the responsibility of the parents. That age has been set at 15 years, and the child has to be guilty of the offence.

So, it relates not just purely and simply to the fact that a parent and a child can be linked prior to recognition of guilt. The parent needs to be involved in exercising appropriate supervision. This is an issue that I am sure the Minister and the Government of the day will have difficulty with in the courts. But it is a concept that is important to this Bill. The matter of supervision is also carried one step further, with the suggestion that there should be a demonstration of some sort of control over the child's activities. Those are the four points around which principally this Bill is built.

In the current Bill, there is a defence provision available to a parent in relation to proving that he or she generally exercised to the extent reasonably practicable in the circumstances an appropriate level of supervision and control over a child's activities. It is in this area that the Opposition is concerned. We shall move an amendment that removes the reverse onus of proof and puts it in a more positive way. The Bill also sets out details of action in relation to damages against the parent, and action cannot be taken except by leave of the court. Those damages, in essence, involve several methods of payment.

There is recognition in the Bill that the Government notes that there may be this particular action and that the consequences of it may place certain families in a very difficult position, and it is recognised within the Bill that the judgment debt may be paid in instalments. Also, the Bill provides that 'a parent' of a child means the child's natural or adoptive mother or father. There is no liability on the part of the Director of the Department for Family and Com-

munity Services or the Minister in relation to children who are in the care and custody of those parents. The Opposition is concerned in relation to this provision. We shall move an amendment to the existing definition because of this concern. We are also concerned that no liability has been placed in the hands of the Department for Family and Community Services. There are many children in our community today who are under the direct supervision of the Department for Family and Community Services.

When considering the Bill, the South Australian Council of Social Services, the Law Society and the Legal Services Commission all opposed the Bill. The South Australian Association of State School Associations and the High School Councils of South Australia, in communication with us, have supported the Bill. A working party examined the Children's Protection and Young Offenders Act and reached a conclusion in favour of agreement with the Bill. The Children's Court Advisory Committee has also supported the concept. Their support was for liability of parents or guardians where they have materially contributed to the criminal conduct of the child.

SACOSS did not see the Bill as having a positive influence on parents, believing that the Bill would 'compound hardship, as opposed to alleviating it' and that 'some families would no doubt be forced to sell their homes and possibly go into further debt, to meet the costs of their children's behaviour'. That is the extreme point of view, but there is no question that, if the Bill as it presently exists is passed by Parliament, where there are open-ended damages, that extreme point of view is one of concern. In cost benefit terms, the State will have to deal with another family consequently in hardship. Again, on this point the Opposition will put forward an amendment, to limit liability to a sum of $10 000.

The Legal Services Commission, in opposing the Bill, said that if it did pass then the Minister of Family and Community Services, as the guardian of many children under the Children's Protection and Young Offenders Act, should also incur a libility where those children committed a tort and have been found guilty of an offence arising out of the same circumstances. I have dealt with this situation in one of the amendments that we shall put forward, and we believe that such an amendment would enhance the Bill.

As I have said, the Opposition's major concerns with the Bill, on a technical basis, are the same as those that related to the earlier Bill. They are as follows. The Minister of Family and Community Services is not included in the definition of 'a parent', and should be, if the Bill goes ahead, because many of the torts committed by young offenders involve children who are under the care and custody of the Minister. Parents are jointly and severally liable with the child, and this means that a litigant can pick his or her target, because anyone can be sued.

The necessity for parents to exercise an appropriate level of supervision and control is vague and will vary from case to case with the onus on the parent to demonstrate that there was such appropriate level at the time of the commission of the tort. In that area we express concern because we believe that it will be very difficult for the courts to administer. The principle is excellent and agreed to, but determining what should be fair and reasonable control will make this very difficult to administer.

The Bill as it stands provides that the non-custodial parent is equally liable. Parents who leave their children with a baby sitter may find that the child injures the baby sitter or commits a tort, either with the baby sitter or whilst unattended by the baby sitter. Parents may be away, having left the children with a person they believed was responsible but the child gets into mischief and commits a tort. All those things will be difficult under this Bill. In principle, we support it, but we argue that there will be many difficulties. I think it is important for the Parliament at least to recognise that, when these sorts of Bills are introduced, they are not black and white. The principles can be supported, but the difficulties in administering them through the courts will be a major problem.

The Law Society doubts, if the legislation is passed, whether 'some intelligible interpretation of this legislation is possible'. That is desirable from a social point of view, because it probably exposes the parents of wayward children to a liability which they cannot insure against. Again, that is an issue which will become a major factor for the community. This is not to say in any way that the general principle of the Bill is wrong but what we are showing and what we are attempting to point out is that, clearly, these are the sorts of issues that the Government and the courts in particular will have to look at.

Mr Groom interjecting:

Mr INGERSON: One of the things that never ceases to amaze me in this place is the ability of the member for Hartley to chitter chatter in regard to all these Bills in which he has been directly involved through a select committee. I read my contribution to the Privacy Bill and debate the other night, and on about a dozen occasions I had to comment about the chitter chatter of the member for Hartley. As I said the other night, the member for Hartley will have the same opportunity as will every other member of this House to put his point of view in his normal, succinct way, which every member of this House (usually) clearly understands. His point of view is not always as consistent as ours, but it is a point of view that the member for Hartley has as much right to put to this House as does anyone else.

On the last occasion that this Bill was before the House, the Liberal Party chose to oppose it. There were several reasons, but one of the principal reasons was that we believed that the Minister of Family and Community Services should be liable for the actions of children, and we will now move an amendment to recognise that, and we were concerned about the general looseness of the legislation. There was also no doubt in our minds at the time that it was a political stunt that just happened to coincide with the 1989 election. There is no doubt that that was done; from our point of view, we believe that was the case. Since then, a select committee has deliberated and, as the member for Hartley rightly said, it was unanimous—

Mr Groom interjecting:

Mr INGERSON: The member for Hartley knows that we are not backing off, because it is very clear from the comments I have made that we support the Bill and that we will be putting forward amendments that will make the Bill a little better. Since the legislation was considered, the Northern Territory Legislative Assembly has passed amendments to its law to provide that, where a child intentionally causes damage to property, a parent of the child is jointly and severally liable with the child for the damage caused, where the child was ordinarily resident with that parent and not in full-time employment. That legislation has gone further than the legislation here and has placed a limit of liability on the parent of $5 000. The Northern Territory legislation also provides that, where a child in detention causes damage to property, the Northern Territory Government is liable with the detainee for damages to the value of $5 000. This is a very different situation from this Bill but, in principle, our Bill is going in the general direction that has been taken in the Northern Territory.

We intend to move amendments which will limit liability to $10 000 and which will remove the reverse onus of proof. We will move an amendment to make the Minister of Family and Community Services jointly and severally liable with a child, where the Minister is guardian, and to make liable the parent with whom the child was residing at the time of the commission of the tort. There is no doubt that there is an area of concern in relation to the guardian or parent who is responsible for the child at a particular time. Unfortunately, we must recognise that in our community today there are many single parent families and separated parents, and this Bill is placing an onus on the parents to be responsible for their child's actions. We believe that it should be more specific in saying that the parent with whom the child is currently residing is the parent who should be responsible for the child's actions.

There are many occasions, particularly in the early stages of separations, where young children are with one parent on weekends and the other during the week. We believe that our amendment is necessary, because it will place the onus of responsibility on the parent with whom the child resides. Unfortunately, we must consider that our society today has all different types of families. I would like to be able to stand up here tonight and say that there is only one type of family but, unfortunately, we do not have that, and this Bill does not recognise the community differences. We would like to move an amendment that recognises that.

We will also be moving an amendment to extend the definition to ensure that both the natural and adoptive parents of the child are not liable; in other words, we need to make sure that either the natural parents or the adoptive parents are responsible. We believe that the definition is not clear, and that will be the principal purpose for our moving those amendments. It is interesting that there are similar types of legislation in several jurisdictions. I understand that the existing legislative provision in English law is similar but not identical to the provisions under the New South Wales Child Welfare Act.

The English legislation provides that the court may, in any case, and shall if the offender is a child, order that the fine, damages or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person. In English law, the child is defined as a person under 14 years of age and so the English legislation is similar to the legislation we are looking at here. The English law does contain a section that reverses the onus. The order may be made unless the court is satisfied that the parent or guardian cannot be found or that he or she has not contributed to the commission of the offence by neglecting to exercise due care of a child or young person. Such an order can be made without giving a parent or guardian the opportunity to be heard. So, that is slightly different from the principle behind this measure. However, there is no doubt that the overall principle in English law covers a similar situation.

Earlier this year, the Northern Territory amended its Juvenile Justice Act, under which it is proposed that, where a court makes an order for restitution by way of mandatory compensation or the performance of service, it can order the compensation to be paid by the parents if it is satisfied that the child does not have the ability to pay the compensation in whole or in part or by instalments. So, there is a slight difference in the Northern Territory's situation where the emphasis is not so much on the parent directly having to pay, but if the child is unable to pay the parent is responsible. It is interesting to note that in the Northern Territory the Australian Labor Party vigorously opposed changes to the legislation.

There is a completely different approach in New Zealand where the central part of that country's scheme is the family group conference. These conferences bring together the offender, the offender's family group, youth aides, police, and the victim if he or she is willing to discuss the resolution of the offending behaviour. The conference focuses on the best outcome for society, the victim and the offender. Almost invariably the solution involves reparation for the victim in the form of compensation, work for the victim or community work agreed to by all parties.

One of the areas of emphasis in the New Zealand Children's (Young Persons and their Families) Act 1989 is to enable families to face their contribution to the offence and to provide support to both the family and the young person to prevent offending in the future. So, New Zealand recognises the same sort of principle that is put forward in this Bill, but it has a different way of doing the same thing.

From those four examples we see other jurisdictions clearly going down the line of accepting that in respect of children under the age of 14 or 15 there should be some legal bringing together of parents and children to recognise the offences committed by young people. So, there are plenty of examples to which we can refer during general consideration of this Bill. In his second reading speech, the Northern Territory Minister provided examples of the situation in the United States. He said:

> In the United States tort statutes (in addition to the common law) have been passed in most States imposing various degrees of responsibility on parents for the wrongful actions of their children. Under such statutes parents are responsible for the wilful, malicious, intentional or unlawful acts of their minors. There is usually a ceiling ranging from a low of $250 to a high of $15 000 on the amount which can be recovered from the parents.
>
> In some United States jurisdictions the liability is limited to 'unemancipated' minors living with parents. A key characteristic of most of the United States parental liability statutes is that the parent is liable even if there is no evidence that the parent failed to use reasonable care. In most States it appears that there is no defence that the parent attempted to properly supervise the activities of the child. Further, it appears that in order to recover from the parent there is no need to show that the parent was somehow at fault. The issue is whether in a common law jurisdiction such as ours, where more often than not the victim has to institute proceedings against an impecunious child, it is right for the loss in such a situation to fall to the innocent victim.

It then goes on to talk about the action that the Northern Territory Government believes ought to take place. So, not only New Zealand, England and the United States but Australian States and Territories in principle support this action. The Minister stated further:

> The position at common law may be contrasted with the position under some civil codes of Continental Europe. The effect of these provisions is that parents of children who cause damage are presumed to be at fault. Such a presumption is rebuttable by a parent who can persuade the court that he took the care of a reasonable prudent parent.

So, even in Europe, whilst there is a different interpretation of the responsibility of the parent, there is still a very strong argument for it to be included in our law. There is no doubt that the community of South Australia is at present very concerned about the actions of many of our young people. There are many instances in which young people, particularly from the age of 12 to 16, are creating havoc in the streets and causing problems for aged people and damage to property, whether it be to motor vehicles, housing or the corner delicatessen. All of those issues are occurring in our community at the moment, and the Liberal Party and I believe that change needs to occur.

In supporting this Bill, the Liberal Party will put forward amendments that we believe will improve its general implementation. The amendments are simple, they tighten up the Bill, and we believe that they will make a significant dif-

ference to the general operation of the principle that we support.

Mr GROOM (Hartley): It is quite clear from that contribution that the Liberal Party does not know which way it is going in respect of law and order. We had a unanimous report of the select committee. It was a strong report, which recommended strong laws in relation to juvenile problems involving vandalism, graffiti and damage. It recommended tough laws, but what we heard tonight was nothing more than a weakening of that position. Yet, the Liberal Party before the select committee agreed unanimously with the recommendations. What a back-off! What a weak contribution! It quite clearly shows that the Liberal Party in this State does not know where it is going. I suspect it is being driven by the Upper House.

Mr S.J. Baker interjecting:

Mr GROOM: Twice this Government has introduced similar legislation and twice the Liberal Party has knocked it off. Now, the speech of the member for Bragg is such that he will not allow this law to operate.

Mr Brindal: What rubbish!

Mr GROOM: If the honourable member examines the speech of the member for Bragg he will see that this is a complete back-off. It is a back-down and a weakening of the tough stance this Government has taken on law and order. It is a repudiation of the select committee's report that was unanimously endorsed by all members, including two Liberal Party members. One of the fundamental failings of our legal system—

Mr S.J. Baker interjecting:

Mr GROOM: I cannot speak above the member for Mitcham. A fundamental failing of our legal system is that parents are not held personally liable for the acts of their children. This is in contrast with the continental system.

Mr S.J. BAKER: On a point of order, Mr Speaker, there is a Standing Order that deals with reading of speeches. I thought that the honourable member had enough competence—

Members interjecting:

The SPEAKER: Order! The Chair could not hear the point of order for the background noise.

Mr S.J. BAKER: The honourable member is old enough and big enough to be able to deliver a speech without reading it.

The SPEAKER: Order! I do not uphold the point of order. I point out to the Deputy Leader that many members, when speaking in this House, quite often refer to notes. However, if the honourable member wishes, I will apply the rule to every member who makes a speech in this place.

