HOUSE OF ASSEMBLY

Tuesday 4 May 1993

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Classification of Publications (Film Classification) Amendment,

South Australian Tourism Commission,

Supply (No. 1) (1993).

SELECT COMMITTEE ON BUSHFIRE PROTECTION AND SUPPRESSION MEASURES

The Hon. FRANK BLEVINS (Deputy Premier): I move:

That the select committee have leave to sit during the sitting of the House today.

Motion carried.

CRAIGBURN FARM

A petition signed by 156 residents of South Australia requesting that the House urge the Government to preserve Craigburn Farm was presented by Mr S.G. Evans.

Petition received.

MEADOWS POLICE STATION

A petition signed by 1 044 residents of South Australia requesting that the House urge the Government to establish a police station at Meadows was presented by the Hon. D.C. Wotton.

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 310, 355, 425, 432, 444, 446, 451, 453 and 454; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

SP BOOKMAKING

In reply to **Mr OSWALD (Morphett)** 3 March.

The Hon. M.K. MAYES: Prior to 31 December 1988, vice, gaming and licensing offences were policed by specialist squads, however on this date the squads were disbanded and the ongoing responsibility for policing vice, gaming and licensing offences became the responsibility of Regional Commanders.

Policing of these offences now utilises a three tiered approach:

Level 1 Involves policing of gaming offences of a less serious nature on a day to day basis by uniform and CIB personnel.

Level 2 Involves the policing of more serious complicated offences but for a limited duration. It may include the establishment of a task force of skilled uniform/CIB personnel operating against identifiable targets.

Level 3 Involves the policing of offences of significant magnitude or complexity whereby specialist resources are drawn from various police commands operating under specific operation orders signed by either the Commissioner of Police or Deputy Commissioner of Police.

At the same time as the specialist squads were disbanded, the Commissioner also established a Crime Task Force within the Crime Command to target organised crime which includes the commission of vice, gaming and licensing offences on an organised scale.

Since the disbandment of the original vice, gaming and licensing squads, several operations (in addition to local regional operations) have been conducted with two notable operations code named 'Gantry' and 'Incite'.

In July 1991 the Regional Commanders decided to maintain some centralised monitoring of illegal gaming and consequently a unit under the direction of a Detective Chief Inspector working in liaison with the Bureau of Criminal Intelligence was instituted. The objectives of this unit are to:

- monitor gaming offences throughout the State and submit monthly activity sheets for the information of the Assistant Commissioner (Operations) and Regional Commanders;
- provide advice and operational assistance to Regional Commanders as required to assist them with policing gaming offences within their areas;
- prevent and detect the commission of gaming offences on a day to day basis and the targeting of specific offenders; and
- liaise with the South Australian Jockey Club, Harness Racing Board and Totalisator Agency Board to identify any intelligence which might suggest the presence or activities of unlicensed bookmakers operating in South Australia.

The members of this unit regularly visit metropolitan and country hotels and the Field Commander of the operation advises there is no substantive evidence of large scale SP bookmaking taking place in South Australia. However, apparently 18 months ago the Victoria Police advised that a number of telephone calls from Victorian punters were being directed to a hotel in Port Pirie. The Gaming Unit members attended at Port Pirie and found that the South Australian telephone number being called was actually connected to a licensed betting shop adjacent to a hotel.

This information related to advice that one of Victoria's biggest bookmakers had intended to buy into betting shops at Port Pirie. Currently there are five licensed betting shops operating at Port Pirie. This application to purchase into these in Vanuatu.

Since the transfer of the policing of gaming offences to Regional Commanders and the conduct of special operations, 226 gaming offences have been detected between the period July 1990 and June 1993. Only 4 SP bookmakers have been detected.

The Commissioner of Police is satisfied that there is an appropriate police response to illegal off-course bookmaking in South Australia.

BUSHWALKERS

In reply to **Mr De LAINE (Price)** 24 March.

The Hon. M.K. MAYES: South Australia has the nation's largest park system (248 parks) and the majority of our areas are vast and wilderness areas where public access is mainly by vehicle. Our areas popular with bushwalkers are comparatively small compared to eastern state parks and the fragmented nature of these areas would make the carrying of inflatable balloons difficult to enforce.

Police carried out trials in the Adelaide Hills with the inventor of the inflatable balloon several years ago.

Several disadvantages were exposed, these being:

- Balloon needed to be of considerable size to be seen from any distance.
- Gas used was helium which is expensive and required a large heavy cylinder to be carried.
- Balloon would 'lay down' in winds of medium velocity.
- When the balloon was deployed as an emergency signal it would rely on someone in the area to recognise it as a distress signal and react to accordingly.

The conclusion was that the use of Personal Locater Beacons (PLB's) was considered to be a more practical distress alerting device than the balloon as it overcame most of these problems.

The National Search and Rescue Conference is currently addressing the mandatory carriage of PLB's as the most effective means of alerting authorities of persons in distress in the bush and then locating them.

The best way to encourage safety in the park system is education and programs are already in place to ensure that the right information is available.

VISA CARD

In reply to **Hon. D. J. HOPGOOD (Baudin)** 17 February.

The Hon. M. K. MAYES: The Commissioner for Consumer Affairs has investigated the problems encountered by Mr Brooks when attempting to use his Visa card during a recent overseas holiday. The Co-operative Building Society has advised the Commissioner that the problem experienced by Mr Brooks resulted from a technical problem with the magnetic strip on the back of the card.

The society organised a replacement card for Mr Brooks as soon as they knew of his plight and sent the card to him within 48 hours. A transfer of funds was also sent to Mr Brooks through Thomas Cook. Unfortunately, Thomas Cook sent the funds to the wrong address. The society has made some changes to their computing system to minimise the risk of this happening again. They are understandably unable to guarantee that it will never re-occur as the system relies on electronic means.

The society has given Mr Brooks a written apology and offered to reimburse him for any reasonable out of pocket expenses if he supplies them with the details. The society is not willing to pay $5,000 compensation sought. The Commissioner is unable to assist Mr Brooks further and suggests he seeks legal advice if he wishes to pursue the matter.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Housing, Urban Development and Local Government Relations (Hon. G.J. Crafter)—

Regulations under the following Acts:

Classification of Films for Public Exhibition Act—
Regulations—MA Classification.

Classification of Publications Act—Regulations—
M A Classification.

Local Government Act—Regulations—
Budget and Reporting.
Members Allowances.

Summary Offences Act—Traffic Infringement Notice.

By the Minister of Environment and Land Management (Hon. M.K. Mayes)—

Waste Management Act 1987—Regulation—Fees.

By the Minister of Emergency Services (Hon. M.K. Mayes)—

Firearms Act 1977—Regulation—General.

By the Minister of Business and Regional Development (Hon. M.D. Rann)—

Metropolitan Taxi-Cab Act 1956—Regulation—Smoking.

Road Traffic Act 1961—Regulations—
Pedal Cycles.
Photographic Detection Devices.

By the Minister of Health, Family and Community Services (Hon. M.J. Evans)—

Committee Appointed to Examine and Report on Abortions Notified in South Australia—Twenty-third Annual Report 1992.

Controlled Substances Act 1984—Regulation—Pest Controller's Licence.

POLICE UNIFORMS

The Hon. M.K. MAYES (Minister of Environment and Land Management): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.K. MAYES: On Friday 30 April the member for Bright raised in this place matters relating to the alleged replacement of police shirts with those of a different design. In particular, the member for Bright questioned the cost of such an exercise and why the Government had purchased shirts manufactured in Malaysia. I have received a report on this matter from the Commissioner of Police, who has the statutory responsibility for operational matters of this kind. The Commissioner has advised me that the design of police uniform shorts and blouses has not changed. However, it has been decided that the badges of rank should be moved from the sleeve to the epaulette, thus allowing the police to continue to use the same shirt in the event of any change in rank.

Implementation of the use of the loop style epaulettes, containing rank insignia and identification number, commenced on 1 October 1991. Since that date no uniform shirts or blouses have been issued from the police uniform store with rank insignia on the sleeve or identification on the breast area. Members of the force were advised in October 1991 and again in October 1992 that the cessation date for the wearing of sleeve insignia

was 1 May 1993. All uniform items are replaced on a condemnation basis, and it has been found that the average life expectancy of a uniform shirt is approximately 12 months. The time frame of 18 months allowed for the implementation was considered appropriate and practicable.

I am advised that the implementation of the loop style epaulettes has achieved a cost saving to the Police Department of approximately $100 000 per annum when compared with the previous system. South Australian Police uniform shirts and blouses are manufactured in Victoria by Fairmark Australia Pty Ltd. This company has held the shirting contract with the South Australian Police Department since 1 July 1990. The department has stipulated to the manufacturer that it must use material woven by Bruck Textiles at its factory in Wangaratta. The same material and shirting manufacturer is currently used also by the Victoria Police Department, thus allowing for economies of scale through a joint purchasing strategy. The information provided to me by the Commissioner demonstrates that there is no validity in the allegations made by the member for Bright, either in relation to the cost of the implementation or in relation to where the garments are woven and manufactured. He got it wrong again.

Members interjecting:

The SPEAKER: Order!

QUESTION TIME

The SPEAKER: In the absence of the Minister of Primary Industries, those questions will be taken by the Minister of Health, Family and Community Services.

IRON PRINCESS

The Hon. DEAN BROWN (Leader of the Opposition): Why did the Minister of Environment and Land Management allow the Aboriginal heritage order to be made to stop mining operations at Iron Princess, which will now jeopardise further mineral exploration in South Australia and which runs completely counter to the $16 million of Government funds to be spent—

The SPEAKER: Order!

The Hon. DEAN BROWN: —to allocate further exploration?

The SPEAKER: Order! The Leader knows about comment. Members cannot bring comment, argument or debate into a question. Has the Leader finished his question?

The Hon. DEAN BROWN: I have finished, Mr Speaker.

The Hon. M.K. MAYES: I have explained this publicly. Obviously, the Leader did not hear, so I will go through it again. At 4 p.m.—

Members interjecting:

The Hon. M.K. MAYES: I would not have thought you would bob up. At 4 p.m. on Wednesday 28 April a notice to cease activities was served on BHP at its Iron Princess mining operations by an officer of the Department of Environment and Land Management. The officer was acting in his capacity as an inspector under the Aboriginal Heritage Act, and the notice was served under section 25 of that Act. In essence, the notice prevents any disturbance of the site for a period of 10 working days or until revocation by the Minister. This matter was drawn to my attention on Friday evening, the 30th, whereupon I asked for an immediate report from the departments concerned.

When I received that yesterday, as well as appropriate legal advice, I immediately issued letters of revocation under section 25 of the Aboriginal Heritage Act. Through my office I have also been in discussion with BHP and with representatives of the communities involved. I am sure that members will appreciate that this is a fairly sensitive issue. I want to commend BHP on the understanding and cooperative way in which it has approached this, and I am very interested to note the way in which this question was framed.

In essence, I believe that we as a Government have responded very rapidly in accordance with the powers vested in me as Minister. I have sent a letter to the Bungarla people seeking a declaration of the facts in this issue and their statement of why they claim Iron Princess as a sacred site; also recommending to them and to BHP, to whom I have also written, that they get together and look at other sites that may have been identified in the process of discussions that have been held and look at any future agreements that might be reached. It is an unfortunate situation.

I have addressed the issue to the CEOs of both departments and asked for an immediate review of the method and administrative procedures that are followed in these situations, and suggested that there be a much better system of notification, not only to me but to the CEOs of each department. I believe that that will be put in place almost immediately. In the circumstances, I have indicated to the community concerned and to BHP that I intend to make a decision in relation to this issue by 7 May. At this time my understanding is that this is not causing any discomfort to BHP. It is happy to accommodate—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: I am sorry, but the General Manager has indicated very clearly—

Members interjecting:

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

The Hon. M.K. MAYES: The Deputy Leader might think that he speaks for BHP, but he does not. In fact, BHP has been very cooperative in this situation, and is very understanding of it. It has had ongoing discussions, and I hope that by Friday the matter will be resolved.

RUNDLE MALL

Mr FERGUSON (Henley Beach): Is the Premier aware of a proposal by the Opposition to turn Rundle Mall into a canvas covered wind tunnel, and how does this compare with the Government's plan to improve the mall?

The Hon. LYNN ARNOLD: I read with great interest the Leader's suggestions about having some kind of

marquee in Rundle Mall or converting it into a tent city. What it really amounts to—

Members interjecting:

The Hon. LYNN ARNOLD: Okay, we will come to our ideas. In fact, they are ideas that have been in the making for some months now. Rundle Mall is of significant importance to the life of the city, it is a critical nerve centre for Adelaide and has served this city well since the 1970s, notwithstanding the highly negative comments that the Leader made about Rundle Mall, which upset retail traders who are very concerned about the negativism that the Leader came out with yesterday. Nevertheless, it is really time for us to examine how it can continue to serve us well and improve even further on the contribution it makes as a critical nerve centre for Adelaide.

The reality is that for the past six months the Government has been working on plans to upgrade Rundle Mall as part of a revitalisation of the city centre. The work will involve improved lighting, undercover areas, outdoor eating facilities and a rewriting of legislation governing the mall and a more formal linking of the Mall with surrounding city areas. A further announcement will be made later this month, and work should begin in the next financial year. Indeed, in that process the Government will be holding discussions with the Adelaide City Council about the respective contributions to be made by both the Adelaide City Council and the State Government to this important area of revitalisation.

In answer to the Deputy Leader's interjection, and certainly in answer to the question from the member for Henley Beach, the Government's plan for the mall has been considered carefully as part of the overall vision for the city—in sharp contrast to the cynical headline grabbing activities of the Leader. Let us look exactly at what happened with respect to the Leader, who had no plan at all on this matter. He has had no plan, whereas this Government throughout its time has had plans, as it did in the 1970s under the Dunstan Government when Geoff Virgo, the father of the mall, was significant—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: Just to show how cynical the Leader is, as part of the collaborative work between the city council and the State Government, to examine what are the options to revitalise the mall the Minister of Housing, Urban Development and Local Government Relations last week sought a pair from the Opposition in order to visit Brisbane on Thursday with a delegation from the Adelaide City Council to look at the Queen Street Mall as part of the plans for Rundle Mall.

The Leader of the Opposition refused leave from Parliament for that visit. The Minister then invited an Opposition MP to accompany him, and the Opposition still refused the pair until late Friday. What happened in the process was that the Leader suddenly realised, 'Hang on, there is something on. I have to hop on this bandwagon as quickly as possible and I have to be seen to have a policy somewhere. I have no other policies, so I may as well be seen to have one on this issue, if at all possible.'

Consequently, he rushed up the escalator in the middle of Rundle Mall and stood on the top for a photograph to be taken, and then he proceeded to abuse all the retailers as being effectively no hopers in his view because they cannot keep the mall operating properly, notwithstanding that it is recognised in this country as still being one of Australia's best shopping malls. He came in and tried to impede the Government's opportunity to do more in this area, but he will not succeed, because the information we will come out with later this month will well and truly prove that he has not succeeded in that.

In the meantime, the Leader just came up with a vague wish list of what he wanted: a tent city, a marquee kind of approach, a canvas covered wind tunnel, as the honourable member said. In response to that, when we talk about some of the issues that we are examining, what does the Leader then do? He does a complete backflip and swaps to the other side and says, 'What is all this going to cost?' He then starts coming in from his negative angle. No longer does he think about his own ideas, loose as they were—he suddenly says he is against any idea that the Government may be trying to develop.