Mr GROOM: Mr Speaker, I want to put on record that I am not reading my speech, unlike the member for Mitcham. I am referring to the select committee's report and I am about to quote from it. We have really adopted the old Napoleonic Code, which was the basis of the patriarchal system in the European law. The French Civil Code, for example, provides:

> The father, and the mother, after the father's death, are responsible for the damage caused by their minor children residing with them. The aforesaid responsibility is imposed unless the father and mother can prove that they could not prevent the act which gives rise to that responsibility.

That has been the foundation of the patriarchal system. I can tell members that, from other information I am receiving, it is clear that within the ethnic communities of South Australia the crime rate is much lower than in other sections of the community, and that is because the patriarchal system is embedded in culture and they have a way of looking after their own children. That code is unlimited in relation to damage and it places the responsibility on the parent—the liability lies on the parent. At present that is a gap in our law. The committee's report was a unanimous report. The Liberal Party has rejected this legislation previously.

Members interjecting:

Mr GROOM: I have not all that much time and I do not want to go through that. The first recommendation was:

> That parents be made jointly and severally liable with their child for the injury, loss and damage resulting from the criminal acts of their children aged 10-15 years, if at the time of such acts the parents were not exercising an appropriate level of supervision and control over the activities of the child.

The Bill provides that the first thing one must do is get criminal liability against the child. In other words, the criminal onus of proof has to be established and then one seeks leave of the court to establish liability on the part of the parents if one cannot get adequate compensation out of the child.

Under the Northern Territory Bill that the member for Bragg has so praised, it is quite independent of criminal liability. One can actually sue the parents civilly on the civil burden of proof, and I do not think that that is satisfactory because one does not need to prove anything against the child. What members opposite want to do now is import some qualification of residence and there will now be an argument, instead of the recommendation—

Members interjecting:

Mr GROOM: Just listen. Instead of that recommendation, which is translated into the Bill, the Liberal Party wants to water down liability and impose residence and make that a fundamental aspect of making parents liable. It should not be just because there is a divorce that one parent, the parent without custody, can abdicate total responsibility for his or her child and say that it is only the custodial parent who has the responsibility.

I have seen plenty of evidence that when there is a breakdown of a marriage children frequently suffer as a result of that breakdown and start going out and committing offences. The Liberal Party wants to say that only the custodial parent is going to be liable. I think one should start with the proposition that both parents, irrespective of a breakdown of marriage, have the responsibility for their child.

If you do not have possession of your child at the time that an offence is committed, you have a defence under the Bill and you will not be liable. In other words, if the mother has custody of the child and on the weekends during a period of access the child resides with the father, one does not go to the custodial parent, because she will say, 'That's not fair. I didn't have the child over the weekend. You go to the father who has possession, access and control over the child during the weekend.'

To import the qualification of residence is a watering down, and there will be legal technical argument on the meaning of 'residence': is it permanent, temporary or what? It opens up a worse situation. I heard the member for Bragg say that he intended to reverse the onus of proof and put it on the plaintiff. This Bill requires the defendant—the parents—to show that they were not able to exercise appropriate supervision and control over their child. The onus is on the parents and not on the plaintiff. The plaintiff here is the victim.

The Liberal Party wants to reverse the onus of proof, so-called (to use its terminology), bring that up and make the plaintiff prove that those parents could exercise effective control and supervision. That is an impossible task for a plaintiff—a victim—to undertake, because the victim does not have all the evidence or resources available to see what

the parents were doing during the period that the damage was caused.

If that proposal gets up, this Bill will be completely unworkable because no victim will be able to establish the grounds, and every case will be tossed out of court. We might as well not have the Bill—what an absurd proposition. Only an Upper House member in the Opposition ranks could dream up something of that nature, and I suspect they have.

With regard to the Minister or the Director-General for Community Welfare, the committee made the following unanimous recommendation:

9. That it is inappropriate that the Director-General for Community Welfare or the Minister of Family and Community Services be subject to the provisions of the Bill when a child is placed under their control or guardianship pursuant to the Children's Protection and Young Offender's Act or the Community Welfare Act.

The reason for that is that one is now dealing with an uncontrolled child. One cannot control the child, which is why the Director-General or the Minister steps in—to take control over an uncontrolled child. Already the State is suffering the penalty of trying to retain control over that uncontrolled child and already suffering the burden in terms of taxpayers' money in incarcerating that child or having to have all the appropriate supervision orders and attendant staff.

What does the Liberal Party want to do? The member for Bragg said it wanted to impose a double liability on the Minister of Family and Community Services or the Director-General for Community Welfare and impose strict liability. The effect of that—

Members interjecting:

Mr GROOM: Just keep quiet. The member for Bragg should restrain himself; he gets carried away. The Liberal Party has fallen for the trap of being run by their own members in the Upper House who are divorced from reality. They have opposed the Bill and knocked it off twice. They do not know where they are going on law and order. The Liberal Party has no sense of direction: the select committee reached a unanimous agreement and what happened—they back-pedalled and backed down. Why? Because they see some political advantage in moving amendments, yet the amendments are so absurd that it makes their law and order policy laughable and ridiculous.

Fancy suggesting, as the member for Bragg did, that the Minister of Family and Community Services has the responsibility of controlling an uncontrolled child, and they will impose strict liability. Not only is the State picking up the tab for an uncontrolled child but, if that child goes out and commits some offence, the Minister has no defence whatsoever. We will have strict liability imposed on the Minister by the Opposition. So, why not get back at society and say, 'I'm going to go out and do $100 000 damage and the Minister can pick up the tab.' What an absurd notion. That is why two members of the Liberal Opposition on the committee, when we exhaustively looked at this issue, rejected it. They rejected it because it was stupid, and the amendment is plainly stupid. So you now have—

Mr Hamilton interjecting:

Mr GROOM: I will come to the $10 000—that is a beauty. In the continental system it is unlimited and it works all right. It does not cause any trouble because it imposes liability. It is a tough law that we are passing—make no mistake—it is unlimited and a tough law to impose on parents. I believe that this Bill will be a tool to aid parents in disciplining their children from an early age because, if a child goes out and commits damage, the parents can say, 'If you do that, then your brothers and sisters will suffer.'

Mr Brindal interjecting:

Mr GROOM: They can say the whole family unit will suffer. The member for Hayward is caught and is being driven by the Upper House, whose members are cut off from reality.

Members interjecting:

Mr GROOM: The honourable member should have served on the select committee.

The SPEAKER: The member for Hayward is out of order.

Mr GROOM: The parents can say, 'You will suffer because, if you go out and do damage and you cannot make restitution, under this Bill the parents will have to pick up the tab, even if it means paying so many dollars a week. Your brothers and sisters and the whole family unit will suffer.' That is how the patriarchal system has functioned in Europe and that is why it is so successful. That is why in my electorate, comprising 30 per cent Italian population, who still maintain the patriarchal system to a considerable extent, the crime rate is low. That has been endorsed by other statistics we have heard outside of this legislation. The lolly of it all is that the Liberal Opposition wants to put a limit of $10 000 in the Bill. I have practised in the juvenile jurisdiction in the late 1960s, the 1970s and 1980s, and I know the jurisdiction well and I also know those children well. They are street smart. If a little gang is going and its members go out to do damage, they might as well do $11 000 worth of damage.

They will not stop at $5 000 because mum and dad will not have to pay for damage over $10 000. The net result is the suggestion, 'Before we go, let's smash another four computers'. That is the Liberal Party's proposal. It will be an encouragement to do that because those offenders are street smart. The repeat offenders, at whom we are aiming, know how to deal with the law. When they see a hole in the law such as this they will say, 'We have done only $7 000 or $8 000 worth of damage. Let's smash more computers or put the axe through the window because at least we can protect our parents.' If a gang of six offenders is involved and $30 000 or $40 000 worth of damage is done, under the Government's Bill all parents will have to share the tab, even if it is a weekly payment of $5 or $10. Under this Bill the court has power to order payment by instalment, so it cannot bankrupt parents. The court can make an order consistent with a household budget, and it will take into account the various levels of society in terms of socio-economic status.

However, under the Liberal Party's new proposal six offenders who do $6 000 worth of damage will have to pay only $1 000 each. You might as well do more to protect the parents. What a watering down of law and order! I refer to the speech by the member for Bragg. I cannot believe that it is the same Liberal Opposition that served on the select committee because, when we looked at these issues in a non-political way and heard evidence, we came down with unanimous recommendations. However, they made the Government look too good and that is the reason for the objections of members opposite. The legislation is tough. We know who members opposite are listening to in the Upper House. This is a typical Upper House mess. Members in the other place do not represent people in electorates or listen to people in individual electorates; nor do they have to deal with the problems with which the members for Price, Albert Park or Henley Beach have to deal. They sit in their ivory tower, having won X-lotto and pontificate. They come down with this mess!

In the case of burden of proof, they will place the onus on the victim. How on earth can the victim prove that the parents were not exercising effective supervision and control? They will not be able to adduce any evidence whatsoever. No victim will gain under the Liberal Party's proposal. Members opposite should reflect on what they are doing, because once they have been exposed they will get a bath out in the electorate. They are not a true political Party—they are an organisation. They know what they are against, but they do not know what they are for. We can take the issue of self-defence. This House passed self-defence legislation in April. What has happened? It went to the Upper House and has been there since April, but it cannot pass because a certain member of the Upper House cannot make up his mind about the tough laws on intruders.

Mr BRINDAL: On a point of order, Sir, I do not think it is correct under Standing Orders to refer to debates in another place, as has been done constantly during this speech.

The SPEAKER: The Chair was distracted. My advice is that there was not a direct reference to any debate in another place. However, if there was it is out of order.

Mr GROOM: I will deal with another foolish arm of the Liberal Party—the Northern Territory Government. The Northern Territory legislation starts off in fine terms whereby parents are made jointly and severally liable provided the child is ordinarily resident with the parents and is not in full time employment. So, if you are a child and you want to commit an offence you do not live with mum and dad but rather move out for a while, commit a few offences and then move home.

An honourable member: And not have a job.

Mr GROOM: Yes, and not have a job. Fancy using employment as a criterion to delineate liability! If you are resident with your parents and do not have a job, the parents are liable. If you are resident with your parents and you have a job, there is no liability on the part of the parents. It is nonsense! One wonders what goes on in the Liberal Party. When members opposite served with us on the select committee and got away from the control the Upper House appears to have over them, they joined with us in reaching a unanimous recommendation.

How absurd to make liability for parents hinge on whether their child resides with them and on whether or not he or she has a job. We can see them appearing in court and saying, 'Look, Your Honour, I have a job—I started there the Friday before I did $10 000 worth of damage'. That is the sort of thing we will get from the Liberal side of politics. The fact of the matter is that members of the Liberal Party want to make this legislation as unworkable as possible. Why? So that in 18 months they can turn around and say that the Government has mucked up. They want to move all these amendments to the point where we may as well not have the legislation. If the Liberal Party amendments are accepted, the results will be as follows: first, the Minister will be made strictly liable for an uncontrolled child. A child will go out and commit an offence and put the responsibility back on the taxpayer.

Mr Brindal interjecting:

Mr GROOM: I have seen your amendments—you read them. The Minister of Family and Community Services will be strictly liable for an uncontrolled child. They are street smart. They will go out and commit so many thousand dollars worth of damage just to whack it up the system, to coin a phrase I have heard used in juvenile circles. Another Opposition amendment imports the question of residence whereby the parent is liable only if the child resides with you. That creates legal technicalities over whom the child is residing with. The Opposition also wants to set a limit of $10 000. Every juvenile will say, 'We want to do $11 000 worth of damage—do not leave before we knock off a few more computers or do more damage.' How absurd! They will make sure that the limit of $10 000 is reached every time.

On top of that, if we look at the united effect, the Government's proposal is simplistic. It is the patriarchal system. It makes parents liable jointly and severally whether or not they are divorced. They will have a responsibility, whether or not they are the custodial parent, to ensure that the child is brought up. What happens at the moment? We have seen plenty of evidence of this. When parents separate, fairly soon a lot of juveniles start committing offences as a consequence of a broken home.

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

Mr MATTHEW (Bright): I rise to support the general principles behind this Bill, but in an amended form which will make the Bill more useful and valuable to the community. As members opposite know, those amendments will be moved by the Opposition during this debate. The member for Hartley, as usual, has got it all wrong. Rather than walk away, I suggest that the member for Hartley takes note of what happens in this debate and listens to what is said as he may find out the content of the Opposition's amendments, what they will do and how they will make the Bill more workable. If we look at the submissions put to the select committee, on which I was pleased to serve as a member, is it any wonder that some members in this Parliament have had little pressure placed on them and have little understanding and feedback about the community's wishes with respect to this Bill? I am the only member in this Parliament who can stand up and say that, of the 37 written submissions, 11 came from within my electorate. Almost one third of the State's total written submissions came from my electorate. There is a good reason for that, and that good reason should perhaps at a future date move this Parliament to question the manner in which select committees call for public submissions.

We all know that select committees advertise for public submissions and that such advertisements are buried in the public notice columns of newspapers. In my electorate I made a couple of media statements to make the local press aware of what was happening and I wrote to all Neighbourhood Watch groups. My actions were largely instrumental in the presentation of those 11 submissions and, if it was not for that, the select committee would have been embarrassed at the low number of submissions. The rewarding thing in that process was that I had the unique opportunity to talk with the writers of the letters, their groups and their organisations and find out what they expected of their member of Parliament with respect to this legislation. It is those views that I intend to represent strongly during the debate this evening.

I will go through some of the submissions in detail later, but first we need to look at what the Bill is really about. It is a Bill to make parents liable for damages awarded against a child where a child is guilty of an offence in certain circumstances. There is nothing wrong with that. I do not think that very many people in our community would disagree that parents should be responsible for their children and that they should exercise guidance and discipline over the children that they are so fortunate to have.

This Bill provides that, where a child under the age of 15 years commits a tort and is guilty of an offence arising out of the same circumstances, a parent is liable for injury, loss or damage resulting from the tort; and, if the parent was

not exercising an appropriate level of supervision—and that is an important part of the Bill—and control over the child's activities at the time the tort was committed, the parent could be held liable. However, the Bill provides for a defence to be available to a parent if they can prove that they generally exercised, to an extent reasonably practicable in the circumstances, an appropriate level of supervision and control over their child's activities. An action in damages against a parent cannot be taken except by leave of the court, and the judgment for the debt may in fact be paid by instalments.

Also, the Bill provides that 'a parent' of a child means the child's natural or adoptive mother or father. There is one troubling aspect in relation to this in that the Director of the Department for Family and Community Services or the Minister have no liability in relation to exercising proper guidance and discipline over a child under their care. Obviously, that is something that my colleagues and I find a little disturbing and will address through amendments later tonight or tomorrow.

The concept of this Bill is not new. Quite correctly the member for Hartley said that our colleagues in the Northern Territory Parliament recently introduced legislation, albeit somewhat narrower in its objective. Nonetheless, that legislation makes parents liable for property damage caused by their children but to a limit of $5 000. The limit is another worrying aspect. At the moment under this legislation before us a parent could technically be liable for the damage caused by a child if they burn down an entire school—perhaps $3 million or $4 million. Therefore, the Opposition will also address the possibility of introducing a limit which I think is important to enshrine in the legislation.

This sort of legislation is fairly common in the United States. I know that United States' tort statutes, in addition to its common law, have passed most States and impose various degrees of responsibility on parents for the wrongful actions of their children. Under such statutes parents are responsible for wilful, malicious, intentional or unlawful acts of their minors. Across the United States, from what I have been able to find out, there is usually a ceiling which ranges from as low as $US250 to a high of $US15 000 in relation to what can be recovered from parents. So, in that country, too, a limit has been introduced.

In some jurisdictions of the United States the liability is limited to unemancipated minors living with parents. The important thing is that a key characteristic of most parental liability statutes in the United States is that the parent is liable even if there is no evidence that the parent failed to use reasonable care. At least in that respect I think our legislation is far more sensible and realistic in its application.

The committee that met to deliberate this Bill received evidence from a large cross-section of the community. As almost a third of the submissions were from my electorate, the ones I wish to refer to specifically are indeed from my electorate, as the cross-section was so broad that it highlighted all concerns the community has. The first submission I will cite was a letter from the Marino Neighbourhood Watch group which, in part, states:

> There is a cynical perception that should these young offenders be hauled before the Children's Court they are not punished at all. It is getting to the stage where some authorities do not even take them to this court as it is seen to be pointless.

I think that that short quote from that letter—a letter from a group of people who are concerned about the application of law and order in our community—demonstrates the frustration that these people feel about the way our law is presently applied. That group is crying out, like many people, for something to be done. Similarly, I received a letter from a Mrs Strudwicke which, in part, states:

> I write in support of this proposal. In this matter the law is at present on the side of the wrongdoer and protects him (or her). Some parents, in spite of the law, discipline their children and take an interest in what they are doing. Some do not, with obvious results. Vandalism starts in the home. It can be stopped in the home also by suitable parental control and suitable punishment when necessary.

I do not think that too many of us would disagree with that writer's sentiment. Indeed, parental discipline should start in the home. It is a sad reflection on the state of our society—and this is not just limited to South Australia or Australia—that a Parliament has to put forward legislation to make parents feel that they have some responsibility for the behaviour of their children. It is very sad that we have reached this state of decline within the fabric of our society, and it is regrettable that this legislation is necessary. I also received a letter from a T. Lamont. I will read the letter in full because it is short and gives a specific example. It states:

> Dear Sir, I had my car stolen from my driveway. Police apprehended a 16 year old (neighbour's son). Unfortunately, he had caused over $500 damage having run it against a fence post. In court he was ordered to pay me $50 which I knew nothing about until almost a year later when I received a letter asking if I had recovered any money and, if not, he would be forced to pay me or be given some community work to do. Needless to say, I haven't even heard from the courts again. Our system is biased towards the culprit. I say make the parents responsible for the full amount, not 10 per cent. More contact between police and courts with the victim would be desirable.

That person had experienced damage to their vehicle and, quite justifiably, was seeking recompense, and there was none available. Who pays that person's $500?

Mr Ferguson: Full recompense.

Mr MATTHEW: 'Full recompense', the member for Henley Beach says. Indeed, $500—I would agree. The Liberal Party is not advocating a percentage but a ceiling. I think that that is important to bear in mind. Not all writers agree with the principle behind the Bill, and it is important that they get a hearing, too, because that is what this Parliament is all about. I received a letter from a Mrs Clarke who, in part, stated:

> It is unfair for parents to have to part with any hard-earned savings because of the behaviour of their children, if they have not been negligent in their upbringing. In these harsh economic times, what about parents who are uanble to pay? Will it be asset related or income related? Or, will they be prepared to financilly ruin an entire family because of one errant member? It would be discrimination of middle-class parents if only they are called upon for reimbursement. It is also import to remember that the family of adult offenders is not expected to pay. The community does. How is there a difference with juveniles, and why should there be?

Obviously, that writer raises some very broad issues that require too much time to cover in the small amount of time I have remaining tonight. Clearly, I think there is a case for some ceiling to be put on the limit that parents can be hit with. Mr and Mrs Seddon have a different perspective. In their letter to me, which I read in part, they say:

> We have a son now aged 17, who has 'gone off the rails'. He demonstrates little or no regard for authority of any description, be it the police, the courts or social welfare. Nor does he have any thought for the long-term effects that his present activities will have on his relationship with others. He repeatedly steals off his own parents, sister, his best friends and anyone else whom he comes into contact with. What else can be done when you sit down and have a one-on-one talk with a teenager who has just done wrong? Picture if you will this scenario that happened to us a couple of years ago:
>
> Your pep talk lasts two hours or more, your teenage son has been in tears, for approximately the past 90 minutes during which time he keeps saying how sorry he is. Then, because its late, you wind up the talk and send the teenager off to bed, but in fact the teenager hops out his bedroom window to reoffend (albeit while still sobbing). How as a parent would you feel when the police

ring you up about 30 to 60 minutes later and say that XXXX has just been caught committing an offence, and would we come down to the police station to be present during the questioning and the taking of a statement?

Clearly, that is a letter from a victim, in this case a parent. This parent is one of good standing, someone whom I know fairly well. He is worried about what this law could do. Could it ruin his family, if his son, whom he attempts to control in every way he possibly can, still continues to reoffend? The final letter I cite from is from a Mrs Breach, who says, in part:

I accept that there are parents who could be 'judged' as negligent in the supervision of their children. In such cases, I believe that teaching them parenting skills may have some constructive outcomes. Punishing them, financially or otherwise, could only be detrimental to a family unit already in trouble.

Thank you for your undertaking to represent the views of local residents to the select committee.

So this writer acknowledges that there is a need for parents to be responsible, but once again this person is afraid of the punishment, the burden that could be placed on parents who are doing their best. I acknowledge that this Bill provides that, where a parent is exercising control over their child, that parent would not be facing court—but that is subjective. There is still an opportunity for many parents who have done their best to slip through that net. That is one of the main reasons why the Liberal Party has been advocating that there should be a ceiling, as has been recognised in the Northern Territory and right through the United States of America. This matter has been the subject of debate worldwide. Those other countries have come to a rational decision as to how they can best broach this problem.

I believe that the select committee, in noting the concerns of my constituents and of other residents of this State who made submissions to the select committee, genuinely tried to accommodate all of them. The committee generated fairly strong debate at times, and the debate on this Bill was important. The member for Hartley should be aware that the Opposition believes that there are some good sentiments behind this Bill and that the amendments that we propose are not intended to destroy it. They are not designed to wreck the Bill or make it unmanageable; it is just that the Bill needs some modification, and we have attempted to do that. If the member for Hartley thinks it is perfect, let him stand up and say so. However, in his practise in the law he would know that there is no such thing as a perfect Bill. It is the Opposition's role in this Parliament to put up constructive alternatives. The member for Hartley knows that many of the things that have been put up here tonight relate to matters that were debated in the select committee. He knows that, and that is indeed what this parliamentary forum is about. It is important that all views, both for and against aspects of the Bill, are put forward and that this Parliament come up with the best possible legislation that the members here collectively can come up with.

This is not a political point-scoring or political bashing exercise. That is not what it is about. It is about fixing a problem. None of us would sit here and deny there is a problem; we all know that there is. We need to work it out, properly, for the sake of the community, and particularly for the sake of the minors in our society who need that guidance. Regrettably, some of the misguided parents in the community need to be reminded that they have an obligation and responsibility when they bring children into this world.

The amendments we will put forward are proposed because this Bill encompasses only part of the overall picture as seen by the select committee. The select committee made nine recommendations and this Bill, at most, accommodates only four of those. The select committee report says:

Recommendations 5 to 7 will be considered as part of a proposed review of the Children's Court practices and procedures.

Those other things are quite important. Recommendations 5 to 7 include that it be mandatory that parents attend at children's aid panel sittings and at court hearings in which their children are involved. Recommendation 6 is:

That the current powers available to members of children's aid panels be better utilised so that offenders appearing before the panels be dealt with in a manner which is relevant to the seriousness or nature of the offence.

Recommendation 7 is:

That the family group conference, at present operating in New Zealand, be implemented in the South Australian context as an alternative way in which the victim and the offender can resolve the matter of compensation without seeking redress through the legal system. It is considered that this form of victim/offender conference may take more account of cultural differences, for example, the Aboriginal notion of the extended family sits more easily here.

These are important recommendations, which had strong agreement from all parties involved in the committee. Regrettably, those recommendations are not part of the Bill before us tonight. They have been left out, and so the Bill is not complete. The analysis of the juvenile court process is not finished, and this Parliament has to decide just how far it will let an incomplete Bill go. Have we a guarantee that the Bill will not be proclaimed before the Children's Court changes? What guarantee have we that we will not just have part of the full picture in place? Everyone knows that, in the end, putting only part of the final solution in place can sometimes do more damage.

The Government will owe the State an explanation as to why those amendments are not acted on. The Government is remiss for not having finalised the solutions for the juvenile court problems before presenting this Bill. These should have been presented in tandem as one single piece of legislation. This is the biggest problem that faces us tonight, and it is the main reason why the Opposition finds it necessary to criticise the Bill in regard to this isolation aspect. The provisions are isolated from the other amendments which are needed but which are not before us yet. This is why we make appropriate suggestions for amendment, to keep it in line somehow. If the other processes were in place, perhaps the $10 000 limit would not be necessary, because there would be other options. However, those options are not before us in legislation tonight. It is therefore vital that we propose appropriate and sensible amendments. As I said in opening my address, I support the principle behind this Bill and the amendments that will be debated later in Committee. I think it is important that the member for Hartley listens.

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

The Hon. E.R. GOLDSWORTHY (Kavel): I did not think it would be necessary for me to speak in this debate. I was on the select committee which, I thought, was conducted harmoniously, and a report was presented. However, I am prompted to speak because we have had yet another of these spiteful little exercises from the Chairman. I have been on two select committees that have interested me particularly—one was on self-defence and the other was on this Wrongs Act Amendment Bill. The proceedings of both those select committees were harmonious. All members contributed and I think all members enjoyed them. But we on this side of the House certainly do not enjoy the behaviour of the Chairman of the select committees when he turns it into a political exercise.

Whether or not this is to further his own political career, I am not too sure. At this point I might observe that I have always wondered why the honourable member never managed to find his way into the Bannon ministry—which, let us face it, has a number of passengers; it has a long tail that ministry. Nevertheless, this member has always appeared to me to have intelligence above the average in that ministry—although they are a very mediocre lot. But having seen his behaviour on reporting the results of these select committees, I now wonder whether Premier Bannon does have a point. One wonders why he is not in the ministry, but then one sees him in action, following these select committees and sees the spiteful way he comes in here and tries to turn these things into a political exercise. It does lead me to think that if I was the head of the team I might have some doubts about the honourable member.

Let us look at the matters specifically. The honourable member is trying to suggest that he is the fount of all wisdom and that what comes out of these select committees is the last word bar none. I remind the honourable member that, during the course of the discussions in this select committee, it was suggested that maybe the Bill would not work. This point was put forward, that maybe it would not work but that we ought to have a go, because the public is demanding it and we ought to try to indicate that this Bill is a signal to parents that they do have some responsibilities. That was the thinking of the committee. The Bill has now come out of the committee and this is something of a last gasp in an area which admittedly is nebulous and doubtful, and no one is quite sure how it will work. So, for the Chairman of the committee to come in here and say that we cannot possibly contemplate any change at all—

Mr Brindal: It is the last hurrah of a defeated Government.

The Hon. E.R. GOLDSWORTHY: It is the last hurrah of a candidate for a ministry who missed out.

An honourable member: It's sad.

The Hon. E.R. GOLDSWORTHY: It is very sad.

The Hon. Jennifer Cashmore: He's so talented, too.

The Hon. E.R. GOLDSWORTHY: As I said earlier, I was always puzzled; I will repeat it for the member for Coles' ears. I could never understand how this man could not make his way into the ministry when it has such a long tail.

The Hon. Jennifer Cashmore: When he is so demonstrably more effective than so many other members of the Ministry.

The SPEAKER: Order! The member for Coles will have an opportunity to contribute later, and I ask the member for Kavel to bring his remarks back to the Bill.

The Hon. E.R. GOLDSWORTHY: I draw my remarks back to the Chairman of the committee. He has been a great disappointment to me. This spiteful streak has come to the fore. He must turn what was a harmonious, sensible committee into a political football. I think that is a great pity. So, having acknowledged the fact that nobody knows the answer to this question, and we are not sure whether or not the legislation will work, he is arguing about the fact that the Liberal Party, in the light of further evidence from elsewhere, seeks to suggest improvements.