I suggest that the Leader just abandon any further work on this because he is getting it wrong. He should just leave us to consult with the Adelaide City Council and the retail traders in the area to see this vital nerve centre of our city, which has served this city so well, improved and revitalised.

Members interjecting:

The SPEAKER: Order! The Chair is not going to yell today. The Chair will not go through last week's exercise again. The member for Kavel.

IRON PRINCESS

Mr OLSEN (Kavel): Will the Minister of Environment and Land Management confirm, and does the Minister consider, that the 48-hour delay in notifying him of the order to stop mining at Iron Princess complied with the requirement of section 25 of the Aboriginal Heritage Act to notify such orders to the Minister forthwith?

The Hon. M.K. MAYES:I have indicated to the House already that I have asked the CEOs to review the procedures followed. That has already been initiated and the advice that I received from Crown Law indicated that the order was incorrectly issued and, as a consequence, I immediately revoked the order. So, I believe that I responded appropriately. I will wait to see what comes back from my CEOs after they have reviewed the administrative process. I will be happy to advise the House as a consequence of that advice.

STATE BANK

Mr HOLLOWAY (Mitchell): Will the Treasurer inform the House why the Government has ruled out a float for the State Bank at this stage? The Leader of the Opposition has advocated a public float rather than a trade sale of the State Bank.

The Hon. FRANK BLEVINS: I was really surprised when I saw the comment today from the Leader adding

another bit to the saga from members opposite as to what they feel ought to be done with the State Bank. I saw early in the piece from Dale Baker, when he was Leader of the Opposition, that the Opposition will discount shares for State Bank employees and encourage other South Australians to take up a shareholding.

I understand, again, that the Leader said that the Government will retain a substantial shareholding in the bank—a golden share. The Leader has also said that he has no objection to selling the shares to overseas interests—nothing to do with South Australians. I would have thought that the position had been made very clear as to what ought to happen to the State Bank. There is no dispute on this side of the House that, at the right price, the State Bank ought to be sold to remove any possibility, however small, of the risk of the unfortunate occurrences happening again.

However, I think there is an obligation, given the amount of money that has been lost to the taxpayer, to maximise the benefits of the sale of the State Bank to the taxpayer. There is nothing so certain—and ask any commentator—that, if one floats the State Bank, it will cost in the order of $300 million to $400 million less than a trade. The only—

Members interjecting:

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

The Hon. FRANK BLEVINS:—people who quibble at that are various stock brokers around town who feel there may be a quid commission in this for them. However, the position has been made extremely clear by this Government. The advice—and that advice has been made public, incidentally—from Baring Brothers, and it bears out a common sense approach, is that there ought to be no conditions at this stage on the sale of the State Bank. We have made that perfectly clear. We do not want to prevent any potential purchaser approaching the Government with an offer; we do not want to rule out any potential purchasers.

We have made clear that, in assessing any offers that may be made, we will take into account what the potential purchaser wishes to do with the bank. However, if one states up front quite baldly that it will be sold provided the head office remains here—it will be floated provided the head office remains here, all the branches remain open and all the employees remain in place—not only is one offering to give the bank at a substantial discount using taxpayers' money but one is also talking nonsense.

The Commonwealth Bank, for good or ill, has substantially been floated. I thought I heard an announcement only last week to the effect that 20 per cent of the employees of the Commonwealth Bank are to be made redundant—I assume voluntary redundancy. If anyone were to approach us with anything like a substantial offer on the basis that it cannot close a branch, that it cannot in any way down-size—to use the jargon—and that, in all the circumstances, the head office has to remain here, if those conditions were attached we would practically have to give the bank away. That, to me, is nonsense. What I predict in the unlikely event of the Leader of the Opposition—

An honourable member interjecting:

The Hon. FRANK BLEVINS: Well, the Leader of the Opposition will not see out the next few months as Leader.

The SPEAKER: Order! I ask the Treasurer to draw his remarks to a close.

The Hon. FRANK BLEVINS: In the unlikely event of some members opposite being in government after the next State election, I can guarantee that they will not float the bank. The reason I can guarantee that is that the taxpayers would be outraged at the discount they would give to their mates if they attempted to do that, and the budget would not stand any substantial discount of the value of the State Bank. It would be far better to keep the State Bank in public hands than to float it and give a substantial discount to people who could best be described as their mates.

HELLABY CASE

The Hon. DEAN BROWN (Leader of the Opposition): My question is directed to the Premier. Has the Government, formally or informally, discussed the contempt case involving the State Bank and *Advertiser* journalist, David Hellaby, and will the Premier say whether the bank's court costs are being met from the taxpayers funded indemnity?

The Hon. LYNN ARNOLD: As to the latter question, the bank's costs are being met by the bank from within its own revenues. As to the formal or informal discussions on the matter, there have been no discussions by Cabinet on this matter.

Mr Becker interjecting:

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

PORT AUGUSTA HOSPITAL

Mrs HUTCHISON (Stuart): My question is directed to the Minister of Health, Family and Community Services. What is the position with regard to the proposed redevelopment of the Port Augusta Hospital? Concern has been expressed to me by the hospital's board of directors regarding this project, which is of considerable community importance?

The Hon. M.J. EVANS: I appreciate the question from the honourable member, because I am aware of her strong interest in the development of this hospital not only as the member for the area but also in her personal capacity. It is a pleasure to reassure the honourable member and the local community as well as the House that the Government remains committed to the redevelopment of the Port Augusta Hospital. Some $1.4 million has been allocated this financial year for stage 1 of the project and, at the request of the board of the hospital, a building on Flinders Terrace, Port Augusta, has been purchased for use as a community health centre.

While it is not possible to begin construction on the site this year, by purchasing the health centre building we will be able to move staff from the hospital into the health centre building to allow construction to commence in 1993-94. A redevelopment planning team comprised

of officers of the commission and the hospital will ensure that the most effective and efficient use is made of the funding, and further funds will be allocated in the 1993-94 year to allow construction to begin.

There is also Commonwealth Government interest in the undertaking of a study of the whole of the northern region to ensure that the most appropriate capital facilities are provided for the residents of the area. No doubt there will be some interaction between the Port Augusta redevelopment project and the capital funding review that is being carried on as part of the clinical service review of the northern district. What will come out of that review is uncertain at this stage because that work has not yet been undertaken, but one thing that I can say about it is that the outcome will result in improved services to the area as will the ongoing redevelopment of the Port Augusta Hospital.

HELLABY CASE

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is directed to the Minister of Emergency Services. Will the Minister confirm that police have been asked to investigate serious threats against *Advertiser* journalist David Hellaby and his family? Can he say what the outcome of those investigations has been? It has been widely reported that the following incidents have occurred within the past three months. First, Mr Hellaby's wife took a telephone call conveying a death threat to herself, Mr Hellaby and their three children. The following morning, the same person telephoned again. During this call the person was able to name their three children and give details of the schools they attended and the times they left.

The substance of this call indicated that a person or persons responsible for these threats had had the family under surveillance. Finally, a taxi called at the school attended by Mr Hellaby's son. The driver said that he had been requested to take the boy to the airport, where his mother was waiting. The boy quickly realised that his mother would not have made such a call and this was yet another attempt to terrorise the family.

The Hon. M.K. MAYES: I am not sure why the honourable member has raised this matter in a public environment: I would be happy to accept the question in a private way. It is a matter for the Commissioner, and I will refer it to the Commissioner for his response.

LOCAL GOVERNMENT ELECTIONS

The Hon. J.C. BANNON (Ross Smith): My question is directed to the Minister of Housing, Urban Development and Local Government Relations. Will the Minister provide the House with details of any special matters arising from the results of the local government elections held on 1 May? Unlike previous elections, there has been no detailed analysis of the results or turnout in either of the mass circulation weekly or daily papers.

Members interjecting:

The SPEAKER: Order!

The Hon. G.J. CRAFTER: I believe the local government elections conducted last Saturday were, on the measurable criteria, successful elections and indicate the growing interest and support for local government in our community. Of course, it is a pity that South Australians have not been able to participate in an assessment of the local government elections because no detailed analysis or summary has been provided in the press, either on Sunday or subsequently. However, I noticed that the *Advertiser* has said that it will publish these figures tomorrow.

I believe that there is a marked contrast in the information provided in other spheres of government elections compared with local government, yet local government is a very important tier of government. Indeed, some factors arose out of the election which are worthy of note. First, the turnout was quite large in the elections this year, with 21.6 per cent of electors voting in these elections. Although a vast minority of people participated, the proportion was higher than in previous years. It was the second highest turnout on record, that record having been established in 1991, when 22.1 per cent of South Australians voted in local government elections. We now have 18 new mayors, five of whom were elected unopposed, and 13 were elected—

Members interjecting:

The Hon. G.J. CRAFTER: Including the member for Light, I am pleased to advise, although this was somewhat overshadowed by the defeats of the Mayors of Salisbury and Port Augusta, but no doubt he will make a very valuable contribution to the sphere of local government in the council of Gawler. Of the 18 new mayors elected, five were elected unopposed and 13 were elected in elections; of these, six involved the sitting mayor retiring, and in seven cases the sitting mayor was defeated. Of the new councillors, 37 per cent were elected new to the councils. I am sure that the House will agree that this indicates an active and interested community participation in local council activities. On the results so far, there are least two Aboriginal councillors: Councillor Robin Walker in Coober Pedy and Gordon Coulthard in Port Augusta—and I am sure Gordon Coulthard is well known to most members.

I congratulate these councillors on their election and the support of their communities. Of those elected to council, 21.5 per cent are women; that is 252 local government representatives in this State. This is a significant increase, as only as far back as 1987 the number was considerably less: on that occasion only 14.4 per cent of councillors were women, 155 in number. This figure compares favourably with the representation of women in both the Federal and State Parliaments. In the Federal Parliament women make up only 13.4 per cent of elected members and, in this State Parliament, 12.5 per cent of the elected members. I look forward to working with local government on the challenges that we jointly face ahead.

The SPEAKER: Order! Once again, I point out to the Minister the avenue of ministerial statements in the case of long answers.

HELLABY CASE

Mr INGERSON (Bragg): I direct my question to the Treasurer. As the Minister responsible for the State Bank, what assurance can he give that the bank is not attempting to intimidate journalists and deter investigative journalism with its pursuit of *Advertiser* journalist David Hellaby for contempt of court? The State Bank claims to have lost at least $500 000 as a result of articles written by Mr Hellaby and published in the *Advertiser* on 7 and 8 July 1992. However, the bank has not commenced legal proceedings—

The Hon. J.P. TRAINER: I rise on a point of order. Surely this question will have to be approached rather carefully on the basis that it is now before the courts?

The SPEAKER: Perhaps the member for Walsh did not observe that the Chair was listening intently to what was said. I would—

The Hon. T.H. Hemmings interjecting:

The SPEAKER: Order! I see the member for Napier, which is more important. I point out to the House the *sub judice* rule, which requires in any case that, when a person is in the courts system, until the time of sentencing or appeal, members should be considerate of those factors when answering and asking questions. The member for Bragg.

Mr INGERSON: Thank you, Mr Speaker. However, the bank has not commenced legal proceedings to recover these losses from the *Advertiser*. I am informed that, instead, it has for the past nine months pursued the journalist for pre-action discovery of documents to identify his source or sources, even though the bank knew this course of action was highly unlikely to proceed.

The Hon. J.P. TRAINER: I rise on another point of order. I suspect that the point being put forward by the member opposite is *sub judice* because he is implying motives on the part of one of the participants in a court action.

The SPEAKER: Order! I think the honourable member contravened the *sub judice* rule because he mentioned the courts, sentencing and action by the court. To the best knowledge of the Chair, this matter is still subject to sentencing; therefore, the *sub judice* rule applies. I think that the honourable member has fully explained his question.

The Hon. FRANK BLEVINS: As the matter is before the courts, I think it is only proper that the process of justice take its course. I am not sure that I would have any power to intervene. Even if I had, I would be very reluctant to do so.

Members interjecting:

The SPEAKER: Order! The honourable member for Walsh.

The Hon. Dean Brown: You control the bank. **The SPEAKER:** Order! The Leader is out of order.

ADELAIDE TIGERS

The Hon. J.P. TRAINER (Walsh): Did the Minister of Aboriginal Affairs see the ABC television segment on the Adelaide Tigers football team last night, a segment which was of an exceptionally high standard, especially for the *7.30 Report?* Will he advise the House of the success to date of this inspirational scheme using participation in sport to assist the predominantly Aboriginal young people for whom the scheme is devised? Last night I viewed this superbly produced and edited segment and was deeply moved by its coverage of a scheme which deserves encouragement.

The Hon. M.K. MAYES: I did see the *7.30 Report* last night and I concur with the member for Walsh's comments that it was an excellent production.

Members interjecting:

The Hon. M.K. MAYES: Sorry, I concur with his question regarding the quality of the program and its presentation. I thought it gave a very balanced picture of what is happening and it was a positive presentation of the Tigers Football Club, which has been approved by the SAFA to become affiliated with the association to field a Division 1 side, an A Grade side, a B Grade side and an under 17 football team for the 1993 season. As the honourable member and I saw, they achieved their first success last week, and I am sure that, apart from the opposition side—

The Hon. J.P. Trainer: Mitchell Park.

The Hon. M.K. MAYES: —everyone rejoiced, except Mitchell Park. It was obviously a joyous occasion for the team and its supporters. The program gave a positive presentation and focused on the support from the community for what has been designed to give the football club a focus for young people in the Aboriginal community. It is terrific to see non-Aboriginal people involved in the club and supporting it, both on and off the field.

The football club gained support from a number of community organisations, including Government agencies and Aboriginal community groups. I am sure that the member for Walsh and other members will recall seeing the interview on the program with Major Sumner from the Aboriginal Sobriety Group, which plays an important part in supporting the team. I congratulate Major Sumner, members of his staff and the committee.

The program is part of their promotion seeking better opportunity, minimising crime and supporting the community as a whole to reduce alcohol abuse among Aboriginal youth. Again I thank the *7.30 Report* for its presentation and I wish the club every success this season at all grade levels. I hope that we and other funding sources can continue to support the club so that it goes on to greater success in the coming seasons.

CONFIDENTIAL INFORMATION

Mr LEWIS (Murray-Mallee): Does the Premier know how many Government agencies are selling confidential information to commercial businesses about private citizens who have been required by law to provide that information to the Government in order to obtain licences or permits and the like? Moreover, what steps will he now take to stop immediately those Government agencies which are selling the sensitive details to make money, to help cover the consequences of the State Bank debacle—

The SPEAKER: Order! The honourable member knows that is totally out of order.

Mr LEWIS: I take your point, Mr Speaker. These agencies are doing so in breach of information privacy principles laid down for the Government by way of an administrative direction of the Attorney-General. A constituent of mine tells me that the Metropolitan Taxi Cab Board has been selling personal and private information to businesses without his knowledge or approval for $25 a time. My constituent is in the taxi industry and the information being sold was required by the Metropolitan Taxi Cab Board for him to get his licence.

As my constituent has worked in a sensitive area of Correctional Services, he is understandably very careful with such information for personal and family security reasons. After receiving a number of unsolicited letters from businesses, he made sensitive, extensive inquiries and discovered that staff of the Metropolitan Taxi Cab Board had sold the details of lists about licensed applicants for $25 a shot to any one who wanted them.