One of the suggestions made by the member for Bright was that a number of the people appearing before the committee, particularly the spokespersons for the underprivileged, were very concerned that people who are underprivileged would be hard-hit by the sanctions of this legislation. That was a source of concern to some members of the committee—certainly, it was to this one. The spokesperson for the Aboriginal community and the spokesperson for the single parent community both expressed grave concerns about the added worry and concern that this Bill could cause to them. I was particularly impressed by the spokeswoman from the single parent group.

The Hon. Jennifer Cashmore: The other side of the coin.

The Hon. E.R. GOLDSWORTHY: Yes; this is the group that was worried about the Bill.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: I was a member of the committee, and I came down in favour of legislating so that on balance we went for the victims. Let us face it: that is not the point at issue. The point at issue is that there were a number of people who were concerned about the way the Bill would impact on them, and one would only have to put oneself in the position of single mothers with all the problems they encounter in this day and age to understand the fear of fronting up in court when the child goes wrong. If people are not sensitive to that circumstance, they are totally insensitive, and the Chairman comes in here and blasts the Liberal Party for suggesting that perhaps we should ameliorate the impact of this Bill a bit and put a cap on the damages that can be claimed. The people who would welcome this are those who were brushed aside—those who had concerns about the impact of this legislation. The Chairman is getting up and blasting the Liberal Party when he admitted that he did not know how the Bill would work. That is the height of hypocrisy.

Mr Groom: That's not right. I didn't say that at all.

The Hon. E.R. GOLDSWORTHY: It was stated during the course of the committee—I do not know whether it is in the minutes of the evidence—that we were not sure how this legislation would work out.

Mr Groom: You go and find where I said that.

The Hon. E.R. GOLDSWORTHY: All I can say is that the Chairman has a very convenient memory. The statement was made during the course of that committee that we were not quite sure how this legislation would work out but that we ought to give it a go. That was the thinking of the committee and anyone who denies that had their ears shut. I think it is a great pity that the Chairman of the committee comes in here and seeks to make a political football of this exercise. Every member of the committee enjoyed it; I enjoyed both committees. I requested to go on them only because I was interested in the question of self-defence and, in relation to the Wrongs Act, making parents liable for the wrongdoing of their youngsters as a signal to the community that they have some responsibility. If members want to carry it further than that and suggest that this is the last gasp—the final word—on this legislation, as the member for Bright pointed out, they should recognise that many of the recommendations of the committee have not been taken up.

Legal training tends to close minds on occasions, I am afraid. I have made these observations before. They get stuck on the letter of the law and they lose the spirit of the whole thing. All I can say is that my faith in the Chairman has sadly been diminished yet again. Anyone would think we were not supporting the thrust of the Bill, but the fact is that we are supporting it. There is no skin off my nose; I was on the committee, but I do not believe I am omnipotent. I do not think that everything I say is the last word. I still think people can make suggestions.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: That is a different story. The trouble was that the Government did not have any word on that. Do not get me started on that, for heaven's sake. I will not say any more, otherwise, I will be repetitive. I was disappointed in the Chairman and that

spiteful little speech he made. We are basically supporting the Bill.

Mr FERGUSON (Henley Beach): I entered the debate when this matter was first put before the House and, at that time (which, members may recall, was in the heat of an election campaign), we were being berated by the Opposition that we were weak on matters of law and order. When the select committee reported to this House, I was one of those who expressed satisfaction with the report that was tendered, because I was able to say that at last members of the Liberal Party had joined with us in taking a tough decision on law and order; after all the complaints that I have been receiving in my electorate and all the complaints I have been hearing from members of the Opposition about law and order, the Parliament was at last in a position to be able to take some tough decisions and do something about it.

We have already been given to understand from the debate that has ensued so far that members of the Liberal Party are supporting this proposition in words only and certainly not in deeds, because their proposals will so water down this measure as to make it unworkable, and I think that this is the political position that they wish to be in, because they wish to go back to their electorates in due course and be able to say to their constituents, 'Why doesn't the Government do something about law and order?' The members for Bright, Hayward and Newland have banded together to call themselves something like the 'Backbench law and order committee', and they have put out several press releases about law and order. When they have had the opportunity to stand up and do something about it, to take a stand on law and order and to support tough legislation (and it is indeed tough legislation—I would agree with the member for Hartley), what do they do? They back off at a million miles an hour.

Mr Matthew: You have not been listening.

Mr FERGUSON: Calm down; I am coming to you. The member for Bright has told us that he went to his electorate and asked about the submissions to this committee. He got a whole bunch of submissions to the committee, and he was almost responsible for the submissions that were made to the committee. I will bet that he has not gone back to the people in his own electorate and explained the amendments that he intends to support in relation to this Bill. If those organisations that supported his call for law and order in his own electorate were to know that he was backing off at 100 miles an hour supporting a proposition that he knows will destroy this Bill, I think we would have a very different circumstance come the next election as far as the electorate of Bright is concerned.

I challenge the member for Bright to go back to his electorate and put out a press release or send correspondence to all those organisations that he stirred up in the first place over law and order and tell them that he supports amendments that will kill off the proposition that is in front of us. That is the situation with which we are faced tonight. It is all very well for a member in a marginal seat to start shouting about law and order, saying that the Government is not doing anything about it. It is all very well getting up petitions and getting members of the electorate to send correspondence to this place. However, when he gets this place to do something about it, when he gets a select committee going, which he supports, and when the legislation comes before the Parliament, what does he do? He backs off at a thousand miles an hour. Let's see you with a little bit of courage.

The SPEAKER: Order! The honourable member will not refer to members as 'you'.

Mr FERGUSON: Let us see the honourable member stand up in this House and have a little bit of courage. I understand that the Liberal Party does not have tied votes, that members of the Liberal Party are allowed to vote by way of conscience, but it is very surprising that in the time I have been in this House, in the majority of cases, Liberal members have voted the same way.

The Hon. Jennifer Cashmore interjecting.

Mr FERGUSON: The member for Coles does not need to assist the member for Bright. He comes in here shouting about law and order. Now he has the opportunity to do something about law and order. He was the instigator of many of the propositions before this House; he was the instigator of many of the petitions that we have seen. Now he has the opportunity to do something about it. Let us see the honourable member split from his Party and stand up and vote for law and order. Let us see him support some tough legislation, which he has been screaming about since he has been in this place. This is his opportunity.

Mr Brindal interjecting:

Mr FERGUSON: The member for Hayward has been very vocal about law and order. This is his opportunity; this is the opportunity for 'the member for one bob each way' to do something about law and order. The members for Hayward and Bright have been vociferous about what they want to see. They have rushed out with press releases and have stirred up their constituents about law and order. Now let us see them stand up and do something about it.

The member for Bragg put up a 50/50 proposition: he was 50 per cent in favour of the proposed legislation but for 50 per cent of the time he spoke against it. He said that one of the reasons why he could not support this legislation was that there might be problems with interpretation in the courts. I agree with the member for Kavel who said that the select committee, when it put the proposition before the House, felt that 'we ought to have a go'. They were his words. Why should the member for Bragg be worried about interpretation. This is his opportunity to do something about law and order. Let us have a go. Let this Parliament pass the law and let us have it tested, because there are thousands of people in the electorate who are sick and tired of the damage and destruction that is going on. This is the Parliament's opportunity to do something about it.

The introduction of an amendment to limit liability to $10 000 is an ideal way of destroying this proposition, because that will produce an incentive to vandalise, to do more damage. Once these vandals have started, they will say, 'What the heck; we can go for $20 000, $30 000 or $40 000, and the most we can get caught with is $10 000.' This is the proposition put forward by the great law and order merchant, the member for Bright, who has been talking about law and order ever since he got into this Parliament. This is why he is able to say, on the one hand, that he supports the proposition but, on the other hand, he is actually destroying it.

Mr Hamilton interjecting:

Mr FERGUSON: The member for Albert Park has just drawn my attention to something that we have not heard so far from members opposite. None of the Opposition speakers has said anything about victims. Suddenly, we have this great concern, which we have never heard before, about the perpetrators of these crimes, but we have heard nothing about what happens to the victims. Why should a person whose $20 000 car has been burnt, whose home has been vandalised, or who has had damage done to his or her

property, be limited to $10 000? It is not as though this proposition does not work in other jurisdictions.

Members of the select committee know that this proposition is law in France. I have not heard anything from that country to the effect that the law in regard to juvenile crime is not working. I have not heard from that country the outrage or any of the arguments that have been put before this House by members of the Opposition. With respect to law and order issues, we have had problems in getting support from the Liberal Party. Despite what the Liberal Party says about law and order—'We want tougher legislation on the books so far as law and order is concerned'—we get no cooperation.

The last time this Bill was before the House, it was defeated, and that was because the Liberal Party was not prepared to go on with it. There was an election coming up, and it thought it could use the issue of law and order by defeating any chance this Government had of trying to bring it to book. That is the problem. Take self-defence: how long has the self-defence Bill been before another place, and how long will it be kept there? Why are not members of the Opposition prepared to support our measures on law and order? Why does not the member for Bright go to his colleagues in another place and say, 'Look, I am terribly interested in law and order. Every five minutes since I have been in the House I have talked about law and order. Why don't you do something about law and order?'

Mr MATTHEW: A point of order, Mr Speaker.

The SPEAKER: Order! The member for Henley Beach is referring to debates in the other place. A point of order was raised in this respect earlier this evening. I draw the honourable member's attention to the Standing Order that prevents such references.

Mr FERGUSON: I accept your ruling, Mr Speaker. I apologise for saying that it has taken six months for the other place to handle this Bill.

The SPEAKER: Order! The honourable member does not have to repeat what he said.

Mr FERGUSON: I refer to the argument put forward by the member for Kavel on the Liberal Party's new found concern for those in more unfortunate circumstances. The select committee did take this into consideration. It suggested that conferences should take place and that the judge should attend those conferences to decide whether there should be an imposition on the families concerned. Payments can be made by instalments in the same way that they are paid in the small debtors court. Families can come back to court to have a judgment made against them reconsidered, and I do not see why the Liberal Party is putting up amendments that will destroy the proposition that has a legislative effect in asking parents to be responsible for their children.

Mr Hamilton: Because it's a winner; that's why.

Mr FERGUSON: The member for Albert Park may be right when he says that this is a winner and that the Opposition surreptitiously and otherwise wants to destroy the proposition before us. What is wrong with making parents responsible for their children? Why does the Opposition want to run away from this? What is wrong with it? Parents took on the responsibility of parenthood, and they should be made to take that responsibility. Why should their children go outside and destroy other people's property? Why should children of seven years—I use that age advisedly—be running around the estates in my electorate at 2 o'clock or 3 o'clock in the morning, and why should this Parliament not be saying that the parents should be responsible for those children?

When the children damage property, why should this Parliament not say that money can be recovered to the extent of the property without limitation? Why bring in a limitation? The Liberal Party is introducing a limitation to ensure that it destroys the proposition. It did not agree with it when it was first put up. Despite all their talking about law and order, the Opposition does not agree with it now, but public pressure has been put on the Opposition so that it cannot defeat the Bill outright.

Mr Quirke interjecting:

Mr FERGUSON: That is right. Public opinion has forced the Opposition into a situation where it is supporting the Bill. But Liberal Party members are doing the next best thing and introducing amendments to ensure that the Bill will be unworkable. This is law and order and it is hard legislation. The Bill provides an opportunity for politicians to stand up and show what they are made of and to show what they believe ought truly to happen in respect of juvenile justice. But what do we see on the other side? We get backing and filling; we get amendments; and we get wimping and jelly backs. Even members such as the members for Hayward, Bright and Newland have regaled us for months on end with press releases about law and order. When they have the opportunity now to stand up and do something about it, what do they do? They wimp out! They are being led by the nose by their colleagues in another place.

My advice to the member for Hayward is that this measure provides an opportunity for him to make a name for himself. It is his opportunity to be a man. This is his opportunity to stand up and be counted. I understand from recent debate that Liberal Party members are not bound and can follow the dictates of their conscience. Here is an opportunity for the member for Hayward to stand up for the things about which he has been talking in this House and outside it, and commenting in press releases that have been sent all over the place.

This is the honourable member's big opportunity to vote for the proposition by opposing the amendments. That would merely back up what he has been saying about law and order outside this place. I conclude by saying that there is no way in which members on either side of the House (and I would have thought that this should have been a bipartisan debate) would support violence—no matter whether that violence causes damage of $10 000 or even more. Therefore, this measure provides the opportunity for every member to stand up and be counted on vandalism and the criminal activities of youngsters in the community. Members should not back off from it, but I am afraid that they have done so.

Mr BRINDAL (Hayward): I have followed this debate with interest tonight. At the age of about 17 I learnt from reading King Lear that a fool can be a very wise man. I am afraid that tonight in listening to contributions from the Government benches I have learned that a fool is a fool is a fool! I have heard members on the Government benches stand up so fearful that this proposition might be improved by Opposition amendments that they seek only to bait and deliberately misrepresent this side of the Parliament.

I see a Government so fearful of its defeat at the next election that it will resort to any cheap political trick and political posturing to try to make itself look good in relation to law and order. But with me at least it will not wash. As I rise to speak in this debate I think that Charles Dickens—I will keep off the Romans tonight and not give the member for Hartley anything to chortle about—surely must be turning in his grave.

This debate tonight marks the fact that the pendulum has swung as far as it possibly can away from the days when Dickens wrote his famous works such as *Nicholas Nickelby* and *Oliver Twist*, which were based firmly on the premise that heredity was more important than environment. Whatever the vicissitudes of life that were faced by those noble heroes, no matter how many Mr and Mrs Bumbles, Bill Sykes and Fagans were cast into their path, their inherent goodness always showed forth.

Their good breeding always shone as a light in the darkness and as an example to the lesser breeds of men. We have moved away from that and put that behind us completely, despite the fact that since that day the debate has raged about the correct importance that should be placed on the balance between heredity and environment. The difference between genetic inheritence and the environment in which someone has been brought up has never to my knowledge been resolved by some of the best brains in the world.