The Hon. LYNN ARNOLD: I must say that the question asked was, 'How many Government departments are doing that?' I would hope that the answer is 'None'. I believe that it would be a quite inappropriate course of action. I will have this matter further investigated. I will have my office contact the Chair of the Metropolitan Taxi Cab Board (Michael Wilson) for a report and, when I receive more information on this matter, I will report back to the House.

Members interjecting:

The Hon. LYNN ARNOLD: The member for Murray-Mallee could have contacted the Hon. Michael Wilson to pursue this matter but, seeing he has chosen not to follow that course, I will do so. However, in answer to the question, I repeat that I hope there are none.

LOCAL GOVERNMENT REFORM

The Hon. D.J. HOPGOOD (Baudin): I direct my question to the Minister of Housing, Urban Development and Local Government Relations. What stage has been reached in the negotiations for financial transfers between the State and local government authorities and when is it anticipated that these negotiations will be completed?

The Hon. G.J. CRAFTER: I thank the honourable member for his interest in progress on reform in this area. It represents a major reform in State and local government financial relations. Members will recall that in the 1992-93 State budget the Government announced a significant reform in State and local government financial arrangements, involving the provision of a new revenue source for local government funding purposes through an additional duty on petroleum products. The aim of this initiative is to enhance the financial capacity of local government and its ability to make decisions about expenditure on programs delivered by that sphere of government.

With the introduction of this initiative, a negotiation process between the State Government and the Local Government Association in relation to new financial arrangements has commenced to determine how the funding and allocation of responsibilities are to be transferred to local government. A major objective of these negotiations is a more effective provision of services to the community, and to do so at a lower cost.

The Economic Statement released last week provides an outline of these programs, which include proposals for a range of joint State/local government management arrangements and local government responsibilities in areas such as stormwater management, coast protection, recycling, metropolitan cemeteries, country town bus services, administration of dog control, recreational jetties, local bicycle tracks and tourist information centres. Clearly, with the range of programs on the agenda, a combination of approaches for transfer may be required for each functional area under consideration, and this could involve joint management arrangements of some kind in an area, while in other areas the capacity may exist for local government to assume responsibility. Further consideration of the immediate agenda and the arrangements within each program area will be the next phase in the ongoing negotiations between the State and local government, with a view to drawing up formal agreements to be ratified by the Local Government Association and the Government in the near future.

ELECTRICITY TRUST

Dr ARMITAGE (Adelaide): My question is directed to the Minister of Public Infrastructure. Is ETSA utilising a new computer to process accounts and, if so, can the Minister guarantee the accuracy of any of the accounts so processed? I have received a complaint from a constituent of mine, Mrs Penny Horn, who is the proprietor of a small bookshop in Wyatt Street, Adelaide, called D.A. Horn Books. Mrs Horn's previous quarterly account was $81.50. She was therefore more than a little alarmed to receive a bill for the three months to April for $11 530.50, particularly as she is open from 11 a.m. to 4 p.m.

After considerable inquiry with ETSA staff, she was told that a malfunction in a new computer had mistakenly processed inaccurate charges for an unknown number of customers around the State. Mrs Horn has been told by ETSA staff that they have no idea of the extent of the error and can rectify only those bills that are challenged by customers. It was only because of the grotesque amount Mrs Horn was billed that she queried the amount, but it raises serious questions about all other bills sent out at the same time. I am pleased to report that there is some good news: Mrs Horn's account for $11 530.50 was rounded down by 3¢.

The Hon. J.H.C. KLUNDER: Obviously, I need to look at the precise details that the honourable member has brought before us, but ETSA has indicated to me that in its old computer it took a range of values for a particular account, based on previous charges to that account. On the new computer, instead of dealing with just a particular account, it went to that particular class of accounts and consequently much greater variations were possible. In other words, under ETSA's old system, its computer filtered out the sort of figures that the honourable member referred to. The new computer gives a much wider filter. That is now being looked at, in order to replace the filter that existed under the old

system, to give a much lower limit of values before the computer queries an amount and picks it up itself.

VOCATIONAL EDUCATION AND TRAINING

Mr HAMILTON (Albert Park): Will the Minister of Education, Employment and Training inform the House of progress in creating and naming the new institutes of vocational education and training?

The Hon. S.M. LENEHAN**:** I thank the honourable member for his question. I think most members will be interested in the formation of the institutes. We now have 10 institutes, which will be operational from 1 July, in place of the 19 TAFE colleges. The establishment of institutes of vocational education and training is part of the State's vocational education and training strategy, and also part of the Training 2000 strategy and the establishment of VEETA, which is the Vocational Education, Employment and Training Authority.

Last week I formally endorsed the names of 10 new institutes, as recommended to me by the Chief Executive Officer of the department, Kay Schofield, and I would like to share those with the House, because a number of members have indicated their interest in hearing the names. Adelaide College will continue to be called Adelaide, and the South-Eastern College will continue as the South-East College. Barker, Kingston and Noarlunga Colleges will become Onkaparinga—a very important Aboriginal name and very significant for that area. Croydon Park College will become Croydon; Elizabeth College will become Para; Eyre, Goyder, Port Augusta and Whyalla Colleges will become Spencer; Gilles Plains and Tea Tree Gully Colleges will become Torrens Valley; Port Adelaide and Regency Colleges will become Regency; Light and Riverland will have an interim name of Light Riverland; and the Marleston and Panorama Colleges will continue with their own name.

The reason for doing this is to provide networks, which will be able to provide much better quality of service to the constituents and clients of the colleges, to be able to use the latest technology in providing those services and to refocus on vocational education and training. They will have a higher quality of service delivery and will be central to the public vocational education system, meeting the commitments to the national priorities, the local demands and, most importantly, the demands of industry and commerce within South Australia.

STATE LIBRARY

Mr SUCH (Fisher): How does the Minister of Education, Employment and Training justify the claim that South Australia is the clever State, the home of the MFP and the State which cultivates higher learning when the State Library is now open for only 54 hours a week—a reduction of 27 per cent from the 75 hours it remained open each week in the 1970s, and does she concede that the library's being open for only one night of the week is a significant impediment to university and TAFE students, particularly external students, who are trying to better themselves, as well as other members of the community who seek reasonable access to the State Library?

The Hon. M.K. MAYES: This is a question which I think would be more appropriately directed to my colleague in another place, and I will be happy to convey the question to her so there is an appropriate reply.

NETBALL

Mrs HUTCHISON (Stuart): Will the Minister of Recreation and Sport provide to the House details of an event on Saturday in which South Australia's sportswomen represented this State with great honour?

The Hon. G.J. CRAFTER: I most certainly will. The tradition of excellence in the field of sport by South Australia's many sportswomen certainly reached an extremely high level last Saturday, when this State's premiership winning netball team, Garville, defeated defending title holder, Sydney Electricity, 56 to 49 in the grand final of the Mobil Super League at the State's Sport Centre. It was an inspirational performance and certainly worthy of recognition by all South Australians. Most of the pundits gave Garville very little chance of beating the highly charged Sydney Electricity team, especially in front of a home town crowd, but Garville proved it is the best netball team in Australia by beating the champions by a convincing seven points. This represented a 15 goal turnaround from the eight goal advantage Sydney Electricity held during the second quarter.

For this exceptional effort, the South Australian team brought home the much sought after Prime Minister's Cup, which was presented to the captain, Michelle Fielke, by Mrs Keating. Garville secured its grand final spot with a 29 goal demolition of the Melbourne Pumas. Top scorer Jenny Borlase was named best on court, while captain Michelle Fielke, who is also the Australian skipper, was named best team player. Adelaide's other Super League team, Contax, last weekend defeated Melbourne 42 to 40 to claim third place. The success of these two teams in the national competition highlights the enormous depth of talent in South Australia, and is a reflection of the work done by the South Australian Netball Association in the area of junior sports development.

TRUANCY

Mr BRINDAL (Hayward): My question is directed to the Minister of Education, Employment and Training. Why were teachers not consulted before amendments to the Education (Truancy) Amendment Act were passed by Parliament obliging teachers to take truants into custody, and is she aware that these new requirements of teachers have been described by the South Australian Institute of Teachers as 'dangerous, burdensome and unworkable'?

I have been given a copy of a letter from the Vice-President of the Teachers Institute (Janet Giles) to the Minister of Education, Employment and Training, in which she expresses 'strong opposition to the changes'. The letter lists the institute's objectives under headings of 'Dangerous', 'Burdensome' and 'Unworkable'. Among

the 'dangerous' aspects, the letter points out that teachers, now required to approach truants, possibly to take them into custody, have no formal identification and could therefore not be distinguished from an imposter who may be making an approach for another reason.

The Hon. M.J. EVANS: As the Minister who took that package of Bills through this House I think it appropriate that I respond to this question, because it relates directly to the legislation rather than to the overall responsibilities of the Minister of Education, Employment and Training. That legislation was the product of a very substantial inquiry by a select committee of this House and was debated at length in this Chamber and supported by this Chamber on what I would describe as a broadly bipartisan basis. I would like to congratulate those members of the Opposition who took part in the select committee because, over a long period, they put much dedicated work into helping the committee as a whole achieve a very positive result.

Truancy is a very important aspect of the overall question with which the committee was asked to deal, and the recommendation which it came up with was one that had a lot of support in the community, and certainly on the select committee, because it targeted the whole question of ensuring that those who were charged with the responsibility of dealing with those young people who do not attend school had some effective means of dealing with them. The committee and I would be the first to acknowledge that no solution in the truancy area will ever meet all circumstances or ever deal with all young people who choose not to go to school.

What we were convinced of was that making this a crime for young people was not an appropriate response, because in many cases it is a very short-term situation, and in those cases where young people take an extended period of truancy and involve themselves in some kind of offending behaviour it is the offending behaviour for which we should target them. The consequence of that process is that you must have some mechanism for dealing with those young people whom police officers, FACS officers and, indeed, teachers find on the street.

Under the law to which the honourable member is suggesting we should perhaps revert, those people have no more power than simply to talk to the child. After that, they are free to walk away. That is hardly a satisfactory response to the issue of truancy. What the committee recommended was a fairly broad based response where the authority was available, but of course need not necessarily be applied by the person concerned, to take that student back to school or back to the parents. If a teacher did not think that an appropriate response, he or she would not act upon it.

I remind the honourable member that those powers apply during the time when a young person is meant to be at school: a time, of course, when most teachers themselves are at school. We do not have teachers wandering the streets during school hours, just as we should not have young people wandering the streets during school hours. The issue clearly is one of simply empowering education officers so that under those unusual circumstances, when they are in a position to deal with a young person, at least they have some authority to do something about it.

But, in the vast majority of cases, I would assume it is police officers, Family and Community Services officers and those people employed under the Education Department's contract to act specifically as attendance officers who will be the ones to deal with it. It is not inappropriate, as the select committee unanimously recommended, that all teachers have a role to play in this vital area.

POLICE, ABORIGINAL

Mr De LAINE (Price): Will the Minister of Emergency Services inform the House of the situation with respect to the introduction of Aboriginal police aides into the Police Force in South Australia? Is the initiative successful, and what does the future hold for Aboriginal police aides and Aboriginal police officers?

The SPEAKER: Order! I remind the Minister of the ministerial statement capacity. I ask him to keep his response as brief as possible.

The Hon. M.K. MAYES: Thank you, Mr Speaker. I clearly accept your advice on that matter. Very briefly, the program that has been followed by the Police Department with Aboriginal police aides has been very successful and we are delighted to be able to continue that support, not only in that area but extending into Aboriginal police training. With the support of the human resources studies unit of the University of South Australia, we have embarked on a course to develop a training program to encourage development of Aboriginal police officers throughout the South Australian Police Department, and I hope that, now that Aboriginal police aides are included under the Police Act, we will be able as a Cabinet to see the application of that in the Pitjantjatjara lands when we visit at the end of this month.

It has been very successful and will continue to be so. I look forward as Minister to being able to support that program. In a local environment both you, Mr Speaker, and the member for Price are seeing the benefits of that program in your own local policing. At a recent graduation the month before last, we saw more young police aides coming out to work with the Police Department in those community areas, and I believe that the continuation of that program will be a tremendous success in the community. I thank the Police Department for its support in this and thank the honourable member for his question, because it is one of great importance to the whole community.

SEPARATION PACKAGES

Mr BECKER (Hanson): My question is directed to the Minister of Labour. What is the Government's fallback position should State public servants not accept targeted separation packages on which the Premier's Economic Statement depends? I have been informed that the danger of an insufficient number of public servants accepting the package is very real, given the statement by the Public Service Association's General Secretary (Ms Jan McMahon) in the most recent edition of the

association's newsletter to members. Ms McMahon states:

To any member thinking of putting his or her hand up for a TSP (targeted separation package) my advice is don't ...The 12 per cent option may appear attractive, but if you do your sums, you will find out you are not ahead.

The Hon. R.J. GREGORY: I thank the honourable member for his question. I am aware of the publicity that the PSA has issued to its members, but the Government is confident that it will get the appropriate takeup that it needs to reduce the work force by people who accept the separation package, which I remind the House is voluntary. The targeted aspect of it is positions that are no longer required within the departments. We are confident that the package we are offering will be acceptable, because the voluntary separation packages that we have had operating prior to the targeted separation packages also were opposed by the trade union movement and well over 3 000 people accepted those. So, I am confident that, over the next 12 months, we will see that number of positions disappear from the work force.

ARTS ADMINISTRATORS

The Hon. J.P. TRAINER (Walsh): I direct my question to the Minister of Environment and Land Management, representing the Minister for the Arts and Cultural Heritage in another place. Does the Minister agree that arts administrators are proliferating like mice? An advertisement appears on page 3 of the *Adelaide Review* entitled 'Arts beggared', as follows:

However, arts administrators proliferate like mice. Their increasing power and fatuous rhetoric have become the greatest environmental health hazard to the arts community. Their prosperity contrasts with art galleries which are inadequate, libraries which are open less often, and visual and performing arts groups either beggared or driven to extinction!

The advertisement appears to have been authorised by Mr N. Minchin and is alongside a photograph of Mark Brindal MP, with the slogan 'The heart that takes arms', which suggests that he has some thoracic problem.

The Hon. M.K. MAYES: I will refer the honourable member's question to my colleague in another place. I am sure she will be interested to respond, as I am, because in my electorate, particularly as a local member of Parliament, I have contact with a number of arts administrators who reside in Unley. For example, I can think very quickly of the Unley Youth Theatre, which has had a very significant impact on providing arts administrators to arts organisations throughout South Australia. It has been a training ground for arts administrators nationally and a very successful organisation, supported by the local community, the Unley council and the State Government.

Let me say to the honourable member who has 'the heart that takes arms'—I am not sure whether he has some sort of genetic illness—arts administrators in this community, particularly in South Australia—and I recall the days of the 1970s and 1980s—have been at the forefront of bringing community art, particularly, to South Australia, and have led the rest of Australia in innovation and change. I am sure that those in my electorate will take umbrage at the honourable member's comments and be very surprised at being regarded as 'fatuous' and 'the greatest environmental health hazard to the arts community'. I will pass the question on to my colleague in another place.