In the past the spotlight has fallen briefly on South Australia and briefly on this legislature, and I think it is about to fall on this legislature again because Premier Bannon, his Ministers and members opposite have, according to them, irrefutably solved this dilemma that has perplexed some of our finest brains for a century. They know that heredity has nothing to do with it: that it is all environment and all the parents' fault. Despite the fact that my knowledge of the reproductive process is such that, if we have 50 children, all of them are genetically different and will grow up differently, this Government believes, beyond any contestable statement that may be made by the Opposition, that those children can be controlled by the parents.

One should listen to the words of the member for Hartley, who denigrated the proposition that when the Minister of Family and Community Services is the custodial parent he could be held responsible. The member for Hartley said that was a nonsense because the Minister is only dealing with uncontrollable children. If the Minister of Family and Community Services cannot control uncontrollable children, why should this Government hold responsible parents who equally cannot be expected to control uncontrollable children? If the Minister, with the entire resources of the State Government of highly paid professional staff, of the university, doctors, lawyers and every brain that is at the disposal of this community—

The Hon. Jennifer Cashmore: Social workers.

Mr BRINDAL: —yes, including social workers—cannot control the uncontrollable child, is it reasonable to expect that a parent who wants nothing more than to do the best for their family can bring up a child and get it right? The member for Hartley gave away the game. He said that he sees this legislation as a tool to aid parents. It is the cajoling that a parent can give the child before they go out to burn down a school of the Minister at the table. They can say, 'Look, John, don't burn down this school or that school because you will destitute us and the family and we will suffer for the rest of our lives.'

I put to the House that there are some children (thank God, there are not many) for whom that will be the fillip they will need in that stage of their development—to go out and burn down the school. It does not matter how much a parent has tried or how good a parent is; it is possible that they may be the wrong combination of child and parent in the wrong family at the wrong time and, through no real fault of anybody, the child can end up as, what was known in old fashioned parlance, a bad egg. The Chairman of this select committee says that it is a reasonable proposition that we on this side of the Chamber should expect parents, who are not necessarily responsible entirely for their progeny, to accept full responsibility. I for one do not accept that proposition.

We have heard both the member for Hartley and the member for Henley Beach bleating on. Incidentally, I must not leave out the member for Albert Park, who is always so strong on such matters. He is the man opposite who keeps the Government honest, the man who will stand up, the one who is not afraid to be counted. He is not afraid to be counted when it is taking hard decisions to subject parents to unreasonable measures. He is perhaps the man who is sometimes found wanting when it is bringing his own Government to the line and expecting his own Government to answer for its actions over the past two decades. It is a different thing when you are picking on parents who cannot speak for themselves in this place and quite another when you are taking on a Government from which you expect certain perks and benefits.

There we have it! We have a Government that says, 'What about the victims?' Speaker after speaker has asked, 'What about the victims?' I believe, as the Opposition believes, that these reasonable amendments are calculated to stop a new class of victim. The new victim of this legislation will be the parents and siblings, the brothers and sisters, of those who this Government will, with great alacrity, drag into court to face horrendous penalty for the rest of their lives because something went wrong with one of their family. If that is this Government's answer to justice, I want none of this Government's justice because it is not just—it is unjust. We can talk about victims and this Opposition has consistently talked about victims and talked about them until we are blue in the face, but the Government refuses to do anything about it. The Government makes mealy-mouthed hypocrisy an art form in this place, yet all of a sudden they say, 'What about the victims'.

What about the new victims that this new legislation will create? We on the Liberal Opposition benches are not afraid of law and order as an issue. We are not weak on law and order, but we believe that an inherent part of law and order in this great system of which we are a part is justice. We will not see injustice done by a tired, lacklustre and completely incapable Government and such injustice perpetrated in the name of law and order or in the name of tough decision making. I want no part of that and I am sure that every colleague on this side of the House wants no part of it, either.

We do accept that a need exists for parents to exercise some responsibility. There is a need for parents to play a part in the process, but not for the Government to abdicate and abrogate its responsibility, nor for this Government to muck up this society, as it has for two decades, and then run shrieking into a corner screaming 'It is all the parents fault; let them take the responsibility.' Mark my words; this is what this legislation does.

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

A quorum having been formed:

Mr BRINDAL: The member for Henley Beach went on to say that Parliament would be unable to make tough decisions and to do something about it. If this is the toughest decision that it can take, if it wants to make families the victim, if it wants to not take any decent suggestions made by a responsible Opposition for the improvement of the legislation, so be it, but let the member for Hartley wear the consequences of his actions. Let him stand up to the people and announce this total liability to which they will be subjected if our amendments do not go through. The member for Hartley says that it is all sweetness and light

and all easily understandable. I will quote for the member for Hartley clause 3 (3) which provides:

It is a defence of a claim against a parent under this section to prove that the parent generally exercised to an extent reasonably practicable in the circumstances the appropriate level of supervision.

I ask you, Sir, as a reasonable and intelligent man who has long served the Legislature of this State, what that clause means. To me, what on the surface seems so mild and inoffensive, is in fact a trap for lawyers to make thousands and thousands of dollars. I can see them tied up for days examining 'generally exercised', 'reasonably practical' and 'appropriate level of supervision'. I believe that, if I were being less kind than I am being, it could be argued that there may be members of this select committee who are providing a lucrative new field for those practitioners of the law who do not think that their salaries are currently adequate. I can see many lawyers reaping a bountiful harvest from this legislation.

I remind all members that when, in another Parliament, the Family Law Court was set up, its idea was to help families, help in cases of marital break-up and make the whole thing simple and less legalistic. A decade or so on, what have we got? We have a system in which there are specialist lawyers, heartache and sorrow and a system from which nobody appears to benefit, except that very profession who serves us all so admirably by telling the community what the Parliament means every time it opens its mouth. As this legislation goes fairly and squarely down that path, the Opposition has not only a right but also a responsibility to examine and amend it in the best possible form for the people of this State.

If an amount of $10 000 is not suitable, I challenge the member for Hartley to get out of this Chamber and his electorate office, walk around his electorate and have a look. I do not know many families in Hayward that $10 000 would not financially cripple for the next decade. For members on the Government benches to stand up and say, 'You defeat the purpose if you limit the liability', is patent and deliberate hogwash.

Mr Hamilton: What about the victim against whom the crime has been perpetrated?

The SPEAKER: Order!

Mr BRINDAL: I will ignore interjections. I offer to you as a comment, Sir, that if members had been listening they might have heard, 'What about the victims?', and if they did not listen I will not bore you by repeating what I have already said. The point of the matter—and there is a point to the matter—is that $10 000 would break most ordinary Australian families. If the member for Hartley and members on the Government benches do not realise that, I suggest they go to your electorate, Sir, or the electorate of the member for Elizabeth or my electorate and ask those families how many of them could support a bill for $10 000 and how long it would take them to pay it off.

I also ask you, Sir, and the House why we cannot limit the liability. Is some consideration being given to the insurance industry in all this? Who, with unlimited liability, will benefit? I can see two groups. The first group is the insurers, because most people insure their property. I am quite sure that the Insurance Council will make the member for Hartley a life member if the legislation passes. The other group, if we are cynical, is the Government, because who does not insure with an insurer but provides their own insurance? I believe that I have read it is the Government. So, if a school were to burn down, and the Government was lucky enough that it was caused by a child of one of our wealthy entrepreneurs, of whom there were many until the Government destituted them, it could recoup the cost of the school, and the Premier could come in next year and say that he had balanced his budget and we would all be very happy indeed. But, that would be a cynical reason for saying that the liability should be limited. It is not for me to do that sort of thing.

If we are to charge these people and make them responsible for the upbringing of the children, that is fine. If we do not believe that there is anything in this gene business, that there is any nasty DNA molecule that can make a bad egg, that is fine—let us blame people who are responsible for the children's environment. But, who is responsible for the child's environment, Sir? I put it to you that it is the Minister at the table, the Minister of Education. He compels our children—every one of them—to go to school for 10 years of their life, and he subjects them to an educational process. Has the Minister and his servants—the teachers—any responsibility in the upbringing of the child? What about the netball or football coach, the friends of the children, the Sunday school teachers (if the children go to Sunday school), the local delicatessen owner, or, indeed, the media moguls who on a daily basis determine what our children watch and the role model they see? Do they exercise any responsibility?

Frankly, I do not believe that we can create legislation that attacks everybody who is responsible. I believe that we must support this legislation. It is stupid legislation, and it is bad legislation, but it is the best that this tired and equally silly Government can come up with. So, we on the Opposition are left with no choice but to support not second best but third or fourth best legislation. I, Sir, cannot wait for the time until we are in Government when we can introduce some decent legislation that has a little bit of vision and flair, because it certainly is not coming from this Government. In conclusion, I ask members—

The Hon. G.J. Crafter interjecting:

Mr BRINDAL: No, I am not opposing the legislation. If the Minister had bothered to listen, he would have heard me say that we have to support it because it is the best you can come up with, so it is the best that we can hope to get through this House. But, at least we can hope to get a few decent and sensible amendments—

The Hon. G.J. Crafter interjecting:

Mr BRINDAL: I wasn't on the select committee, as the Minister well knows. I invite members to look at the index of parliamentary Acts and look up the Acts which concern children. This Government, in its social justice experimentation, has passed countless Acts which concern children—countless Acts to create the brave new world. The Government, with its social engineering and everything else over the past two decades, was going to create a brave new world, and it has failed totally and miserably. In relation to graffiti and other crime that is perpetrated mainly by children, the Government is now introducing the measures that we have been calling for over the past two years.

Members interjecting:

Mr BRINDAL: Members opposite may chortle, but tomorrow night when I introduce a Bill which concerns the illegal use of motor vehicles we will see how much they chortle and how willing they are to support a good, tough measure which deals with offenders who steal vehicles. Let us see them chortle then and choke on their own words by running backwards as quickly as they can. Sir, there was a story of a bird who ran in concentric circles so tightly that it ended up disappearing somewhere, which would be very embarrassing for me to repeat in the House. I find this Government exactly of that ilk: it is running in such tight, concentric circles that it is in danger of disappearing up that same orifice.

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

Mr M.J. EVANS (Elizabeth): I rise to support the legislation that is before the House. I believe that the select committee system has again brought forward the appropriate solution to a very difficult and vexed problem. Of course, it is not a total solution, and I do not believe that any member of the select committee from either side of this House would consider that the select committee had had the last word on the subject. Issues like this will never be concluded and will continue to be debated in this House for decades to come. What we can hope to do is advance the cause a little each time.

Quite clearly, the attitude in society has shifted very dramatically in favour of ensuring accountability and responsibility for criminally negligent acts in society. I believe that we do have a very significant duty to the victims out there who find that their property is damaged or destroyed by someone of juvenile age. The reality is that there will always be victims in this process, and those victims can take the form, in some cases under this legislation, of the parents of the juvenile who is responsible for the damage. However, I would remind members of new subsection 27 *d* (3) which provides:

> It is a defence to a claim against a parent under this section to prove that the parent generally exercised, to the extent reasonably practicable in the circumstances, an appropriate level of supervision and control over the child's activities.

Quite clearly, where you have an honest and diligent parent who is responsible in their role as a parent and who takes every reasonable effort to control the activities of that child, and if, as some members opposite have pointed out, that child still goes on to commit criminal acts of damage against other families in society, they will have a defence under this new section. Quite clearly, those parents will not be found liable.

Mr Oswald interjecting:

Mr M.J. EVANS: The member for Morphett says, 'It's debatable.' I find the provision in the Bill very clear. Indeed, it was the provision that was recommended unanimously by the select committee. If one examines the amendments that are proposed by members opposite, one will find that almost identical wording is used but with a slightly different onus of proof. There can be no doubt that the kinds of words that are contemplated in the Bill as recommended by the select committee must have some general acceptance in this House because the amendment of the Opposition provides:

> If the parent was not at the time exercising, and generally failed to exercise, a level of supervision and control over the child's activities appropriate in all the circumstances of the case.

Those are the very same words, with some slight change in emphasis concerning the balance of truth, that appear in the select committee's report. Therefore, I find it difficult for members to argue that these words are too vague or imprecise because the same words are proposed in both formulations. Although the onus of proof may be changed—

Mr Oswald interjecting:

Mr M.J. EVANS: That may well be true, and I have yet to meet many poor lawyers. I am sure that the member for Hartley could take us around Adelaide and point out some less fortunate lawyers in the city—but really I am not sure whether most members of society would agree. The reality is that members opposite have not found a better formulation of words, because if they had that would appear before us in the amendments, but it does not. The amendments pick up exactly the same wording as appears in the unanimous report of the select committee. While members may argue about this question of onus of proof, they are not arguing about the formulation of the words that appear in both the amendments and the select committee's report. I do not think that that can be a point of great contention in this debate.

Quite clearly, those parents who do take care will not find themselves liable under this provision. As to those who do not, there is then the question of which families should be the real victims here, which families should pay the penalty. There will be brothers and sisters in other families which are the victims of a crime who will suffer for the actions of someone else's juvenile unless a claim for compensation can be made. They will find that their lives are injured and that they suffer because of someone else's criminal act, and I think there is very much a case to be made that if anyone is going to suffer in this context it has to be the family where the juvenile is involved. That is a very difficult thing to say, but the reality is that the victim of the crime is also going to suffer.

On what basis would we make that decision? I feel it is a very reasonable proposition to put foward that, where it can be shown that those parents have not exercised the appropriate degree of control, where they do not put forward that defence and prove it to the court's satisfaction, then indeed that family should be required to make some sacrifice in attempting to make restitution to the family of the victim. I think that that is the kind of attitude that we have to put forward in society, to say to children and to families in general that criminal acts have consequences. They have consequences on the family of the victim, and they have consequences on the family of those who would perpetrate those acts.

Until children, and adults as well, come to realise that these consequences flow from their actions, it is going to be very much harder to stem any increase in offending behaviour. However, I would like to draw to the attention of the House and the Minister the present provisions of the Children's Protection and Young Offencers Act of 1979. This section, which was in the original Act, survived the three-year period from 1979-82 as well as the period since then. I draw attention to section 73 of the Act which provides that a judge or special magistrate of the Children's Court may require and make an order for the child to pay compensation or to make restitution in respect of any damage or loss occasioned by the offence to any person who has suffered that damage or loss.