YOUTH SHELTERS

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister of Health, Family and Community Services. When is it now expected that work will commence on an emergency shelter for homeless youth in the western suburbs, bearing in mind that it is now more than eight months since the Federal and State Governments gave a commitment jointly to fund several shelters in Adelaide's western districts, including emergency accommodation staffed 24 hours?

The Hon. M.J. EVANS: I shall certainly take on board the honourable member's comments about that and look at the issue. I am not able to provide him with a report at the moment, but I undertake to do so as soon as it is feasible.

BICYCLES, CHILDREN

Mr QUIRKE (Playford): My question is directed to the Minister representing the Minister of Transport Development. Has the Government any intention of banning children under 10 years of age from riding bicycles unsupervised on public roads? My question stems from media comment that apparently originated in the Federal Office of Road Safety. Although favourably commenting on the impact of helmet usage, the argument has been raised about under 10-year-olds having the necessary skills to ride on public roads.

The Hon. M.D. RANN: I want to commend the member for Playford for his campaigns on road safety, both in the northern suburbs and around the State. I saw the newspaper report about the proposals, and obviously any parent—and I am certainly one—of children who ride bicycles would be concerned about their safety. Certainly, the introduction of helmets has been a major breakthrough in tackling this important safety issue. I will certainly take up his point with my colleague the Minister of Transport Development to get a definitive response.

FRUIT AND VEGETABLES

Mr VENNING (Custance): My question is directed to the Minister representing the Minister of Primary Industries. Why have fees for fruit and vegetable inspections been increased by more than 100 per cent? Are the fees based on cost recovery and, if so, can the Minister supply details on which these calculations were made? I am informed that horticultural producers are reeling from what they describe as savage and unrealistic increases after fees were significantly increased only 15 months ago. An example of these fee hikes includes the day rate for property visits increasing 50 per cent to $42.70, the minimum call-out fee is up 113 per cent to

$60.70 and, where travel time was charged at $23.25 a half-hour, this has been increased to $15.20 a quarter-hour. My informant is convinced that these charges can only be seen as a blatant grab for funds by the Government and are yet another impost on primary producers trying to compete with interstate suppliers.

The Hon. M.J. EVANS: In response to my first question about primary production, I shall certainly undertake to bring back a report on that important matter and advise the honourable member of the outcome.

SIN BIN

The Hon. J.P. TRAINER (Walsh): My question is directed to you, Mr Speaker. Could you give some consideration to the possibility of introducing a 'sin bin' as proposed by the new Speaker of the House of Representatives who is taking up a proposal that has been previously bandied around from time to time, whereby agitated and emotional members—

Members interjecting:

The Hon. J.P. TRAINER: Like that one opposite—may be suspended from participating in the debating procedures of the Chamber for a brief period of perhaps an hour, though still being entitled to return for divisions?

Mr LEWIS: Mr Speaker, I rise on a point of order—

The SPEAKER: Order! A question has been directed to the Chair. There is a responsibility by the Chair to the House and the Chair will answer it and I will take the point of order subsequently. All procedures of the House are subject to the Standing Orders Committee, with Standing Orders being decided and agreed by the whole House. If the committee made that decision, certainly, as Chair, I would comply with those rules. The member for Bright.

SCHOOL CLOSURES

Mr MATTHEW (Bright): How does the Minister of Education, Employment and Training justify her promise that she would not close any schools or kindergartens with the fact that she will be closing Marino and Brighton kindergartens in my electorate at the end of this year and is likely to be closing Mawson High School at the same time?

The Hon. S.M. LENEHAN: I thank the honourable member for his question and for the opportunity to get some facts on the table. I refer to the misleading and, I would say, dishonest press statement that was put out by the Opposition which accuses the Government of having some kind of hit list for closing schools as a result of the Premier's Meeting the Challenge statement. That press statement was not only totally incorrect but I believe it was deliberately mischievous because of the fact that I had—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN:—made a statement and the Premier had made a statement that we would not be taking teachers out of classrooms, child-care workers out of child-care centres or that we would be taking lecturers from the TAFE colleges. The Meeting the Challenge statement which referred to my department looked at the amalgamation of the three separate departments into one major department to provide a better quality of educational facilities and services right through from child-care to TAFE colleges. The honourable member well knows that the decision to close Brighton kindergarten was taken quite some time ago and he is totally misleading and dishonest because—

Members interjecting:

The SPEAKER: Order! The House will come to order. The Minister will resume her seat. The member for Bright will resume his seat. First, we will get order in the House. Now we have order, we will go on with the business. The member for Bright.

Mr MATTHEW: Mr Speaker, I rise on a point of order. The Minister accused me of being dishonest, and I request that she retract that.

Members interjecting:

The SPEAKER: Order! The member for Bright has asked for a withdrawal, and I ask the Minister to withdraw the statement.

The Hon. S.M. LENEHAN: Mr Speaker, I withdraw, as a result of your request. I want to put it on the public record that the member for Bright knows well—and has known for a long time—that we were looking at making sure that kindergarten services and facilities in the honourable member's electorate were the most appropriate and provided the greatest range of services for his constituents. The honourable member has been aware for months that the Brighton kindergarten would close. We have had correspondence about that. That decision was made long before the Premier made any sort of statement, including Meeting the Challenge. It is interesting that the Opposition is so desperate that it has to talk about things that have already happened. The community supports the closure of Brighton kindergarten.

Mr Matthew interjecting:

The Hon. S.M. LENEHAN: Yes, the community does support that. Let me talk about Mawson High School. That decision has been made in terms of having two campuses—Brighton and Mawson. I have written to both the honourable members whose areas cover those two schools and I have informed them of the name of the new principal, Nancy Shupelius, who is one of the most competent people whom we could appoint to that position. She will be able to oversee the establishment and development of secondary services in that area so that they will be second to none. The member for Bright does not like that. He does not like the Government providing high quality services to his constituents.

Members interjecting:

The Hon. S.M. LENEHAN: The cheering on this side is becoming almost overwhelming.

The SPEAKER: Order!

The Hon. S.M. LENEHAN: I am delighted to inform the honourable member that I am not proposing any closures as a result of the Premier's Meeting the Challenge statement. I do not know how many times I will have to say it, but I will say it as often as I am asked because it is really important that the Opposition not be allowed to peddle half-truths. To ensure that we provide the best quality of service—

Mr Matthew interjecting:

The Hon.S.M. LENEHAN: You know perfectly well what is happening with Mawson.

The SPEAKER: The Minister will direct her remarks through the Chair and draw her response to a close.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: As the honourable member well knows, Mawson High School is amalgamating with Brighton High School, and he knows that for a fact.

The SPEAKER: Order! The Chair took a point of order from the member for Murray-Mallee. We moved on since then and I apologise to the member for Murray-Mallee. I missed that at the time.

Mr LEWIS: Mr Speaker, my point was exactly the point that you made to the honourable member.

The SPEAKER: Order! The point has been made. The honourable member will resume his seat.

PUBLIC SECTOR REFORM

The Hon. LYNN ARNOLD (Premier): I lay on the table the ministerial statement made by my colleague the Hon. Chris Sumner, Minister of Public Sector Reform, in another place, and the public sector reform agenda document that he tabled in that Chamber nearly an hour ago.

POLICE UNIFORMS

Mr MATTHEW (Bright): I seek leave to make a personal explanation.

Leave granted.

Mr MATTHEW: In a ministerial statement today, the Minister of Emergency Services claimed that there is no validity to allegations I made in this House last week that police shirts are made overseas. On checking *Hansard, I* note that I am recorded as saying the police shirts were made in Malaysia. I should have said 'Indonesia', for the facts are these: first, all khaki police shirts are manufactured in Indonesia.

The SPEAKER: Order! The Chair points out that the honourable member is definitely debating the matter. He wishes to correct what was said last week, which is now on the record. He cannot debate the matter later. If at some later point there is a personal explanation about what was said and said against the original debate, that can be taken, but the honourable member cannot debate the original issue.

Mr MATTHEW: Thirty minutes ago I telephoned the purchasing officer at the police uniform store, who checked her stock and confirmed that the label on the side seam of the shirt reads, 'Made in Indonesia.'

The Hon. J.P. TRAINER: I rise on a point of order, Mr Speaker. Rather than explaining how he himself has been misrepresented, the honourable member is merely introducing new material into the debate.

The SPEAKER: I uphold the point of order. Has the honourable member finished his personal explanation?

Mr MATTHEW: Not quite, Mr Speaker.

Members interjecting:

The SPEAKER: Order! I ask the honourable member to remember the rules regarding personal explanations: they must be pertinent and there must be no debate. The member for Bright.

Mr MATTHEW: Secondly, it is the blue police shirts that are manufactured by Fairmark Australia. The shirts to which I referred are the brown police shirts. Finally, police officers continue to contact me to confirm that they have been forced to—

The SPEAKER: Order! Leave is withdrawn.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances.

The Hon. DEAN BROWN (Leader of the Opposition): I wish to take up a claim made in this House in Question Time last week by the Premier in trying to justify the performance of his Government in response to the critical statement put out by the independent Centre for Economic Studies. This is the centre that was partially financed by the Government and, in fact, supported by the Government in terms of various Government studies to be undertaken.

The Premier made a claim to this House that his Government has created more than 100 000 jobs since it has been in government. Do members recall that figure? It was more than 100 000. He even said that he had previously used the figure of just less than 100 000 but he now found it was more than 100 000. Do members know the actual figure? It is 86 400. When one compares it with the figures for the other States of Australia, one finds that by an absolute whisker it represents the second to lowest percentage growth rate for any State in Australia. In fact, if one looks at it in terms of how many full-time jobs were created, one sees that it is by far the lowest percentage growth for any State in Australia.

So, only 86 400 jobs were created, not over 100 000. Only about one-third of those 86 400 jobs happen to be full-time jobs. The growth rate in New South Wales was 15 per cent, the growth rate in South Australia was 15.4 per cent, but the growth rate in Queensland and Western Australia was greater than 37 per cent. That shows how far South Australia is behind the other States, and that is the very reason, of course, why the Centre for Economic Studies described South Australia as a basket case.

Of course, we know who is fully accountable for that: it is none other than the Premier himself, who has been the senior Minister for economic development since 1985-86. So the responsibility lies squarely with him. It is interesting that, of the new jobs created during that period, only about 30 per cent are full-time jobs, whereas in Queensland and Western Australia something like 60 per cent of the new jobs created happen to be full-time jobs.

Mr Hamilton interjecting:

The Hon. DEAN BROWN: No wonder the honourable member is trying to interject across the House. Because of the economic performance of this Government, he is one of those who is likely to lose his seat. It has been shown quite clearly; out goes the honourable member. We know that he has actually had to resign from a standing committee of the Parliament to concentrate on his electorate because he is worried about his own seat.

I also point out that, under this Labor Government, we have lost 21 000 manufacturing jobs in the past two years alone. That is a disgusting record. It is equivalent to about five Mitsubishi plants. The Premier is hoping to go to Japan at the end of this week and to make some announcement about creating a few extra hundred jobs down at Mitsubishi, at Tonsley. I commend him for doing that, but I point out to South Australians that this Government has lost the equivalent of five Mitsubishi plants—22 000 full-time manufacturing jobs over the past two years alone.

When this Government came to office in 1982, the number of jobs in South Australia was 19 500 fewer than in Western Australia. Do members realise that today we have 120 000 fewer jobs than in Western Australia? Now just imagine if we had achieved the same growth rate as Western Australia: we would have no unemployment in South Australia whatsoever. That is how bad the economic management of this Government has been.

Look at its export record. Exports from South Australia were $3.5 billion in 1991-92; from Queensland, $10.8 billion; and from Western Australia, $14 billion. Yet the Premier was boasting only last Friday about the economic and export performance of his Government. It is an abysmal performance and he, along with his Government, will be held fully accountable at the next State election for the damage that they have done to the South Australian economy.

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

Mr HAMILTON (Albert Park): I welcome the opportunity to contribute to the grievance debate today. When we get the Leader of the Opposition attacking a backbencher, we know damn well that we have them on toast. Today was a classic example of where the current Leader of the Opposition dished it out, but he cannot cop it; he is like the proverbial Paddy's dog. He lashes out at me and says that I will lose my seat at the next election. I suggest to many people that we are prepared to wager with him. I see that he does not have the guts to sit in the Chamber and listen to the response.

It is very interesting that Alex Kennedy has him pegged, and pegged pretty well. That is a sensitive point for the Leader of the Opposition—that Alex Kennedy constantly writes each week berating the Leader of the Opposition because he is a weak—kneed leader. They all know that.

The Hon. J.P. Trainer: Well-informed criticism.

Mr HAMILTON: It is well-informed criticism, as the member for Walsh hastens to add. Let us see what Alex Kennedy says about the Opposition. Members opposite know that there is a difficulty in finances in this State. That is recognised, even by members opposite. But they have not got the guts to come out into the open. We have had classic illustrations here repeatedly. Last August, the member for Bragg made a statement in which he said that he would release the Opposition's policy on industrial matters and, as members will recall, he also said that the Opposition supported the Kennett line in industrial matters. However, suddenly the Opposition is backing off at a million miles an hour, because it knows from the Federal election that its policy is not acceptable to the community. So, I understand the sensitivity of the Leader of the Opposition, because members on his own side have come to me and said that the sooner he is deposed, the better—and I cannot help but agree.

The Hon. D. C. Wotton interjecting:

Mr HAMILTON: The member for Heysen does not know what he is talking about, and I just happen to know.

I want to address another matter of importance; it took place on Saturday night and it involved my nephew. I cannot name the organisations concerned, because my nephew has asked me not to. He was staying at my place and decided to go to the Casino with his girlfriend, who was from interstate. After leaving the Casino they engaged a taxi to deliver them to my residence. I am informed that the taxi driver dropped them off near Football Park. Knowing the area, Sir, you would understand that there is a big distance between Football Park and where I live. I have tried to encourage my young nephew to raise this matter with the Taxi Control Board, but he has declined to do so because of his occupation.

I do not raise this matter as a criticism of taxi drivers overall, but I think it is important that people from interstate, intrastate and overseas be made well aware of their entitlements when they engage a taxi. I think it is reprehensible that a taxi driver should drop two young people under the age of 20 in an area in which they do not know where they are. The cost of the fare to my nephew was $18, whereas it is normally $12. He decided, because of his occupation that he could not afford much more; hence, he chose to walk home. I raise this matter, because I believe the Taxi Control Board should look at providing instructions to all taxi drivers. It is only a minority who offend, but I am particularly angry in this case, because it has occurred to one of my own. I am concerned that a taxi driver should be able to get away with this without ringing the base or contacting another taxi driver to find out where my home was. He could have done that quite easily.

I believe this was a rip-off. I hoped that my young nephew would provide me with further information. However, I believe that the Taxi Control Board could track down this matter. I understand that the engagement took place at about 2 a.m. on the Sunday. I will take up the matter with the Taxi Control Board and I hope that it will pursue it.

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

The Hon. D.C. WOTTON (Heysen): I want to refer to two matters of concern regarding the E&WS Department, both of which have been brought to the attention of the Minister. The first relates to a situation at Sevenoaks at Stirling, which is a magnificent

retirement village situated in my electorate. This retirement per village has had to face an increase of 244.8 cent in its water rate retrospective to 1 July 1992. It received an account dated 2 September 1992 for water rate quality charge, July to September, at 20C per $1 000 of property value, which amounted to $357.20, the property value being stated as 'property value above $14 000 at $1 786 000'. Since then, the retirement village has received various accounts which state that the quarterly water rate was assessed on a property valuation of $1 926 000 at 49.25C per $1 000, that is, at $948.55, an increase of 244.8 per cent.

Understandably, my constituents have written to the Minister expressing their concern, because over a very long period the previous Minister of Water Resources assured the public that, under her new method of levying water rates, at least 85 per cent of South Australians would be better off. However, the residents of this retirement village, together with many others, have had to face an incredible increase in water rates—in this case, as I mentioned, an increase of 244.8 per cent retrospective to 1 July 1992.

My constituents have written to the Minister asking for an explanation so they can understand clearly why they have had to face this significant increase and, in particular, how that increase relates to the statements that were made on numerous occasions by the previous Minister of Water Resources that at least 85 per cent of the population would be better off under the Government's new water rating system.

We realise that the system has changed, but the Minister's reply provides no reason for the difficulties that have been faced by my constituents. It is a poor response from the Minister, and I intend to take up the matter personally with the Minister as soon as possible, having only just been made aware of the reply that has been provided to these people at the Sevenoaks Retirement Village.

The second point I refer to concerns constituents of mine at Upper Sturt who were extremely annoyed upon receiving a reading from the E&WS which showed a usage of 109 kilolitres for the period 5 June 1992 to 26 November 1992. The incredible thing about this is that on 28 April 1992 they disconnected the mains and connected all pipes to rainwater tanks with the exception of one tap. An E&WS inspector checked the connection work and agreed that the property was being run only on tank water except for one tap.

My constituents were perturbed by the E&WS claim that they had used 109 kilolitres for the period in question. When they had this checked with the department, they received scanty advice relating to their concerns. They genuinely believe that they have been overcharged by 100 kilolitres as it is accepted that only one tap was used occasionally. These people have written again to the Minister, and I will take up the matter with the Minister on a personal basis, but I believe that both these incidents should not have been experienced by my constituents, and I ask the responsible Minister to treat these cases with the urgency they deserve.

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

Mrs HUTCHISON (Stuart): If I have sufficient time, I would like to raise two matters in the five minutes allocated to me today. The first matter concerns the redevelopment of the Port Augusta Hospital, which was the subject of the question that I asked the Minister today. This matter is of particular personal interest to me, as I was the Chair of the hospital's board of directors, from 1983 to February 1990—some 6½ years. During the latter part of that time I was involved with the planning process for the redevelopment of the hospital. Some of the matters that arose during the planning process concerned, particularly, the bad floor planning of the hospital as well as fire safety and occupational health and safety, matters which were of vast importance to the hospital board at that time and which continue to be under the chairmanship of Clive Kitchin, the current Chair of the board.

I was pleased with the Minister's response, because this matter is of great concern to the community of Port Augusta. The hospital is one of the major employers in that city, and I think it is not generally known that it probably employs more people than Australian National. So, it is a major employer in the city of Port Augusta, and it has always provided, certainly from the time I was a member of the board until the present, a very good quality of service. Nonetheless, that quality of service has had to be provided under some fairly difficult conditions in terms of the efficiency for staff to work within that hospital. So, the redevelopment is something which has been needed for quite some time and is something which I support completely.

The Minister, in his answer today, indicated both the Government's and the Health Commission's commitment to the redevelopment of the Port Augusta Hospital and also mentioned the $1.4 million which has just been spent on the community health centre, which will be located at the old Australian National office complex. That is in the inner part of the city, so it will be quite divorced from the operations of the hospital in terms of location but certainly not in terms of the service which will be provided from that centre.

I am aware that such services will be provided there as a dental service, allied health service, women's health services, and so on, and that can only add to the services currently provided in Port Augusta. They are certainly being provided in a much more efficient way, and obviously I support that. I am very pleased to hear that funds will be allocated towards the project in the 1993-94 capital works program, and I will closely follow this matter because of my very keen interest in it, having now had a particular interest in the area of health over the past 10 years.

The other matter which I would like to speak about today involves the election in Port Augusta of an Aboriginal councillor. I know that for a long time the gentleman concerned, Mr Gordon Coulthard, has been very keen to enter the area of local government, and he must be given full marks for his perseverance, because I know he has made either three or four other attempts to enter local government in Port Augusta. I was delighted to hear that he had at last been elected. Mr Coulthard is a very good contributor to the community of Port Augusta. He is currently employed as a community liaison officer with the Aboriginal Community Affairs

Panel. I know that—speaking for myself personally—he has been of invaluable assistance to me and my office with regard to handling some fairly sensitive Housing Trust matters. We have, as other people would, had the same sorts of neighbourhood complaints involving white people as we have had against the Aboriginal community.

I highly commend the work that Mr Coulthard has done in that area. If it were not for that work, I am quite sure that we would have had more complaints. I applaud his election to the Port Augusta City Council and look forward to some very good work by Mr Coulthard. His election is a feather in the cap of the community of Port Augusta, and I am sure that they will be very pleased with his performance.

Mr S.G. EVANS (Davenport): I want to pick up the point raised by the Premier today—I thought unfairly—involving a pair not being given to enable the Minister of Housing, Urban Development and Local Government Relations to go to Brisbane last Wednesday. A visit by a Minister to Queen Street, Brisbane to look at the particular scene and talk to officials could be taken at any time outside parliamentary sittings. The number of pairs that are requested for the purpose of attending Government or semi-Government functions that are organised in parliamentary sitting times has become a disgrace. It has reached the point where we are getting dozens of such requests over a period of two or three weeks, whereas at one time we were lucky to get one or two over that period. In other words, Parliament—

Members interjecting:

Mr S.G. EVANS: I agree. The Treasurer is right: I do not get them from him. Parliament has reached the stage where it has become a joke. I believe it is really just a reflection of people's attitude towards Parliament: they think it is a joke, and they do not have much respect for it. So, the Minister of Housing, Urban Development and Local Government Relations then wished to leave on Friday afternoon when the House was sitting. That pair was granted, and that left him all weekend, and Monday if he wished, to have a look at Queen Street, Brisbane. If it took him longer than that, then he is slower in his walks around than he is with his decisions involving his department.

I now refer to Rundle Mall, which I know is the city centre for retail trading. Members of Parliament need to realise that many of the small business operators in the suburbs get a bit jumpy when Mr Ninio, the new Lord Mayor, says that the City Council has no money and wants some from the Government. It is a City Council precinct that is involved which has had money from the Government before. Much public money has gone into the Remm site, and that means that small business and people on the outer fringes are paying some of that, but they do not get any help with their business; all they get is hindrance. If they happen to be on the main roads, they lose parking space because the Department of Road Transport erects signs either prohibiting parking or designating the area as a clearway during certain times of the day or for the whole day.

These people in the outer suburbs have a right to think they should be able to operate their businesses on equal terms. They should not be taxed to help subsidise the city centre of which Mr Ninio is now in charge and which collects a lot of rates and taxes from major business operators located in the city square. So, that is guaranteed income for the council. It may not collect much in the way of rates from the Government institutions but receives a guaranteed benefit from the trade arising through tourism and from the encouragement given for more hotels, restaurants, etc., to be established in the city square.

For the City Council's traders, there is guaranteed police protection all the time, with foot police patrolling their area. We should ask the people operating in the suburbs what they have; we should ask the people of Salisbury what protection was there at its shopping centres in recent times. Surely, there must be some equal footing. We should ask the people of Blackwood whether they have the benefit of police on foot patrol; we should ask the owners of properties in the outer suburbs, who have no tenants and who cannot get any tenants, or those owners who are waiting to get their rent paid.

The Remm site was built when it should not have been, and we all know that. The confounded thing was built, and it took the tenants away from other parts of the Mall and the east end of Rundle Street. So, those property owners cannot rent their premises at a reasonable rate. Something has gone wrong with the Mall. We decided to give it a big boost with a huge project that is not viable, and it is never likely to be viable unless it is subsidised by Government and the council. However, those people in the other suburbs need some support and consideration. Small businesses are in trouble. Given that we cannot even help them, if the main occupiers of Remm, who operate places all over the country, ask for some benefit we should tell them to get lost.

Some small operators in the Remm site are on very concessional rents. Other small operators in the Rundle Mall and the east end of Rundle Street are suffering, but their suffering is no worse than that of those in the outer suburbs. If it is apparent that trade has dropped off in Rundle Mall, we should go out to the suburbs and ask—

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

Mr De LAINE (Price): Following my question today to the Minister of Emergency Services, I am pleased to say that I attended the graduation ceremony at Fort Largs on 18 March this year for the police aides who had just completed their training courses. The 14 Aboriginal people graduated in what was the second urban aide course. This brings up to 32 the number of Aboriginal police aides in South Australia, in what is an extremely valuable innovation to policing in this State.

The Police Force has employed Aboriginal people as police aides in South Australia for several years now, and the scheme has been widely acclaimed as being enormously successful. Initially, several police aides were employed on an experimental basis in traditional Aboriginal areas, and because of the success of this initiative the scheme was broadened and there are now 32 police aides throughout the State in traditional, country and urban locations.

The Aboriginal police aides scheme was established in the Pitjantjatjara lands of South Australia in 1986,

serving the communities of Amata, Ernabella, Indulkana and Fregon. Each community nominates persons whom they perceive as being suitable candidates for police aides, and the Police Aide Coordinator obtains background history on each nominee and interviews each person before making recommendations to the Commissioner of Police. The successful nominees undergo training which includes a two-week course at the Echunga training reserve.

Police aides are sworn in as special constables and their powers and jurisdiction are imposed and prescribed by the Commissioner of Police under section 32 of the Police Act. During the first 12 months of the scheme, each police aide is supported by a police officer who lives in the respective community and is responsible for the ongoing training of the aide. The Pitjantjatjara program was followed by aides being selected, trained and appointed to Yalata, Port Augusta and Elizabeth. Aboriginal police aides have been operating for some time in the Port Augusta and Elizabeth areas and on an experimental basis in Port Adelaide. All have been a resounding success.

Several factors have contributed to the success of the scheme. First, there is full community involvement in the selection process for Aboriginal aides and the aides have intimate knowledge of their community. They have the capacity to police within their prescribed powers and yet retain a respect and awareness of traditional law. This is vitally important because, in the past, many white police officers, having no knowledge of traditional law, were not able to use that knowledge in a commonsense and sensitive way to assist in their policing functions in a particular area. The aides also have the ability to work closely with and have full support of other members of the Police Force, and that is a very important component of the scheme.

Probably the most important factor for success is that it takes away the potential problem of white police officers being accused of racist behaviour when dealing with Aboriginal offenders. It also gives the Aboriginal community confidence that it is being dealt with fairly and on a level playing field. It is an indication to the Aboriginal community that the law that is enforced is not just white man's law, as has quite often been the case, but is the law for all South Australians.

Of the graduating group of 14 new aides, three will be located in Ceduna, a couple in Port Lincoln, two at Port Adelaide and the others at other locations around the State. Naturally, I am most interested in the two aides who will work at Port Adelaide and no doubt you, too, Sir are also interested, looking back at the problems that we have both had as local members in the Port Adelaide and Semaphore areas. The two aides for Port Adelaide are Laurie Agius, who is one of the oldest of the 14 aides graduating, and Cherie Morton, the baby of the group, who is aged a tender 18 years. I had a few words with them after the ceremony and I was most impressed by their attitude. I am very pleased with Police Aide Morton because it is to be hoped that, from her tender age, she will go on to become a fully fledged police officer and perhaps the State's first commissioned Aboriginal officer. I believe that they will make an ideal contribution to the work in Port Adelaide, and the Government is to be commended for making available the budgetary allocation for those additional 14 police aides.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) (RETURNS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 2614.)

Mr S.J. BAKER (Deputy Leader of the Opposition): In considering this legislation, it would be remiss of me if I did not reflect on the legislation that was introduced some years ago in order, at least, to give the appearance that Parliamentarians are above reproach in their dealings both in Parliament and elsewhere. At the time the legislation was brought in, I was aware that there was a need for Parliamentarians to fulfil certain responsibilities in terms of their interface with the wider community.

Mr Atkinson: Interface?

Mr S.J. BAKER: Interface.

Mr Atkinson: That's a verb, is it?

The SPEAKER: Order!

Mr S.J. BAKER: There is an expectation that members of Parliament shall operate in the best interests of the wider community, that they shall be free of corruption and that they shall do all things possible to act on behalf of the citizens without fear or favour. It was suggested that one of the most important initiatives to avoid the corruption that has occurred in other jurisdictions was for members of Parliament to present their credentials or financial interests in a public statement to the Parliament, which was examinable by other persons. Therefore, we had the Members of Parliament (Register of Interests) Bill. It is useful to reflect on whether it has made any difference, or whether it was needed in the first place. I know this matter has been debated at length in another place, and it is not my intention to go over that very complex debate, which took place over a period of some two months.

The Hon. D.J. Hopgood: You have it so you don't need it.

Mr S.J. BAKER: That is correct. I will take up an issue that was mentioned in another place, and that relates to the Bowen committee report on public duty and private interest. One of the most compelling conclusions drawn by that committee can be found in paragraph 6.55, which states:

> The committee has therefore found itself in substantial agreement with the position reached by the Salmon committee in the United Kingdom, which said: 'In our view, registers of interests can do little more than present a general picture of a person's background against which his attitude to the issues of the day can be assessed. They can also, we accept, have a part to play in isolating specific interests from an individual's participation in official business and in keeping people with improper interests out of public life, but too much should not be built on this. The main sanction against specific conflicts of interest must be disclosure at the relevant time, and a register cannot perform this function.

An individual who was determined to exploit public office for his own ends would probably be able to find ways round any registration requirements that were not of such complexity that they would be generally unacceptable and unenforceable. Apart from any consideration, registers can be expected to cover only major continuing interests; it would be impracticable to require the registration of each and every business transaction. It has concluded that there is insufficient justification at present to introduce a system of compulsory registration of Commonwealth officeholders' interests.'

That reflection is profound and is indicative of some of the views held in this Parliament. Whilst I am quite relaxed about the fact that there is a register of interests, I am not sure that it performs an overly useful purpose, but I will accept that there is a need for Parliamentarians, when newly elected, to make public their major areas of interest so that at least they are seen as being subject to some public scrutiny. That register does nothing more than map out a very general outline of a person's background and interests relating to their financial involvement.

When the legislation came before Parliament, the Government intended to pry into the lives of private members and require levels of disclosure that I do not believe Parliament could justify. As has been rightly pointed out by the Bowen committee, and as is stated in other legislation, the only real prevention of a conflict of interest occurs when that conflict pertains.

In that respect, we have legislation governing corporations, and parts of the Corporations Bill have been adopted within our own Parliament. We have a number of other areas of legislation where boards operate on behalf of the Government and the taxpayer, and with each of those we require that, when the business or financial interests of the directors on that board may conflict with an item on the agenda, they either pull back their chair from the table or leave the meeting. Now, the requirement is that the person leave the room. If that person fails to do so, there are a number of ramifications, as we would all appreciate.

In the case of SGIC, the State Bank and Beneficial Finance, it is hard to see that those conditions were actually complied with. However, it is important that there be a set of rules and that when they are broken the Government has the opportunity to replace the members concerned. In this case, we are talking about members of Parliament. Parliament is not often capable of being influenced in totality by individual members' interests. It is more pertinent to reflect on the extent to which Government can be influenced and to which Ministers of the Crown are corruptible, as we have seen in Queensland and certainly in Western Australia. That is the more pertinent point that needs to be made in relation to the legislation.