Indeed, the court has the power to make an order providing the amount to be paid by the child does not exceed $2 000. So, there is a limit in that section of the Act in relation to that amount of money, but of course that refers only to payments by the child. There is no provision in this section to make parents jointly and severally liable. Later, this section at subsection (9) goes on to provide:

> An order under this section shall not be a bar to any other proceedings by or on behalf of the person who suffered the damage or loss, but such person shall not be entitled to recover, in respect of any such damage or loss, in total a greater amount than the amount of the damage or loss suffered by him.

That provides for an unlimited liability on the part of the child in the event that a person seeks to sue the child in an alternative court. In examining this legislation, which I think is appropriate, one has also to examine the existing legislation and adapt that legislation to cope with the present situation. Quite clearly, it would be far more relevant to the child who had committed the offence and their family if in fact the court where the child is tried for that offence, and found guilty in these circumstances, were to also make an order for compensation at the same time.

Clearly, it is far more relevant in the case of young offenders that any order for restitution and compensation be made at the time the court determines the guilt or innocence of that child. That is the time when the order should be made. This is the same situation which applies in adult courts, under the Criminal Law Sentencing Act, and I think it would also be appropriate, as well as with the provisions of the Wrongs (Parents' Liability) Amendment Bill and the provisions of the Children's Protection and Young Offenders Act, to bring those provisions up to date and make them relevant to the present debate.

Parents could be made jointly and severally liable for payment of an order under section 73 of the Children's Protection and Young Offenders Act. While indeed the member for Morphett pointed out that this section is little used at the moment, indeed it could be recast in such a way that it would become a much more popular provision. It is quite relevant to make these orders at the time of the offence, and indeed it would make it much more apparent to the child that that is exactly what is happening, that they are required to make restitution for the offence.

It is essential that if an order is made under this section the amount be offset under the Wrongs (Parents' Liability) Amendment Bill, so that in fact the family is not required to pay restitution twice in respect of the same offence. So I would ask the Minister to also consider an urgent review of this provision, and indeed I am sure that the Juvenile Justice Select Committee of this House will also be examining this provision to see how we can update the Act and make it relevant in the context of the legislation that this House is considering this evening.

In conclusion, I believe that it is entirely appropriate that we should be seeking to obtain from the parents of those children who commit these kinds of offences some restitution and compensation. They are to be jointly and severally liable with the child for that restitution and it will bring home the message to those families what is the cost to the families of the victim, as well as exactly what damage they have done to that family. Many safeguards are built into this Bill now which will indeed make the life of the plaintiff, who should also be seen in this context as the victim, and the legal proceedings a very difficult row to hoe.

It will not be a simple process to bring these proceedings before the court, and indeed many families will be put off by this process, and that is why some amendment to the Children's Protection and Young Offenders Act would be a very useful way to go, because the order would be able to be made without any significant legal delays and costs involved, thereby minimising the fattening of the lawyers' wallets, to which the member for Hayward so eloquently referred. So I suggest that that process should go hand in hand and, of course, this Parliament should at the same time move towards the adoption of the Bill presently before us.

There are a number of aspects of the Bill that one can consider, including the limit of liability aspect and whether or not the age provision is appropriate. Obviously, the select committee has recommended that children aged 10, 11, 12, 13 and 14 should be liable, but there is certainly an argument to consider whether 15 in fact would be an appropriate age. While the committee defended 14 as a cut-off point, because of the compulsory school leaving age, which is a very valid argument, indeed many children now continue on at school well past 15 years of age. I believe that we should review the provision at some time in the future to ensure that the 14-year-old cut-off point is indeed appropriate and whether or not that should be increased by a further period of one year. But I do not believe that it is a matter of great principle in this context. It is a matter of detail that can be worked out at some time in the future, whether in consideration of the present Bill or not.

So, I support the Bill. I believe that it will be a useful adjunct in the process of law reform for juvenile justice. However, I do believe that a number of other issues need to be considered at the same time. I hope that the Juvenile Justice Select Committee will not be shy or slow to bring these issues to the attention of the Parliament in the future.

Mr OSWALD (Morphett): I support the Bill. I support the philosophy behind the Bill which says that parents should be held responsible for the behaviour of their children and should be held responsible for the damages caused by those children. However, I have a couple of concerns, which concerns are covered by the amendments that are proposed by the Opposition. In this debate this evening, it is not correct for Government members to insinuate that the Opposition is attempting to destroy the Bill with its amendments.

In actual fact the Opposition will improve this Bill considerably if its amendments can be agreed to. One of the things that concern me is that as it is drafted by the Government the Bill creates two classes of parents in the community. It creates the first class, which are those parents who are still living with their children and can be easily identified as being the guardians of these children so that, if something goes wrong and the children misbehave or cause damage in the community, those parents can be identified easily, charges laid against them and, I would imagine, all cases would be followed through and a penalty inflicted. On the other hand, we create another class of parents in the community who will be difficult to bring into the net. I do not think that in all fairness this Parliament can go out in the community and create two classes of parents.

I want to talk about these two classes of parents a bit more. The first class of parent in this division consists of two further classes. One is in the single parent family where the non-custodial parent does not always have access to the child. Let us take an example where the Family Court has presided over a divorce, the property settlement and the custody arrangements; and the custody arrangements set down that the father may have access to the child one day a month. That is not an unusual arrangement. The child can have access to his father or *vice versa* one day a month, and that may be set in place for a short time and, if there has been a lot of animosity in the marriage, those visits may become difficult. The child would see the parent only that one day a month. On that occasion the child, having seen the parent on that one day a month, would be on its best behaviour. The parent is not around the place when the child is playing up or when the child comes home at 2 a.m. having been down Hindley Street, for example, in bad company, so that parent has no idea of what is going on.

With all the goodwill in the world, it is impossible to say, in all fairness and in the interests of fair play, that that non-custodial parent who has been ordered by the Family Court to have contact with that child only once a month should be legally liable for the damages incurred. It is not the fault of that non-custodial parent that the court has said they cannot contact their child and cannot have anything to do with their child, We cannot in fairness impose a penalty on a non-custodial parent if the court has said that the parent can contact the child only once a month and then only at the Botanical Gardens, the Zoo, or wherever everything would be nice and fine and with no problems.

Mrs Hutchison: Why not?

Mr OSWALD: The honourable member asks, 'Why not?' Think about the real world; think in terms of the fact that you might be that parent who is not allowed to have contact with your child. You are living somewhere else; the Family Court says you are not allowed to have contact with your child, yet you must be legally responsible to guide, teach and discipline them. Women ring me every week of the year about this Government's legislation saying, 'We don't know how to discipline our child. We don't know with this Government's rules and regulations and with children being taught in schools now what their rights are.' They know their rights; they know that if their parents discipline them they can complain to the Department for Family and Community Services and something will be done about it. We all know that. In that environment, when a parent is not even living with a child and has been told by the Family Court that they will not have any contact with the child, in all fairness, how can that parent be held responsible for the conduct of that child?

This legislation is all about bringing to heel parents who are not acting responsibly, so they will discipline, keep an eye on, guide and nurture their children and make sure they behave themselves out in the public arena. Because they are not doing that, we are saying by legislation here that these parents must be made to exercise that control over those children so they behave themselves. I am just putting to the House that this legislation sets up two classes of parents. We can easily identify the first class because the kids are living at home. The second class is where the parent by law is not allowed to have contact with that child, and I would ask members to consider that argument very carefully when we come to one of the amendments that we will be moving.

The other class of child I would like to refer to is the child who has been through the Children's Court on criminal charges and has been released into, for example, an intensive neighbourhood care (INC) family. The father of that child may be at an unknown address and the INC family takes on the child. Not only does the INC family take on the child but the child is also under the care and control of the Minister at the same time. There we have already created another class of parent whom this legislation does not touch, yet the only non-custodial parents who will be caught in this net are those who are usually living an honest and diligent life at home, and I know that, on many occasions, sadly, the kids will play up. We just cannot in all fairness create two classes of parents in this town by this type of legislation. I thought it was eminently sensible that we look carefully at the amendments that are being suggested by the Opposition, to try to tidy up this position.

Statistically, the position varies from district to district, but the percentages of non-custodial parents and single parents are growing in this town. We have seen the breakdown of marriages, of the fabric of our community, and we have seen more and more families with children living on their own. I ask members to consider carefully what I am putting to the House in regard to non-custodial parents and the option put forward by the Government.

The Senior Judge of the Children's Court has put his hands in the air. He has said that the present juvenile justice system is not working. I put to the House that, in respect of the restructuring of the juvenile justice system, our best hope lies in bringing difficult children to heel. I go along with the public movement to make parents responsible but, because the Government has a problem regarding law and order as it affects juveniles, it has grabbed hold of this legislation and is running with it as though it is the panacea that will clean up juvenile crime.

The Government has lost control of juvenile crime. The Senior Judge has said that he has lost control of it in the courts, and the system that the Government is setting up is useless. So now we have this ill-conceived legislation which is intended to tidy up juvenile crime in this town. On its own it will not do that.

Mr Ferguson: Show a bit of courage.

Mr OSWALD: I have been making propositions to this House for the past 18 months on how we can tidy up juvenile crime. The Government has walked away from it because of its softly, softly attitude towards juvenile crime. The Government has had years to clean up the Children's Protection and Young Offenders Act and to put teeth in the juvenile courts so that judges and magistrates can start handing down penalties that will be respected by these children.

Today, the member for Bright presented a petition with tens of thousands of signatures of constituents of this State who want the age lowered from 18 years to 16 years so that children can be considered in adult courts. That is a statement by the community that the system is not working, because they know that as soon as kids turn 18 their offending rate drops off. We have been saying to this House for some years now that the Government should make that move, but it has not done so. I would support that proposition tomorrow if the Government would like to legislate for it.

An honourable member interjecting:

Mr OSWALD: If the honourable member has read the Opposition's position paper on law and order and community safety, which I am sure he has, he would know it strongly supports the lowering of the age to 16 years for young offenders who seriously reoffend. It is of great concern to the Opposition that, despite the activities and procedures of the Department for Family and Community Services and the restrictions and constraints that are placed on the bench in the Children's Court, where penalties under the Children's Protection and Young Offenders Act that might act as a deterrent cannot be imposed, all we have seen so far in the Government's effort to contain law and order is a select committee, which I applaud. I know that every member of the select committee is working diligently to make sure it comes up with some solutions.

The Government's other effort is this Bill which makes parents responsible for their children because the Government has lost control of the situation. Blind Freddy and his son Freddy the goose know that the Government have lost control of juveniles in this town, because its welfare policies and the Acts under which the Children's Court operates are not effective.

Mr Ferguson: Support this legislation.

Mr OSWALD: I will only support this legislation if the Opposition's amendments are incorporated. I know that my colleagues in this House are enthusiastic about much of this legislation, but I laboured the point earlier in my speech about non-custodial parents who are prohibited from influencing their children by the Family Court. If members would allow the Opposition's amendment, I would rest a lot more comfortably with this piece of legislation. If I spoke to members privately on this subject, I would be surprised if they said they did not have sympathy for the argument I am putting forward about parents who are tied up by orders of the Family Court. Some members would probably say that the Bill covers what I am saying, but I have taken advice from lawyers whom I believe to be competent.

Mr Groom: Like Trevor Griffin.

Mr OSWALD: That is an absolute insult to the honourable member who is not here to defend himself. He is a competent lawyer. I freely admit that I have discussed the matter with lawyers in the Liberal Party and in the parliamentary Party. I have taken advice from them because they know far more about this subject than I do. I also advise that we are taking advice from the Legal Services Commission and the Law Society and that a point of view has been expressed by the South Australian Council of Social Services.

Mr Groom: Name the lawyers.

Mr OSWALD: The honourable member says 'Name the lawyers.' I do not have to name the lawyers in this House. The honourable member knows the lawyers in my Party and he too would have received the submissions from the Law Society. The blustering of the honourable member—the Chairman of the select committee—cannot get away from the fact that this legislation covers the fact that the Government has not achieved anything in the area of juvenile crime.

We have seen the figures over the past two or three years blowing out dramatically. The Government has made no attempt to amend the Children's Protection and Young Offenders Act. In the past 18 months, amendments have been brought before the House twice and taken out. It has been chopped and changed because the Government cannot work out what it is going to do. The Government has brought in the Community Welfare Act twice and it has gone out of the House twice, on each occasion because the Government does not know what to do about situations involving the behaviour of children and families looking after children. It is an open admission by the Government that it has failed. I would ask and plead with members overnight to think about the non-custodial parent who cannot have contact because of Family Court orders.

In the minute or two remaining, I refer to the limit of liability. It is all very well for the Government to seek to impose an absolute ceiling, but it is impractical in this town to talk in such terms. We are giving the Government an opportunity to make a fair and reasonable compromise that its members will be able to sell in their electorates as well.

I represent ordinary people, and members opposite represent ordinary people. We must have practical legislation that we can sell in the community, and those people affected by the judgments and penalties handed down must be able to deal with them. I support the legislation, with amendments and, if the amendments are thrown out, I will speak against it at the third reading.

Mr McKEE secured the adjournment of the debate.

CORRECTIONAL SERVICES (DRUG TESTING) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

The Hon. R.J. GREGORY (Minister of Labour): I move:

That the House do now adjourn.

The Hon. H. ALLISON (Mount Gambier): Mr Deputy Speaker, I need the help of each and every member of State Parliament to save an important industry.

An honourable member interjecting:

The Hon. H. ALLISON: I do not need cynical, sarcastic comments such as that which emanated from the honourable member who is just leaving the Chamber, although I will not name him. This is not a politicised issue: it is something I hope all members will view in a bipartisan manner. It is amazing that a member of Parliament in South Australia should have to make such a request at all. I ask members to picture it: as we would all admit, Australia desperately needs more employment. We have going on for one million unemployed in Australia at the moment, and we desperately need value to be added to our raw materials. To all intents and purposes we are still a wonderful exporter of raw materials, and that allows manufacturers overseas to add value to our products.