Given that Parliament is a collection of (in this case) 47 members of the House of Assembly and 22 members of the Legislative Council, it is difficult to assume that any person's particular interests from which they may gather some financial gain would somehow overrule the wisdom of 46 of their House of Assembly colleagues or 21 of their Legislative Council colleagues. So, what we have here is a piece of window dressing, but I am quite content that there should be that window dressing, but I would also suggest that it is inappropriate for Parliament to make the conditions of disclosure so difficult that it either takes an inordinate amount of time to fill out the return, and therefore be subject to some penalty should one item be missed, or that we are placed in a situation where we do not attract people who have a great contribution to make to this Parliament and this State, because they are required to give such information about themselves and their families as would somehow inhibit their offering themselves for public service.

The Bill before us makes a number of small changes to the existing Act. I note that it is part of initiatives in the field of anti-corruption and anti-fraud. I would like to say that the Government initiatives in this area are a long time coming and that, if it had acted with a little more initiative in relation to the State Bank, SGIC, Beneficial Finance and all the other companies that operated whilst the former Premier and the current Cabinet were looking after this State, we would be in a much stronger financial position. I am fascinated that this measure happens to be part and parcel of the initiatives to combat fraud and corruption. Indeed, the Attorney-General of this State has been advocating that position over the 10 years and more that the Labor Government has been in power. So, he bears a great deal of responsibility for some of the past practices of this Government and its lack of dedication to its responsibilities.

This changes in this Bill are not particularly meaningful, but they take the legislation forward one or two steps. They tidy up the definition of 'spouse' and they change the definition of 'financial benefit', so there is more disclosure in relation to trusts or other companies in which members may have an interest and, more importantly, a controlling interest. The Bill also covers some other minor matters and increases some of the levels under which members do not have to report. I suppose, for a person who has filled in a nil return for many years, I am not too amused by the fact that I will now have to complete a return, because my circumstances have not changed a great deal. My daughters are now over the age of 18, so I can cross a couple of items off the list, but my circumstances have not changed dramatically, and I know that other members of Parliament have looked at them and said that, really, they have nothing that needs to be scrutinised by the public. Those comments have been made by members on the other side of the House.

One of the question marks I have about those so-called 'initiatives' is whether they have been prompted by some other motives. We have seen on a number of occasions where information from the Register of Public Interests has been used for purposes other than those that this Parliament prescribed. I would hope that we will not see some of those antics that we have seen in the past and that we will not see Government misusing and abusing its position to reflect on the wealth or otherwise or the financial position of any member of this Parliament, particularly members of the Opposition, as has happened on one or two previous occasions.

Mr Atkinson: You seem to think we will still be in Government.

Mr S.J. BAKER: The member for Spence asks if we think the ALP will still be in Government. I am concerned that in the lead-up to the election the reason for this Bill is to increase the information available to his

side of politics to use and abuse out there in the electorate. From that point of view, if it should occur, it must be stamped on by this Parliament immediately. So, I am not assuming that, and in fact I can guarantee that if the member for Spence is here he will be on this side of the House, not the other side.

Mr Atkinson interjecting:

Mr S.J. BAKER: The member for Spence suggests that he will be there.

The SPEAKER: Order! I would suggest that the danger of not being here is much more short term: if he continues to interject, he may find himself not here this afternoon. The Deputy Leader.

Mr S.J. BAKER: Thank you, Sir. There were some interesting observations about the extent to which a person can reveal the financial affairs of his or her spouse. We have seen occasions where a member of this Parliament could not provide details as to the financial affairs of his or her spouse and, in fact, there is probably more than one person in that very situation. That position was argued extensively, and I think that the final determination on that matter is that commonsense must prevail: that you cannot get your spouse under the thumbscrews to make clear all details about his or her interests. So, whilst the Act requires members of Parliament to provide those details involving their spouses and their children under 18 years of age, in certain circumstances that is quite impracticable and, from my reading of the debate, I would suggest that that impracticality has been recognised, even though the Act requires that this information be placed on the record.

I am more content with the Bill as it reaches this House than I was when I first saw it as it entered another place, because I believe that the reporting requirements were unnecessary, burdensome and pried into people's affairs far more than this Parliament required. Importantly, nothing that I have seen in this Parliament over the past 10 years would suggest that the legislation or the amendments to it are vitally essential to the proper running of this Parliament. However, it is important from a general viewpoint that parliamentarians be seen to be free of corruption and willing to place their financial details on the record. The Opposition is not wildly excited about the Bill but is content that it does not change the balance too much and that it is workable in the sense that an honourable member can easily fill in the return, and that the details required under this legislation will not be overly onerous.

Mr FERGUSON (Henley Beach): I support the legislation, and do so as one person who has been the butt of many speeches from Government members in relation to the pecuniary interests that I have disclosed. Since I am of canny Scottish descent, my investments and the investments of my family, which arose out of my superannuation and long service leave payments I received from my union, were spread far and wide in very small amounts in order to maintain a spread and to make sure that I had some form of security. Indeed, the events of 1987 bore witness to the fact that my investment advisers were very wise in suggesting that I take that course of action.

Because I did so, what was in the register appeared to be a rather elongated list of investments, for which I have received in this House many comments from members opposite and, indeed, I think I have received more attention in this direction than anyone else, with one exception. So, it was with some interest that I followed the progress of this legislation into this establishment.

We see that members must disclose the full returns they receive from various elements of various family trusts which, at the moment, are listed only as family trusts. There are some extremely rich people in this establishment, who have been able to make their pecuniary interests lists seem extremely small when we know that, in fact, they should be extremely large. This legislation will probably take care of that situation. One knows that when a piece of legislation has been devised there are some very clever people who take some very strong advice and are able to utilise that advice to bypass legislation, and we see this happen constantly with the taxation measures this House brings forward from time to time.

I have no doubt that in a few years we will see further amendments to this Bill to try to catch those people who have managed in some way or another to bypass the net. I supported strongly the introduction of this legislation when it was originally introduced into this Parliament, because I believe that every member who has an interest in a subject that comes before this House should disclose that interest so that the general public in his or her electorate will be able to judge in due course why a member took an interest in a piece of legislation, and they will eventually be judged by those who have an opportunity of judging them.

So, I take a different line from that of the Deputy Leader. He said that he could not see any justification for this legislation because, since its introduction, nothing has arisen in relation to it. The justification, as I see it, is not necessarily within this place but within the electorate. In various meetings, when this matter has been discussed, I have noted that we have now so widened the definition of 'income source' and 'financial benefit' that some members may have difficulty actually providing the information that the Parliament requires.

I point to financial advisers who advise members of Parliament—and, indeed, the general public—about investments in equities, where the equities themselves are divided into, say, parcels of shares, fixed interests or loans, be they mortgage loans or other areas that make up the sum of the whole total so far as those equity investments are concerned. I see some difficulty in members having to disclose to the Parliament their total investment portfolio when that portfolio is divided into particular companies that are known as equities companies, be they fixed interest equities or investment equities, and they themselves are divided into many other subdivisions.

Indeed, some members so arrange their affairs that they put into the hands of the managers of equity trusts the ability to change their investments continually, in order to keep up with whatever is the fashion at the time. For example, at the moment we have had a fairly spectacular increase in gold prices, and it may well be to the advantage of some people to have their investment in certain shares sold and the investment go into gold bullion or gold shares, whatever the case might be. In

fact, at the moment, going into gold bullion is just as much an advantage as going into gold shares, and a member, having given his or her *imprimatur* to his or her financial manager to be able to move the money in or out of whatever positions they have taken, will present some difficulties to this Parliament and to the member concerned in disclosing exactly what the situation is at any one time.

I do not know whether the legislation is meant to go that far. From my reading of it, we have broadened the definitions so that members may find themselves in a position where they have not disclosed certain investments that they have made because of these changing circumstances. The legislation's interpretation will be vital in respect of members of Parliament. Some members wisely leave their investments in the hands of money managers who can, at will, swap to whatever they think is the best investment at any time. Indeed, a member who has given his or her *imprimatur* for that to happen would not find out about it until they looked at their accounts at the end of the quarter, or half year, as the case may be.

However, at any one time they may find themselves in a situation where they do not know exactly where their investments are and they have put their faith in the hands of an investment adviser who is doing the best for them at a particular time. If and when that situation arises and if a point is made in this House about a member who has not properly disclosed his or her investments or that of their spouse, the interpretation of the Act at that time will be a vital matter. I understand, but I am not sure, that the interpretation is in your hands, Sir, but whoever interprets the Act at that time will have to do so with great care.

Nonetheless, I support the proposition. It means that those members who have intentionally or unintentionally hidden away their investments in family and other trusts will now have to disclose them. I regret that the children of members are to be included in this exercise. Many members make provision for their children in family trusts and, although it is quite right that the wealth of members of Parliament should be revealed and be a matter for the public record, and it is certainly something that one takes into consideration when they enter this place, it is not right that the wealth of members' children should be exposed.

The children might be at university, in the Public Service or climbing the business ladder or be a member of a social club, but the amount of money that they have themselves is their business and no-one else's. They should not be held up to ridicule by some person who is prepared to look through the parliamentary register and the family trusts, adding two and two together, so that the children of a parent who is in this House would undoubtedly be connected to the trust and their assets would be revealed to the general public. I believe that that should be a matter of total privacy. I do not know how to overcome that situation. That problem was never envisaged, I do not think, by the people who framed this legislation. However, for all its faults—and I believe that the legislation has some faults—I support it and hope it has a reasonable passage through the House.

The Hon. JENNIFER CASHMORE (Coles): I wish to address the Bill on a matter of broad principle, rather than specific detail. In speaking to it, I recall in general terms my attitude to the principal Act, when it was first introduced. That was encompassed in my statement then, as I recall, that no law is needed if a person is honest and, if a person is dishonest, no law can contain that person. Of course, that is the basis of law; there is a moral basis to it, but we establish the law in order to establish that yardstick that society expects in the conduct of its members.

The speeches of both the Deputy Leader and the member for Henley Beach were very measured and analytical in terms of their assessment of the impact of this Bill on individual members. I have always fully supported the principle of disclosure by members. I regret that the original provision for that disclosure under Standing Orders has been seen to be insufficient. It should be sufficient and, if every one in the House had a proper understanding of the notions of integrity and trusted their colleagues to uphold those notions, the Standing Orders would be sufficient and this legislation would be redundant.

However, the public obviously demanded more than the Standing Orders provided, which is what led to the enactment of the principal Act in 1983. It is interesting, in looking at that Act and hearing the member for Henley Beach's comments about being the butt of much comment in the House from both sides about the extent of his interests, to note that section 6 provides:

> A person shall not publish whether in Parliament or outside Parliament—
>
> (a) any information derived from the register... unless that information constitutes a fair and accurate summary of the information contained in the register and is published in the public interest;

Simple ribbing and teasing, I suppose one might say, does not really constitute that. Therefore, no member should have to put up with what the member for Henley Beach claims he has had to endure. I suspect it has been largely by way of jocular interjection rather than any formal statements.

The object of disclosure is simply to make members of Parliament aware of the need to avoid conflicts of interest. That is what all this boils down to. In looking at the provision of the Bill which extends the requirements for disclosure, I am reminded of a statement by one of the ancient Romans—I cannot remember whether it was Cicero or Tacitus, but I think Tacitus—when laws are most multiplied, then is the State most corrupt. I can only hope that that is not axiomatic in the case of South Australia and the case of this Parliament as we debate this Bill.

Like the member for Henley Beach, I am concerned about the provision in respect of the definition of 'family'. It brings in the member's family, not only children but, as I understand it, brothers and sisters and a family company of the member, which is very likely to include brothers and sisters and possibly cousins, aunts and uncles, and the trustee of the family trust of the member. When one considers that liabilities are as important as assets, one realises that what comes into the network of this Bill is a vast potential for disclosure of the interests of people who are not in this Parliament and

who could not possibly exert any influence on this Parliament. That seems to me to be unjust.

The difficulties of complying with the new provisions were effectively addressed by the member for Henley Beach. I think that all members will have had the experience that I have had, that is, a sense of extreme urgency when completing the register that we are doing so accurately and cannot possibly be subject to any criticism that we have failed to include something that is important. There is a real sense of dread on the part of any member—certainly on my own part—that they might have overlooked something, that they might be subject to public criticism and that, as a result of that oversight, their integrity might be impugned.

I give a simple example. It is fortunate that my husband reminded me that the publication of his biography on Sir Thomas Playford the year before last constituted a source of income. Mind you, it was very little. I am happy to say that most of the copies were sold and there was some income from it. But I simply regarded that as a grand project. I knew, because it was self-published, that it had cost a great deal and I had not caught up with the timing of the income and the declaration of my pecuniary interests. I did declare it but, if I had failed to do so, it would have been inadvertent and I would hate to have been subjected to public criticism because of my inadvertence.

So, I suppose what I am saying is that I worry, as the member for Henley Beach has expressed concern, that an inadvertent failure to include a pecuniary interest could render a member vulnerable to a malicious vendetta by anyone, either inside or outside the Parliament, that that member is in some way deficient in terms of his or her integrity. That worries me. I do not think any of us could foresee the possible outcome of that. Nevertheless, in the interests of confirming my support for the principle of disclosure and in order to make members of Parliament aware of the need at all times to avoid conflicts of interest, I support the Bill.

Mr INGERSON (Bragg): The thing that I am most concerned about is the need for reasonableness and to recognise that rapid changes can occur in the investment world that an individual member would know nothing about. I can cite several personal examples in relation to my role as a trustee of my staff superannuation fund. We employ a registered investor on our behalf. As the member for Henley Beach rightly pointed out, whilst in the end the control of those individual investments is the responsibility of the trustee, the actual day-to-day control is outside the control of the trustee. The need to recognise those sorts of issues—those which are at more than arm's length from the member—is a major concern. Consequently, there is the question of reasonableness in interpreting any of these changes.

The issue of directorship in family companies is also important and significant. I bring that up because, as a pharmacist—and I declare my interests clearly in this matter—I have been enabled by law to set up formal companies to trade. Prior to 1990, we were not in that position. So, the ownership of the company was placed directly in the hands of the pharmacist. That being the case, one accepts absolute responsibility. Now that we are by law, as a result of an Act passed by this Parliament, able to do that, directorship responsibility is shared. Because it is a directorship responsibility and because management decisions are made on an hourly basis—not on a daily basis—as a director I would have no idea what actually transpired.

As an example, we deal on occasions with the public hospital system in supplying emergency medicine. I am not aware when we do that and my staff do not advise me as to when that takes place, but I can assure the House that it is an emergency situation. However, I have a concern—and I know that the Constitution Act provides clearly that a member of Parliament should not be dealing with the Government—that I could be placed in a position, because of an emergency transaction over which I have no control, where I would be hooked into this change. So, that is an obvious concern, about which I can do absolutely nothing. If I were a practising pharmacist and a member of Parliament at the same time, clearly I could do something about that and say, 'No, that will not occur.' However, there are occasions when one is at arm's length—particularly in a corporation and only as a director—where one has no control whatsoever.

I think it is a pity that we are now addressing the involvement of our children in collective responsibility and declaration. Again, I am happy to give a personal example. Some 12 months ago, my son set up a building company and asked me whether I would be a director, in a simple formal sense, in that he wanted, and by law was required, to have two directors of his company. He wanted someone whom he could trust in setting up his company. There was no investment involvement from me and virtually no responsibility in actual fact. The reality is that it is in his name and that company is now hooked into this disclosure. It was done in an attempt to help a young person, a direct family member, to get off the ground and actually get started in the business world. Yet, his company name will now have to be linked with this disclosure, or—and I think this is the silliest part of all—I will have to make a decision that I will no longer be involved in that company and we will have to get a second outside director.

I do not believe we really intended to create that sort of scenario when we first started asking members of Parliament to disclose their income, investments and so on. It is an important issue that we have to look at. If we are to ask people who have a business background as well as those with an academic, union or any other background to come into this House, we have to ensure that we do not hook in the whole family relationship, which really has no connection whatsoever to our responsibility as a member of Parliament.

When one looks at the Companies Act and understands the responsibilities of a director, one sees that any person who wants to find out the ownership of my son's or my daughter's company will have an easy facility to do that without their having to be dragged into a situation of disclosure because their father happens to be a member of Parliament. I also point out that a trust is a legal identity, which can be easily investigated by someone looking at the public record in the companies section. There is no question in my mind that this is a deliberate attempt to try to expose some members of Parliament. However, I think it is a foolish attempt, because under

the law of this land every person is required to disclose the structure of their trusts. By simply listing the companies concerned, those matters can be investigated under the existing recording system. So, I find it amazing—it is nothing other than a proposed witch-hunt—that there should be specific mention of this area.

Finally, I make the point that there is a significant and unfair compliance cost to some members of Parliament. Whoever drafted this Bill had no idea of the real cost to some members of Parliament in meeting these obligations. People in the real world will understand that a report to the Parliament on the structure of a company will cost a minimum of $250 to $300. In some instances, that cost could run into $2 000 per member. I think that is a joke. In my view, it was never intended that a member of Parliament should be required to go to that extent in terms of personal cost. Hopefully, the Minister will comment on that issue, because some members legitimately by law in a trading sense—not in a deliberate set-up to avoid taxes in fancy exercises—require two or three companies to operate a venture. There is nothing illegal or below the line in those instances, but now they will be required to have audited figures and accounts to make sure that, when they put in their return, they comply with this legislation.

Whilst the cost will not be apparent to the Parliament, it will be a cost on the individual and that is unfair, because the purpose of the original Act was not to enable this Parliament to be made aware of all situations in which individual members are involved. I conclude by saying that, because I think this Act will be passed by the Parliament, the need for reasonableness in terms of interpretation will be the most important issue.

Mr GUNN (Eyre): I share the concerns which the member for Bragg, the member for Coles and you, Sir, have expressed in relation to this proposal. I, like the member for Bragg, wonder whether the people responsible for drawing up this legislation have any idea of what it is like to be involved in a number of business operations and whether they are aware that circumstances change from day to day. I do not know from day to day in my own family arrangements the sorts of business deals that my sons make, quite properly and necessarily, to run a farming business, as difficult as that is today.

This legislation originated with a view to ensuring that members of Parliament were honest and in no way compromised or took advantage of their position as a member of Parliament. I well recall what Sir Charles Court had to say about this matter. He said, 'You have to be very careful, or the only people you will have in Parliament will be the failures.' Legislation of this nature did not stop the Brian Burkes of this world or the David Parkers or other people who were involved in WA Inc from being dishonest and acting in an improper way. In my judgment, this legislation is designed to make it particularly difficult for people involved in the commercial world. I think it is a gross invasion of privacy to include the children of members. They are not members of this place and they cannot answer for themselves. If they are involved in a family structure, why should their name appear on a Government publication? Under clause 4 of the Bill, new paragraph (fa) provides:

> where the member or a person related to the member is owed money by a natural person (not being related to the member or a member of the member's family by blood or marriage) in an amount of or exceeding $10 000—the name and address of that person.

New subsection (4) provides:

> Nothing in this section requires a member to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee...

New subsection (3a) provides:

> A member is required by this section only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.

I would like the Minister to explain to the House the words 'reasonable diligence', because I am involved, as are other members, in organisations that involve members of the family. I have no idea whatsoever of their other business activities. Does the Minister expect me to ask them about their business affairs? This House has a right to know, and I would like those people who drafted this legislation to tell the Minister so that he can tell the members of this House whether we are expected to question members of our family who are never likely to be members of this place and who do not particularly want to have anything to do with it.

Mr Hamilton: Does that include brothers and sisters?

Mr GUNN: Yes.

Mr Hamilton: You must be joking.

Mr GUNN: That is right. That is how foolish and naive this Parliament is. I, for one, would not ask such questions of a member of my family, and I do not intend to. This has happened because this Government has placed itself in such a poor standing in the community that it is trying to portray to the public that it is holier than thou.

Mr Hamilton interjecting:

Mr GUNN: Yes, it is.

Mr Hamilton interjecting:

Mr GUNN: Yes, it does. I refer the honourable member to page 4 of this Bill.

An honourable member interjecting:

Mr GUNN: I have read it to the House already; I know what it says. I do not have a problem with disclosing reasonable information because, as the member for Bragg rightly pointed out, it is easy to find out what property people own by going to the Lands Titles Division or to the companies office. However, in my judgment, it is unfair to collate information relating to the family of a member so that it is easily accessible. To access that information, people must go to some trouble, and normally there is a cost involved.

I do not have a personal problem regarding the disclosure of a reasonable amount of information. As a member of Parliament, I have tried to ensure in my business dealings that I comply with all the laws. I believe that this legislation will create a bonanza for accountants, because it will make a great deal more work for them. In view of what has been said across the House, I have in front of me—

An honourable member interjecting:

Mr GUNN: I do not need assistance from the member for Napier, who is out of his seat, regarding the provisions on page 4 of the Bill because, in my view, they are very broad and all encompassing. I would like the benefit of having some of my friends in the legal profession examine them to ascertain their interpretation. On other occasions when I have sought that, some of the information that I have received has been quite illuminating. It would be interesting to see the interpretations of some of the people in the commercial world. I have grave doubts about the wisdom of some of these provisions because they could be used in a witch-hunt involving members of Parliament. One of the things we must do is ensure that people who have been successful in all walks of life are not deterred from offering themselves for service in this place—

Mr MEIER (Goyder): Just as 10 years ago I opposed the original Members of Parliament (Register of Interests) Bill, so today I have great difficulty with the Bill now before us. I recognise that the legislation has been in operation now for that period of time, but I hold a view similar to that which is expressed in *Hansard* of 1 May 1983, namely, why should the Government or the Parliament require members to disclose pecuniary interests only? What is so special about the economic interests? Why not disclose one's social, political and religious interests as well? It would appear that the Labor Government has a fixation on anyone who has sought to better their life and who has increased or who may be increasing their economic wealth. I was very interested to hear the member for Henley Beach's contribution, in which he indicated that he had been the butt of some comments from members of the Government side as a result of his investments earlier in life. It is totally outrageous that fellow colleagues should make a joke of one's prudence in relation to that honourable member's investments—totally unnecessary. Yet it is currently there on the record for all to see.

Of course, this Bill seeks to widen the network. Again, as the member for Henley Beach noted, the Parliament will be widening the definition of 'income, source and financial benefit' and there may be some difficulty disclosing everything, in knowing what to disclose, and he went on to give examples. Yet this Parliament is proceeding down that track and, knowing the numbers in this House, it is highly likely that it will pass. We have now extended the legislation to involve family trusts.

I was concerned to hear the member for Henley Beach say that this legislation will catch someone who bypasses the net; that is the aim. I would hope that that is not the aim: I would have thought the aim was to legislate to make people honest. But the member for Coles clearly put the kybosh on that argument by saying that one would expect members to be honest, and legislation will not make them honest. Yet this legislation is seeking to do just that.

What about the section mentioned by the member for Eyre—and it is, very important for every member to consider this—referring to 'where the member or a person related to the member is owed money by a natural person (not being related to the member or a member of the honourable member's family by blood or marriage) in an amount of or exceeding $10 000—the name and address of that person;'? I am just trying to think who is related to me. I assume that my mother and father, wife, children, sister and her children would come into that category—perhaps even uncles and aunts. It looks as though we might have a lawyer's field day here, too, in determining just who is related, particularly if a member's uncle or aunt should be of a similar age and live in the same household.

The Parliament is absolutely mad going down this track, and I would like to know why it is doing so. I think I know part of the answer, and it comes back to my earlier comment that it seems that the Labor Government has a fixation on questioning anyone who has made an economic success of their life. I personally have no problems with the legislation as it relates to me. I will continue to endeavour to put down any investments I may have. My only regret is that I did not make wiser investments in earlier years.

However, it concerns me that my economic investments should be singled out. Why should other people's social, religious or political interests not be likewise disclosed if I happen to take a dislike to some organisation, group or relationship that a person has? If they want to use something against me because of my economic activities, why should I not have the right to use something against them? Of course, I do not know that I would want that right anyway, because that gets down to the gutter politics to which I would hope this House would not stoop. Occasionally it happens, and I would think that members on both sides of the House would want to see things cleared as soon as possible if it did.

So, just as I did 10 years ago, I oppose the original Bill. I have difficulty in seeing the legislation now extended. I do not think it will assist the cause of democracy. What it might do is deter persons who have made a success of their life economically from ever wanting to enter Parliament, yet are they not the type of people we should encourage to enter Parliament? If they have made a success of their life perhaps, through this institution, they can extend that success to other people and to the State generally.

The Hon. T.H. HEMMINGS (Napier): I will be fairly brief in my support for this legislation. In some ways members opposite do protest too much. It is rather strange that in modern times, when there is a continual cry from the media that members of Parliament and all those other people who hold public office should be accountable and squeaky clean—this is a line that is often echoed by members opposite—the minute we try to ensure by legislation that that takes place members opposite are among the first to complain. The member for Goyder used an argument that had been put forward by the member for Coles, who said that you cannot legislate to make people honest. In agreeing with that statement, the member for Goyder said that this legislation does exactly that. So what? What is wrong with that? What is wrong with the fact that, instead of having to rely on a person's integrity and honesty, we make sure.

I have never had any problems with the pecuniary interests register. Before I came into this place I worked

for about seven years at what used to be called the Weapons Research Establishment. In that place, employees had to let everyone know. I had to tell them who my great-grandfather and my great-grandmother were. I had to say that one relation had done time in a British prison because he had the foolishness, as far as the authorities were concerned, to be a communist. I had to lay it all on the line; I had to bring it out into the open. I had no problems with that. Perhaps the member for Goyder should be a little more realistic.

Although I do not say this, on reading the contributions made by the member for Goyder, the member for Coles, the member for Bragg and the member for Mitcham, our gentle readers of *Hansard* might think, 'Where there's smoke, there's fire. They've got something to hide.' I have nothing to hide and I know that the member for Henley Beach has nothing to hide, because we have nothing. I am going to bring you into it, Sir, because I know that you have nothing to hide. You have a little bit more than I have but, then again, you deserve it, Sir; you have worked hard for it.

The member for Goyder spoke about widening the net, and wondered whether it included his mother or father, my mother or father, your mother or father, Sir, or your aunt or uncle. Where will it end? The legislation tells us that all complaints are referred to you.

The SPEAKER: Order! I advise the member for Napier to be very careful in his references to the Chair.

The Hon. T.H. HEMMINGS: Yes, Sir. I am talking about the very important role that you play, Sir, with the referrals that go to you for arbitration. As a member of this House, I know that I can rely on you. Your judgment is superb. In most cases, even dealing with the day-to-day affairs of this House, where you try to control the rabble over there during Question Time, I am struck by the similarity between you and Solomon.

The SPEAKER: Order! I suggest to the member for Napier that he keep his remarks relevant to the Bill before the House. The wisdom of the Chair is not covered under any clause of this Bill.

The Hon. T.H. HEMMINGS: I was trying to say that if you, Sir, show such good judgment in everyday affairs you would make sure that, with respect to any matters referred to you under this legislation, the best brains that are available, apart from your own, would be brought to bear in making a judgment. I can sleep easily knowing that, if there is any time I feel I must have some avenue open to me, I can go to you.

Mr Ingerson interjecting:

The Hon. T.H. HEMMINGS: The member for Bragg, who is one of the wealthiest members of this Parliament, has obviously made every avenue open to him through his accountants, those shonky people, Sir, who let the Liberals know where they can put their money.

Mr INGERSON: I rise on a point of order. I object to the inference that any accounting firm with which I have been involved is shonky.

The SPEAKER: The member for Napier is reflecting on the standing of the House by commenting on a group of professional people in this State, without evidence or without any substantiation, so I ask him to be careful and withdraw.

The Hon. T.H. HEMMINGS: I will gladly withdraw, but, Sir, if you go out into your electorate, as I go out into mine, and talk to ordinary Joe Blow, who has no avenue open to him to conserve money other than what he gets through his daily toil and what he pays out under the pay-as-you-earn tax system, who does not have access to trust funds or who cannot employ his wife or his children to minimise taxation payments, and ask him what he thinks of people who operate under trust funds and who have accountants who advise them about those trusts, the answer would be exactly the same as the comment that I have had to withdraw, that most of those accountants are shonky. I am just reflecting the feelings put to me.

Mr INGERSON: I rise on another point of order. The member for Napier is reflecting on accountants and people in business generally.

The SPEAKER: Order! The honourable member will resume his seat. The member for Napier has rephrased the term, although I feel that we should look at the dignity of the House and uphold its principles. However, the honourable member used a different application of the same statement, but it did not imply the same. He said that it was a reaction from the public, which is an opinion not subject to a decision of the Chair.

The Hon. T.H. HEMMINGS: Thank you, Sir. You picked up what I was trying to say, and I appreciate that. There is nothing wrong with this legislation. It is to protect the community from those in public office who could be seen to be other than what they profess to be. I will finish as I started: the people who oppose this can be seen as people who protesteth too much.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank all members who have contributed to this debate and for the various viewpoints and concerns they have expressed on their own behalf or that of their families or the community they represent. It is very important that Parliament have appropriate and up-to-date legislation so that the office of a member of Parliament can be protected in this way. It is quite a long time since the Members of Parliament (Register of Interests) Act was passed by this place. It was controversial at the time and I daresay it is still controversial in the eyes of some members who simply want to resist disclosure for one reason or another, believing that this legislation does not assist the community. That may well be their sincerely held view but there is overwhelming support in the community for the legislation and for the measures that we have before us. Indeed, many would say that these measures do not go far enough.

In this country and in a number of other countries, unfortunately we have seen repeated offences by members of Parliament with respect to conflict of interest and other illegalities that have brought down the reputation of all members of Parliament. Fortunately, that situation has not occurred in this State although there have been allegations of it and, as a result of subsequent inquiries, those members have invariably been cleared of those allegations. That is not the case as we know it in a number of other States: some years ago in Victoria and more currently in Western Australia, New South Wales and Queensland. In countries such as Italy, hundreds and

hundreds of members of Parliament have been charged with serious offences, and that has gone right up to the level of Prime Minister. Indeed, successive Prime Ministers and very senior members in that country and Japan have been charged with very serious offences relating to conflict of interest.