In many ways, we are still a colonial power exporting to different masters but producing very little that has great value added in Australia. Much of what we export comes back to us, manufactured at far greater cost. We need desperately to export. We need to be able to compete successfully against imports which cost us so dearly each year and which leave us with such an adverse balance of trade. We need to bolster employment not only in the city but in the rural areas of Australia. Our economy desperately needs a boost. We also need industries to be subsidy-free as far as possible. We need industries to succeed, spending their own money.

The remarkable thing is that in Australia we have just such an industry. Every member would have received in his or her pigeon hole a simulated milk carton full of a milk product—confectionery—on the outside of which there are certain limited data about the dairy industry itself. That carton was really a cry for help from the industry, a cry which I am repeating in this Chamber. It is an industry of which I am proud, because it employs many workers in my electorate. It really would occupy about 200 farms just producing milk, that is, without all those who are employed in the several dairy factories and ancillary support groups. It also affects all of us. Babies and growing children need good food to nurture them, and adults and families enjoy the world's finest milk, cheese and butter products produced in South Australia at the world's cheapest prices.

The real madness, which was pointed out to me by representatives of the South Australian dairy industry—and it has to be a madness—is that an Australian-sponsored Government body, the Australian Industry Commission, in accordance with section 7 of the Industry Commission Act 1989, is reporting to the Federal Government that the world's most efficient dairy industry needs further rationalisation. I am sure that members realise well that rationalisation means the closure of much of the dairy industry. It will mean a great loss of rural and city jobs, and it will mean a flow-on of that job loss from the dairy industry to the many industries which support it—the cheese, butter and fresh milk manufacturers, all the people who supply equipment, and those who market and breed fine quality dairy stock. The list is endless. It will also mean a surrender of our dairy food manufacturing industry, a capitulation to overseas producers—those enjoying success in the United States of America, Canada, France, the United Kingdom, Europe and the European Common Market.

It would not be so bad if we deserved it, but we do not. Yet the level playing field myth prevails in Canberra. And what a myth it is with Australia, subsidies nil; United States, subsidies to the dairy industry, $94 billion; France, $40 billion; and the European Common Market countries, $40 billion. So much for a level playing field. It is unfair competition; it is not level at all. The Australian dairy industry is funding its own development. It is the world's most

efficient dairy industry, giving us the world's cheapest produce. How can the Australian Industry Commission and the Federal Government even contemplate wrecking such an industry when we would pay billions of dollars to commence such a vast and successful enterprise?

I should like members to contemplate the statistics and facts regarding the Australian dairy industry. It has an annual turnover of $4 500 million per annum. What a turnover! It employs directly 50 000 Australians with another 50 000 to 60 000 employed in ancillary industries directly associated, and many more, probably another 100,000, employed in associated industries throughout the length and breadth of Australia. Export earnings, for which we desperately yearn, amount to $750 million a year. Yet Australia represents only 1 per cent of the world's dairy industry.

Japan produces 8 000 million litres and New Zealand produces 7 500 million litres, compared with Australia's meagre 6 300 million litres, which the AIC is trying to further rationalise down to about 5 000 million litres. South Australia and Canberra already have the world's cheapest milk. The Australian dairy industry is alive, vital, progressive, innovative, and clean and, above all this, it maintains a standard of technical excellence. Australian dairy foods are the best in the world. Australian earnings are growing to reduce our balance of payments. Even minor overseas reform will greatly augment those already considerable successes. Dairy productivity in Australia increases by 5 per cent per annum. The past 10 year record is that far fewer farmers, by using far greater technology, have bought far cheaper produce to Australians.

World cheese prices ranging from Japan at $14 a kilogram to Australia at $6 per kilogram, speak for themselves. Milk alone is $1.7 billion per annum, but the really significant point is that we have about $3 billion worth of value added to this wonderful Australian product. The dairy industry is addressing its own problems. It is competing against massively subsidised and funded overseas producers with great success. I had far more to give to members, but time is flying by. I exhort all members to go to their Federal colleagues and let them know of their concern for this wonderful South Australian and Australian dairy industry. South Australia cannot afford to lose another single job in the city or the country.

The Australian dairy industry is a world-class success story. Our opponents would love to see it collapse, but we cannot afford to see it collapse. Stop the Australian Industry Commission madness; nip it in the bud; lobby Canberra; and protect an Australian industry with no more restraint upon an Australian value added product. Unless world trade is fair and free of massive subsidy, the level playing field does not exist. The AIC recommendations are the very epitome of folly. The Uruguay round of general agreement on tariffs and trade is still progressing. The results may be better than we ever thought possible, but the cost of AIC recommendations are Australia's rural future. Food prices are at the mercy of overseas competitors, with massive increases if they lose their subsidies. My dairymen have rationalised greatly and suffered enough already. Do not dump the dairyman on the dole queue. Enough of the AIC nonsense! Tell Canberra, 'Hands off the dairy industry.'

The SPEAKER: The honourable member's time has expired. The member for Henley Beach.

Mr FERGUSON (Henley Beach): I put to members of the House tonight the truth of what has been touted as the economic benefits of a consumption tax. The Federal Opposition has committed itself, if elected to Government—heaven forbid!—to introducing a flat rate consumption tax to be levied on all goods and services. This new tax has been put forward by the Liberals as a cure all remedy to solve the range of economic ills. The doctor's prescription goes something like this: to cure Australia's economic problems, that is, to encourage saving and investment, to increase the motivation to work harder, to ease the tax burden on exports and to reduce tax avoidance, we must introduce a consumption tax which will raise the price of food, clothing and all services and lower the price of imported luxuries.

This dose of conservative medicine will supposedly take us down the road to recovery. The policy will not take us down the road to recovery, but down the road to devastation. Let me explain. National savings consist of both public and private savings. Public savings are achieved by the Government's budget surplus, while private savings are the part of income not spent on consumption. If a 15 per cent consumption tax is levied on all goods and services, it is estimated that it will raise around $12.2 billion net of wholesale sales tax and add 7 per cent to inflation.

Further estimations put the cost of compensation welfare recipients and income taxpayers, for price rises due to the tax, at around $15.2 billion. This leaves a funding gap of some $3 billion which will, ultimately, have to be provided by the public purse. In its first year of operation, the consumption tax cost the New Zealand Government $NZ700 million or 1 per cent of gross domestic product. It is clear that a fully compensated tax on consumption would have adverse effects on the public component of total aggregate savings in the economy.

The effect on private savings under a consumption tax is more ambiguous, but its proponents hold to the claim that it will boost the level of private savings in the economy. Let me work through their line of reasoning for you, Mr Speaker. To start with, they rely on an assumption that generous tax cuts do accompany the introduction of a consumption tax. From here, the conservative brains trust resort to a very simple theory to explain the way in which their desired outcome will be achieved.

Tax cuts will increase take-home pay: I have no dispute with this. But, according to Liberal Party logic, this extra disposable income will automatically be saved and the level of private savings in the economy will increase. Continuing down the Liberal Party's yellow brick road, their economic strategists further assume that these higher savings will encourage more investment in export and import competing industries and thus reduce our current account deficit. Before I go any further, I point out, for the shining lights of the Liberal Party, that this so-called increase in take-home pay will be given back via their new tax on consumption. There will be no extra income to save. In fact, low income earners, families, and social security recipients will become what economists call 'dissavers' under a consumption tax. In other words, these people will have to use savings or take out loans so they can continue to buy the necessities of life if the Liberal Party is elected.

Now to present the overseas experience. An article in the *Age* from August last year states:

> The household savings ratio in New Zealand was about 5.5 per cent before the introduction of the GST. It is now running at around 2 per cent.

The same article further explains that, while Britain has a consumption tax, it also has a 'large and worrying current account deficit'.

Further support for my argument comes from the Australian Catholic Social Welfare Commission in its discussion paper on the consumption tax, in which it states:

> There is no evidence that the introduction of the value added tax in Europe materially affected investment or saving.

Such facts clearly refute the theory. To say that savings and investment would be encouraged under a consumption tax is simply incorrect. Furthermore, the inflationary effects of a consumption tax will devalue accumulated savings. Retirees living off their savings will have their purchasing power cut by the rise in the price level. Inflation is a direct tax on savings and it will act to further discourage private savings if this inflationary policy is ever introduced.

The Liberal Party's claim that the consumption tax would also increase our motivation to work harder is, once again, pure nonsense. Let me reiterate: reduced income tax rates will be matched by increased expenditure tax rates. If members opposite find this point too complexing, I will put it more simply by referring to a comment made by Mr Risstrom of the Australian Taxpayers Association. He said:

> What matters most is what you can buy with what is left after tax.

There are no winners under a consumption tax and the best we can hope for is that we end up back at square one.

This policy will not encourage us to work harder, and I find it impossible to see how anybody could use this argument to justify the introduction of an inequitable tax. To ease the tax burden on exports the Liberals have promised to exempt exports from the consumption tax. They say that producers of goods for export will not have to pay this tax, and that this will improve our international competitiveness and have favourable effects on our Current Account. The fact is that the existing sales tax system, which is to be replaced by a consumption tax, already largely exempts exports. It is also inconsistent to say that export production will be exempt when the export of tourism—one of our fastest growing export industries—will be included in this new tax base.

If the Liberal Party's aim is to rectify our Current Account problems, why is it proposing to implement a policy that increases the price of the export of services, such as tourism, and reduces the price of imported luxuries? That is beyond my comprehension. The argument that a consumption tax reduces tax avoidance and evasion is also not relevant to the Australian case. The first reason is that taxation reform, to wipe out rorts and close loopholes, has been a principal element of the Government's economic strategy. Income which previously avoided or evaded income tax has been substantially reduced under Labor, the tax base has expanded since 1983 and the tax system is now more efficient and more equitable. This reform has allowed Labor to deliver the largest personal income tax cuts in Australia's history. While great improvements have been made, the Government will continue its crackdown on tax cheats.

Secondly, the overseas experience shows us that this tax is subject to high levels of avoidance and evasion. For example, the Australian Catholic Social Welfare Commission points out that tax evasion by the black economy in Italy reduces consumption tax collections by as much as two-thirds in some sectors and by two-fifths overall. The consumption tax has not made any difference to the black economy in Italy.

The only way to reduce tax avoidance and evasion is to continue with the taxation reforms that are being implemented by the Labor Government. The Liberal Party appears to be convinced that this policy will bring growth to the Australian economy. But the highest rates of economic growth have occurred not in countries which have adopted a consumption tax policy but in economies such as Hong Kong and Singapore which do not have a consumption tax. The Conservative Opposition Parties do not care about low income earners, pensioners or farmers who will be hit the hardest by this new tax; they are concerned only about increasing the prosperity of the better off.

It is obvious that the Liberals are influenced by an extreme right wing element which wants to turn Australia into an individualistic society in which the rich and powerful prosper at the expense of the poor, irrespective of the cost to the nation as a whole. If the Liberal Party ever becomes the Government the consumption tax will be only the beginning of what will be the destruction of the principles of fairness, justice and democracy.

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

Motion carried.

At 10.19 p.m. the House adjourned until Wednesday 20 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 19 November 1991

QUESTIONS ON NOTICE

NORTHERN ADELAIDE PLAINS WATER

120. **The Hon. D.C. WOTTON** asked the Minister of Water Resources:

1. Is a licence issued to the Engineering and Water Supply Department to withdraw water from the Northern Adelaide Plains and, if so:
   (a) what criteria are used for the issuing of such a licence;
   (b) what amount of water is referred to in it; and
   (c) how much water has been used by the Engineering and Water Supply Department and how much has been leased out to other users over the past five years,

and if no licence has been issued, why not?

2. How does the amount of water being pumped out of the Northern Adelaide Plains area compare with the actual replenishment?

3. Has any irregular meter-testing been carried out in the area and, if so, how often and, if not, why not?

The Hon. S.M. LENEHAN: The replies are as follows:

1. One licence is issued to the Engineering and Water Supply Department to take groundwater from section 3232, hundred of Port Adelaide. Licence No. 5706 was inherited from the previous owner of the land. The land which is currently leased to the Waite Institute of the University of Adelaide is used as an experimental farm. The well on the land is used to irrigate approximately six hectares of lucerne for stock fodder. The licence has a water allocation of 27 277 kilolitres, none of which has been used by the department during the past five years. Any water used in that time has been by the university.

2. Extraction of groundwater in the Northern Adelaide Plains totals approximately 18 500 megalitres each year, and natural recharge is about one third of that, or 6 200 megalitres each year.

3. Meter testing is carried out when the regular meter readings indicate an anomaly between what is recorded and what is known to be the normal pattern of use from that well. Testing is also done on the request of an individual licensee who suspects that a meter is recording higher than actual use.

GOVERNMENT VEHICLES

132. **Mr BECKER (Hanson)** asked the Minister of Transport:

1. How many Government motor vehicles have been reported stolen or lost in the past twelve months and how does this figure compare with the previous twelve months?

2. What was the cost to replace those stolen or lost vehicles in the past twelve months and what was the cost for the previous twelve months?

3. What instructions have been given and action taken to reduce the incidence of stolen vehicles?

4. Have all number plates from stolen or damaged motor vehicles been retrieved and, if not, how many are missing over the two year period?

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

1. The following numbers of Government vehicles have been reported as stolen:

1 July 1990 to 30 June 1991—63

1 July 1991 to 10 October 1991—18.

There are no accurate police records available to indicate the number of Government vehicles stolen prior to 1 July 1990 or the number of Government vehicles lost.

2. Information is of a complex and detailed nature and it is considered that the information obtained could not justify the exercise.

3. No instructions have been issued from the Commissioner for Public Employment.

4. Information of this nature is not kept on record and is therefore unavailable.

SOUTH PARA RESERVOIR

185. **The Hon. B.C. EASTICK (Light)** asked the Minister of Water Resources:

1. In what year was the South Para reservoir opened and how long did it take to build?

2. Is the capacity of the reservoir to be reduced and, if so, when, by what amount, and why?

3. Is the water release tower functioning as designed and if not, what are the details and the reasons for any misfunction?

4. Are there any plans to alter the reservoir's operation or release facilities and, if so, when is such work to be undertaken?

5. Is there any known loss of capacity from the reservoir other than by scheduled withdrawals and evaporation and, if so, what are the details?

The Hon. S.M. LENEHAN: The replies are as follows:

1. South Para reservoir was completed in October 1958, taking 10 years to construct.

2. The original capacity of the reservoir was 46 000 ML. Very careful operation of the gates is needed during flood conditions as misoperation can result in discharges greater than inflow, thus exacerbating flooding downstream. It was this concern for legal liability from misoperation that lead the then Chief Executive Officer in 1989 to seek a review of the dam's operation.

An economic evaluation of alternative spillway schemes has recently been completed. This analysis concluded that the optimum spillway arrangement is an uncontrolled (ungated) spillway with full supply level reduced to the existing fixed crest level. This will reduce the capacity of the reservoir by 5 300 ML. Removal of the gates is programmed for later this financial year.

3. The water tower is operating correctly.

4. No plans are in hand to alter the reservoir operation or release facilities, other than the removal of the spillway gates.

5. No other loss of capacity from the reservoir other than scheduled releases to Barossa reservoir and evaporation is known.

RIVER MURRAY

187. **The Hon. D.C. WOTTON (Heysen)** asked the Minister of Water Resources:

1. What is the average annual rate of increase in salinity in the River Murray at Morgan over the past 10 years and how do current levels compare with World Health Organisation standards for drinking water as expressed in EC units?

2. Over the past 10 years, on how many days per year has the salinity at Goolwa been above 1 000 EC units?

3. By how much has the salinity mitigation scheme at Woolpunda reduced the rate of increase in average annual salinity at Morgan?

4. What is the projected rate of increase of salinity at Morgan over the next 10 years and what maximum, minimum and average annual levels of salinity can be expected by the year 2010?

5. What chemical and biological pollutants in the River Murray at Morgan and Murray Bridge are monitored by Government agencies and how frequent are the monitoring programs?

6. What has been the average annual change in the level of these pollutants over the past ten years and how do current levels compare with World Health Organisation standards for waterways used for public water supply?

7. What strategies are currently in place which control the levels of these pollutants at Morgan and Murray Bridge?

8. Over the past 10 years, what has been the total annual demand for all purposes (including evaporation from the water surface) from the River Murray and how does this compare with the minimum annual entitlement flow under the River Murray Waters Agreement?

The Hon. S.M. LENEHAN: The replies are as follows:

1. Salinity has been reduced because of the works and measures that have been progressively implemented over the past 20 years. We have reduced both the average salinity and, more importantly, the peak salinities. We know this from modelling studies which compare the salinity regime with and without the works and measures in place. This beneficial effect is not always apparent from looking at recorded data, because much of the year to year variation in salinity is a result of the variation in flows.

The World Health Organisation's Guidelines For Drinking Water (1984) recommended a guideline value of 1 000 milligrams per litre, which corresponds to approximately 1 800 EC units, given the particular chemical composition of Murray River water. Median recorded salinity at Morgan for the past ten years is:

1981-82—972 EC units
1982-83—918 EC units
1983-84—393 EC units
1984-85—642 EC units
1985-86—717 EC units
1986-87—539 EC units
1987-88—729 EC units
1988-89—503 EC units
1989-90—416 EC units
1990-91—521 EC units.

2. The following information is the number of days that salinity at Goolwa has exceeded 1 000 EC units:

1981—236
1982—183
1983—257
1984—65
1985—171
1986—283
1987—266
1988—294
1989—102
1990—110.

3. The Woolpunda scheme has been under construction since early 1989. It will be completed this financial year and its effectiveness will be progressively realised until it becomes fully effective in about five years time. It is designed to intercept 170 tonnes per day of natural saline groundwater. This will result in a reduction in the average annual salinity at Morgan of 35 EC units over the long term. Its year to year effectiveness will depend on the prevailing flow conditions in the river. It will be most effective during low flow periods when the reduction in salinity will be between 55 and 110 EC units.

4. Over the next ten years a net reduction in average annual salinity at Morgan of about 55 EC units is expected. Salinity levels at Morgan by the year 2010 are expected to be:

maximum 900 EC units
average 535 EC units
minimum 235 EC units.

5. Salinity is measure weekly at both stations. Nutrients, namely total phosphorus, nitrates and kjeldahl nitrogen, are measured monthly at both stations. The metals arsenic, cadmium, chromium, copper, lead, manganese, mercury, selenium and zinc as well as cyanide and pesticides are measured monthly at both stations.

Phytoplankton numbers are measured weekly in winter and twice weekly during periods of high algal growth at both stations. Tests for algal toxins are conducted when potentially toxic species are detected by the monitoring program. Weekly monitoring of the odour causing compounds, geosmin and methylisoborneol, has begun at Mannum and will be extended to Morgan and Murray Bridge as soon as possible. Indicators of bacteriological contamination, namely total coliform and faecal coliform numbers, are measured twice per month as Morgan and weekly at Murray Bridge.

6. There are seasonal variations in the concentrations of the chemical species but there is no indication of any change in the average annual values over the past 10 years. All concentrations are well below the World Health Organisation's guideline values, with the minor exception of manganese, where an average value of 0.15 milligrams per litre was recorded during 1983, compared with the guideline value of 0.10 milligrams per litre. The guideline value for manganese is, however, not based on health criteria.

As phytoplankton numbers are highly variable from year to year it is difficult to describe a clear trend. However, there is some indication of increased frequency of algal blooms. There are no World Health Organisation guidelines for phytoplankton. There are seasonal variations in the number of indicator organisms of bacteriological contamination but there is no indication of any underlying change. Guidelines values have been met at both stations.

7. The strategic policy direction adopted both in South Australia and in the Murray Darling Basin is to ensure that water quality is maintained at present levels for all parameters and improved for those parameters which are recognised as being at problem levels. To give effect to this policy off river disposal is encouraged and sought wherever practicable and activities which presently contribute to pollution in the river are being required to improve their operations so as to minimise or eliminate that pollution.

8.

	Evaporation River (GL)	Evaporation Lakes (GL)	Diversions (GL)	Total (GL)
1981-82..	223	641	519	1 383
1982-83..	300	647	702	1 649
1983-84..	176	502	499	1 177
1984-85..	210	461	537	1 208
1985-86..	219	599	563	1 381
1986-87..	169	471	439	1 079
1987-88..	203	571	481	1 255
1988-89..	182	635	553	1 370
1989-90..	204	541	593	1 338
1990-91..	207	549	647	1 403

Thus, the total annual demand, including evaporation, over the past ten years has varied between 1 079 and 1 649 gigalitres and has averaged 1 324 gigalitres. The minimum

entitlement under the Murray River Waters Agreement is 1 850 gigalitres.

STATE HERITAGE COMMITTEE

190. **The Hon. D.C. WOTTON (Heysen)** asked the Minister for Environment and Planning: How many applications for items to be considered for the Register of the State Heritage are currently awaiting:

(a) consideration by the Heritage Committee; and

(b) consideration by the Minister?

The Hon. S.M. LENEHAN: The Register of State Heritage Items is added to by individual nominations from private sources and heritage surveys undertaken by consultants of the State Heritage Branch of the Department of Environment and Planning. New items are assessed by staff of the State Heritage Branch, and recommendations are placed on the interim list by the Minister. The Heritage Committee is consulted during this process. There are approximately 25 private nominations under investigation which are likely to be recommended, but are not yet on the interim list. There are 168 recommendations from heritage surveys not yet on the interim list.

'RAM-RAIDS'

197. **Mr S.J. BAKER (Deputy Leader of the Opposition)** asked the Minister of Emergency Services: Approximately what percentage of 'ram-raids' have occurred within half an hour of police patrol change-overs?

The Hon. J.H.C. KLUNDER: Approximately 10 per cent of 'ram-raids' have occurred within half an hour of the patrol shift change-over at 11 p.m.

STA TICKET SALES

201. **Mr MATTHEW (Bright)** asked the Minister of Transport: What was the total ticket sale revenue collected at locations other than buses and trams or at bus stops during each of the days between 1 May and 21 July 1991:

The Hon. FRANK BLEVINS: The total ticket sales revenue collected at locations other than on buses and trams or at bus stops for the period 1 May 1991 to 21 July 1991 includes cash received for ticket sales from the following sources:

on-train ticket sales
staffed railway stations
bus depots
customer service centre
Australia Post
licensed ticket vendors
Motor Registration Office
educational institutions
other miscellaneous sales.

Various outlets remit cash at different intervals, daily, weekly or monthly and the State Transport Authority accounts for these sales on a monthly basis only. The information requested is not available on a daily basis; however, the information requested is detailed below for the months of May, June and July 1991.

May—$2 220 853
June—$1 710 486
July—$1 877 484.

QUESTION ON NOTICE 337

203. **Mr MATTHEW (Bright)** asked the Minister of Family and Community Services: When will the Minister reply to the question on notice numbered 337 of the previous session; what are the reasons for the delay; and will the Minister supply as an interim answer, the name of each committee in the Department for Family and Community Services?

The Hon. D.J. HOPGOOD: The honourable member's question has been answered by letter.

BICYCLE HELMETS

204. **Mr BECKER (Hanson)** asked the Minister of Transport: How many cyclists have been booked, reported or charged for not wearing bicycle helmets since 1 July 1991 and what is the total amount of fines received to date?

The Hon. FRANK BLEVINS: From 26 September to 29 October 1991 a total of 620 expiation notices have been issued with 60 of these being withdrawn for a variety of reasons. The total amount of fines received to 29 October 1991 is $1 483.

SILKES AND GORGE ROADS INTERSECTION

205. **Mr BECKER (Hanson)** asked the Minister of Transport:

1. How many motor vehicle accidents have occurred at the junction of Silkes and Gorge Roads, Newton, in the past 36 months, and how many resulted in fatalities or injuries?

2. Will the Minister consider installing traffic lights at this intersection and, if not, why not?

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

1. In the 36 month period 1 July 1988 to 30 June 1991, 12 accidents were reported to the police. Four of these were casualty accidents involving injury to four people. There were no fatalities.

2. Neither the volume of traffic using the junction, nor its accident record, warrant the installation of traffic signals at the present time.

PORT STANVAC REFINERY

213. **Mr MATTHEW (Bright)** asked the Minister for Environment and Planning: Has a report been received from the Port Stanvac Refinery concerning a problem which occurred on Tuesday 22 October at approximately 2 p.m. which resulted in black smoke and fumes being released into the air and causing concern to residents of Hallett Cove and surrounding suburbs and, if so, what are the details of any action that was or is being taken by the Department of Environment and Planning?

The Hon. S.M. LENEHAN: No report was received on 22 October or shortly afterwards about an incident occurring during that afternoon. The lack of a report and complaints to the Department of Environment and Planning indicate that the emission had minor significance apart from control of the refinery process itself. The most likely source of dark smoke from the Port Stanvac Refinery is the elevated flare, which is the hydrocarbon safety relief control. The refinery reports on a bi-monthly basis to the Department of Environment and Planning aspects of its operations including

flow of hydrocarbons to the flare at more than 8 tonnes per hour.

Conditions or incidents likely to have an effect beyond the site boundary are reported as soon as possible by refinery staff, together with a summary of corrective actions being taken. The Air Quality Branch officers have sought information from the refinery to ascertain whether there was an operational problem leading to high flow to the flare and consequent dark smoke emissions. Periodic emissions from this safety device are likely and are monitored by the department as a matter of course.

COOBER PEDY TAFE

218. **Mr GUNN (Eyre)** asked the Minister of Employment and Further Education:

1. With the likely construction of a new TAFE campus at Coober Pedy, how many existing services at Port Augusta will be transferred to Coober Pedy?

2. What is the anticipated cost of the new campus at Coober Pedy and how many staff will be employed there?

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

1. The construction of a new TAFE campus at Coober Pedy will have little or no effect on existing services at Port Augusta. No existing programs or services will be transferred to Coober Pedy, however some will be duplicated through the provision of Port Augusta lecturing staff being assigned to carry out programs in Coober Pedy (and Roxby Downs and Leigh Creek South) from time to time.

Also the electronic delivery of programs through the TAFE network using video and computer links means that many services or programs can be provided at Coober Pedy without the need to establish costly duplicated educational services on campus. The links need not only be from Port Augusta as it will be possible to utilise other colleges throughout the State using the electronic delivery system.

2. The anticipated capital cost of the new campus at Coober Pedy is $2 935 000 at completion in September 1992. The anticipated recurrent cost increase in 1992-93 is $95 000. There are currently three full-time, one 0.8 full-time and one 0.5 full-time staff at the Coober Pedy campus. This will be upgraded to five full-time staff with another possible full-time position being reviewed in 1992-93.

The additional Aboriginal education lecturing position will be sought from Commonwealth funding sources. A hospitality/tourism lecturing position will be sought in due course. It should be noted that there will be provision in the Coober Pedy campus to accommodate two visiting lecturing staff in a self-contained bed-sitter unit. This has the effect of increasing staff numbers at Coober Pedy, although the staff are more likely to be employed at Port Augusta or elsewhere.

CAMDEN PARK INTERSECTION

237. **Mr BECKER (Hanson)** asked the Minister of Transport: How many motor vehicle crashes have occurred at the junction of Morphett Road and Mooringe Avenue, Camden Park, in each of the past three years, and how many fatalities or injuries have occurred?

The Hon. FRANK BLEVINS: The reply is as follows:

Year	Total Accidents	Fatalities	Injuries
1988	5	—	1
1989	11	—	1
1990	13	—	1