So, it is important that we have legislation. I accept that if a member wants to break this law there are ways in which that can be achieved, but, in holding this office, we accept responsibilities that are in excess of those that are accepted by ordinary members of the community. The public disclosure of our assets and, even more hurtful, our liabilities, is something that clearly would deter some people from standing for public office and even offering themselves for public office. They have told me that they just simply would not be prepared to accept what they consider to be intrusion on that very private knowledge of themselves and members of their families, and so they are not prepared to accept public office. I guess that is their decision, but I would hope that many people would not take that point of view and would be prepared to accept the stringencies of this element of public office and indeed the many other intrusions into one's life one accepts on becoming a member of a State Parliament, whether it is simply day-to-day life or on a statutory basis, as we have here.

There has been some misinformation, and I will comment on that in a minute and clarify (I hope) for the benefit of members a number of issues that have been raised. With respect to the definition in the Bill of a person related to the member, that was explained in the second reading explanation, but it was of concern to the Government that the definition is significantly narrower than the definition that was introduced by the Government in another place. The Government considered the definitions and also considered introducing an amendment in this place to widen the ambit of 'family company' and 'family trust' so that those terms include adult relations of the member within the concept of a member's family members for the purpose of deciding whether or not a company or trust is a family company or trust, as the case may be.

The Government considered that and decided not to introduce such a further amendment in this place. However, that is one matter that needs to be kept under scrutiny. The Government foreshadowed in another place that it proposed to introduce an amendment to ensure that, if a member receives a series of gifts from one source and the total amount of the gifts is more than $750, there will be an obligation to disclose the source of such multiple gifts; in other words, the amounts of gifts will be aggregated. I have circulated that amendment to members, as indicated in the second reading explanation.

I will go through some of the issues that have been raised, and this might assist in the Committee stage of the Bill. The Deputy Leader of the Opposition referred to the Bowen committee report. That report is now some 14 years old, and the merit of registers has been widely recognised since the time of that report- I certainly take the honourable member's point about the register being an amendment of the Standing Orders of this place, and this may well be something that could be considered to strengthen the obligation on members to disclose interests which have a bearing on the matters that are debated in this place from time to time. The spouse issue is now dealt with specifically in the Bill; it stipulates that members need disclose only matters which the member can ascertain by the exercise of reasonable diligence, and the member for Coles referred to that matter as well.

Where a member engages an investment adviser (the issue raised by the member for Henley Beach), in my view, this is also covered by the clause which provides that the member need disclose only information which he or she can ascertain by reasonable diligence. The aim of the legislation is to disclose interests which a reasonable bystander would think might affect the member's position. I think there is a test known at law that can be applied by members to give them guidance in those situations.

With respect to the issues relating to children, the disclosure of children's interests is affected only when the children are under the age of 18 and normally reside with the member— The disclosure of dependant children's interests should not be ascertainable by reference to the register, as there is nothing requiring any differentiation between disclosures of the members' own personal interests and those of any person related to the member, nor is there any obligation to disclose amounts of money involved.

Another matter raised by the member for Coles is that brothers and sisters of the member are not included. Persons related to the member must be read together with the definition of 'family', which clearly stipulates that only a member's spouse or dependent children are subject to disclosure requirements. I think that matter has been somewhat misunderstood by members in the debate, and I hope that clarifies that for them and allays their concerns. With respect to directorships and a son asking the father to be a director, that situation is caught only if the son is under the age of 18 and living at home at that time or if the member has 50 per cent of voting shares. Merely being a director does not mean that the member needs to make disclosures, if the son is covered by the definition 'by a person related to the member' by being under 18 and living at home. So, I hope that that clarifies the issue for members.

With regard to the cost issue, with respect, I would not have thought that the additional cost of accountancy advice is significant in comparison with the overall cost of preparing a company's or trust's income tax returns. They are required anyway, and presumably all those costs are tax deductable. Only the interest needs to be disclosed, not who holds the interest, so that further narrows that accountability requirement. Clauses 4(7) and 4(8) provide that nothing shall be taken to require disclosure of the actual amount or extent of any financial benefit if contribution or interest.

With respect to the limit of the range of disclosures, the Bill is not restricted to pecuniary interests. Clause 4(3)(b) requires the disclosure of political bodies to which the member belongs, and clause 4(3)(g) covers other substantial non-pecuniary interests. However, the Government is sensitive to the need to achieve a balance between privacy and the need to reveal potential conflicts of interest, and has not proposed the disclosure of social relationships.

Finally, the provisions contained in the Bill show the commitment of this Parliament to the high levels of

integrity which the citizens of South Australia are entitled to expect and which they have a right to demand from those who represent them in this place. I think that, in debating an issue of this type and bringing forward our concerns, we also need to see the importance that the general public places on the office that we hold, and the Parliament as well. Members of Parliament must be accountable to the public; that accountability involves showing that members are seen to be free from motivations of self-interest. An effective register of interest forms an integral part of the system that accountability provides in our State for members of Parliament. So, it is appropriate that we review this legislation from time to time. This has come about as a result of a review conducted by the former Solicitor-General, Mr Malcolm Gray, Q.C., and from the officers at the table of this place and another place, and as a result of concerns that have been expressed over the years by successive members of Parliament. I commend this measure to members.

Bill read a second time.

In Committee.

The CHAIRMAN: Before we commence, there are some clerical alterations to which I must refer. In line 20, (b) should be (c), and in line 22, (c) should be (b). Members can transfer those subclauses so that the definition of 'family' comes before that of 'financial benefit'.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

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

Page 3, after line 3—Insert subclause as follows:

(4) For the purposes of this Act in relation to a return by a member—

(a) two or more separate contributions made by the same person for or towards the cost of travel undertaken by the member or a member of the member's family during the return period are to be treated as one contribution for or towards the cost of travel undertaken by the member;

(b) two or more separate gifts received by the member or a person related to the member from the same person during the return period are to be treated as one gift received by the member;

(c) two or more separate transactions to which the member or a person related to the member is a party with the same person during the return period under which the member or a person related to the member has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as one transaction under which the member has had the use of property of the other person during the return period.

This amendment was foreshadowed during the second reading debate. It ensures that, where a number of gifts or benefits are received from one source during a return period and the total of the gifts amounts to more than $750, the source of those gifts or benefits must be disclosed.

Mr S.J. BAKER: On the face of it, it is a very sound amendment, because it stops members receiving gifts in smaller lumps to keep within the $750 limit. In practical terms I have some concerns about the amendment, although I have just seen it and it probably requires further examination. The reason why I question the ability of the amendment is that if we are dealing with travel, for example, a number of members may fly frequently because of their responsibilities and are quite often upgraded from economy to business class. It is a very simple procedure, but it would mean in this circumstance that they have to list Ansett or Qantas as beneficiaries. I am not sure that is what is meant by the legislation.

Alternatively, if a member is going overseas on a study tour and that person is in economy class and is upgraded to business class, again I am not sure whether that is captured by the amendment, but that would be one contribution of more than $500. In relation to separate gifts there are a number of occasions on which small favours that have no political connotations are given. For example, a member may be invited to use the shack of a relative on a number of occasions, and collectively those occasions may mean that the gift involved, if computed according to the ruling rental rates applying to holiday homes, exceeds the $750 that is allowable.

There are a number of other circumstances in which friends or relatives can be pulled into the provisions here unknowingly, I presume, although the Minister may wish to tell me differently, where it may not be in our best interests to have this legislation. So, there are some circumstances that need to be thought through. In principle, what we are trying to do is ensure that members carry out their duties and are not subject to any form of graft or corruption through the receipt of gifts to which they are not entitled. Whilst the principle seems to be fine, my first brief look at the amendment suggests that there might be some impracticalities about it.

The Hon. G.J. CRAFTER: Obviously, we need to take further advice on some of these matters, but I think that members need to use their judgment, as well. I would have thought that receiving a boon or benefit of very substantial value from an airline company would be a matter that should be declared. There can be a very substantial difference, for example, between travelling economy class and business or first class of many thousands of dollars on an international trip. Where a member may be directly dealing with policy relating to airports or some other element of the tourism industry, and so on, various allegations could be made.

There may be similar arguments about the benefits that frequent travellers obtain. I am not sure whether members of Parliament are in fact entitled to obtain those benefits, anyway. Nevertheless, they are areas that need some clarification. It may be a little greyer in the area of use of the holiday house of a member of one's family. Nevertheless, if a boon or benefit can be identified and a value given to it, a member may be wise to disclose that, where it exceeds the minimum monetary levels described in the legislation. So, some of those matters may require some clarification; others are clearer and simply require disclosure.

Mr S.G. EVANS: Recently BP conducted a promotional campaign during which it said that, up to the end of March if an individual had bought four lots of $20 or more of fuel plus a container of oil (although I am not sure of the size of the container), he or she would be entitled to two free air tickets to different parts of the world, including Hawaii, the farthest away, or Cairns or Hayman Island, as long as the person stayed in the hotel that the promotion recommended for the

number of nights stipulated. What is the position there? It is available to all other members of the public who choose to participate—

The Hon. G.J. CRAFTER: If all members of the community are entitled to participate in some form of contest or some way in which a promotion is conducted, that is a different situation from that of an individual member of Parliament being chosen by a corporation for some benefit or grace. In order to give a member an opportunity to travel to look at some installation or program or to learn more about some aspect of commercial activities, if that is the area of interest, and then to use that to the member's general benefit in his work as a member of Parliament, clearly there needs to be a disclosure there.

If an honourable member is engaged in a contest or some sort of other activity along with all other members of the community, I would have thought a different situation applies. The question arises as to what the honourable member may do, what the additional title of 'member of Parliament' carries with respect to the relationship with that particular company, whether it be an oil company or any other. The honourable member might do some work whilst overseas that relates to parliamentary duties and so on, and that might bring it within the ambit of this legislation. The honourable member will need to take advice on that. There needs to be a differentiation between what is an activity as a member of Parliament as opposed to an activity that is conducted by all members of the community or all those who choose to participate in some particular event.

Amendment carried.

Mr INGERSON: I wish to take up with the Minister the definition of 'family company'. I do not think that the Minister is right. I would like to put clearly on the record that my concern is not about disclosure but about hooking the family into the disclosure process. We are going over the fence on that. I refer to the following definition:

'family company' of a member means a proprietary company—

(a) in which the member is a shareholder;

All it requires is for a member to be a shareholder and that member must be able to cast more than half the maximum number of votes. I put to the Minister that the example I put before exactly fits that situation. As a director, we are required by law to have a share in the company. In this case, one share went to my son and one to me. It is ludicrous that, if three of us were involved—for example, my son, my daughter, who is over the age of 18, and I—that would not require disclosure. However, if it was my son and I alone, it would require disclosure. Further, if it involved my son, my wife and I, it would require disclosure. It is a ludicrous situation.

Let us look at the practicalities involved. There are two main reasons why sons or daughters ask their parents to be involved in their companies: first, it enables them to get guarantees and consequently they can operate their businesses, which they could not do without that support; and, secondly, it enables them to access some sort of expertise within the family that is relatively cost free. In other words, it is a cheap exercise. I believe in this instance it catches the example I have given, because I was a 50 per cent shareholder in my son's company and my son is over the age of 18 years. In fact, we are caught up by that example, yet I do not believe that that was the intention of the exercise.

The Hon. G.J. CRAFTER: The crucial issue here is that the member must have 50 per cent or more of the voting rights. That is the justification for this intrusion, as the honourable member refers to it. Of course, there are limitations on what has to be disclosed in these circumstances, and the honourable member needs to take account of that. As I said, the original proposal that the Government introduced in another place was wider than this and caught more situations. It was narrowed as a result of a debate in another place. The Government was still concerned about the narrowness of it, although the honourable member believes it is too broad, and chose not to widen it at this time. Obviously, the Government will watch to see whether there are anomalies and whether it achieves what it is intended to achieve.

Mr INGERSON: I thank the Minister for that comment. The point I want to make is that, through some unusual combinations, members can avoid disclosure. The Minister well knows that one of the biggest problems for families—and most of us in this place understand that clearly—is the link between the member of Parliament and the family. For example, if I were the Minister of Labour Relations and Occupational Health and Safety, I might take on a building union and be successful in some form; the company of which I am a director, albeit having only a small involvement, might happen to be involved in that area.

The ramifications of that for a company with which I have no involvement—other than as a director in trying to support a family member—are horrendous, and the disclosure of the fact that a family member has a company operating the field in which I might be the Minister is unreal. That is the issue that I am raising—not the disclosure, because we all accept that that has to be done. However, to hook in the family with the company issue is unrealistic. I make the point again that, if we have the combination of my son, my daughter and me, we avoid disclosure, but if we have the combination of my daughter or my son and me, we are in.

The Hon. G.J. Crafter interjecting:

Mr INGERSON: Yes, we are. If I have a 50.1 per cent share, we are in. I meet that requirement, and the Minister would recognise that often that is required in seeking banking loans. Anyone who has been in the real world recognises that young people have difficulty in getting loans unless there is a senior shareholder involved. This is a real issue that needs to be taken up. If we had a situation where my wife, my son or daughter and I were involved, automatically I would be involved and there would have to be disclosure. It is not a fair situation for small companies directly related to the member.

The Hon. G.J. CRAFTER: The honourable member canvasses a problem that he believes exists. The Government would take a different view but, nevertheless, there is a safeguard that the register does have attached to it conditions about its use. That has been referred to earlier in the debate and may well

provide some of the protection that the honourable member is seeking.

Mr INGERSON: Finally, I am concerned that we have genuine disclosure. In essence, this paragraph requires that, if the member decides to make sure in any family company that the member has less than 50.1 per cent of the vote, there is no disclosure. In other words, the Government has tried to hook in family companies but it will ensure that members do not have 50 per cent of the vote. The clause encourages members who are involved in family companies to make sure that they do not have an interest of more than 50 per cent. That is a tragedy. In essence, it encourages families to make sure that they avoid disclosure by members not having 50 per cent equity, and I think that that is wrong.

Mr S.G. EVANS: I support the views of the member for Bragg. In a way we are tending to encourage dishonesty. We are saying to people who believe they are going to be on the fringe, somewhere along the line, of having to disclose under this legislation that they should do what the member for Bragg has suggested and have less than 50 per cent share. In my view, that is a stupid law.

The member for Eyre made the point that some people will never seek to become Parliamentarians. They may be successful but, for the sake of their family, if there are several members of their family whom they are helping, they do not seek election. If such information gets into the wrong hands, it could be inconvenient. That is always a likely situation, as we have found out with taxation documents and the like, and it can be an embarrassment to a member of the family, say, a son, a daughter, a wife or a husband of an MP. All sorts of stories are spread around the place. It can make it difficult for them even in business.

I tend to support what the member for Eyre said earlier about expecting people to enter Parliament. People who have nothing can come here. That is all right; that is quite easy. But if they do have something and if they are trying to help their family, we are making it a lot more difficult for them. In fact, they are often the ones we should be encouraging to come to Parliament, because they have been successful. But we are saying we do not want success in this place. I do not mind the member having to disclose everything. That does not worry me; that is not my concern. I am concerned that we are tending to encourage dishonesty or ensuring the details about an operation that might be a bit doubtful are not disclosed by ensuring that they do not have a 50 per cent share.

The Hon. G.J. CRAFTER: All I can add is that this measure comes to this House in an amended form as a result of an amendment moved by the Opposition in another place because of concern that the Government's proposal in that place was too broad. I think that one could argue about the merits of this method of dealing with the issue of minority or majority voting rights in family companies for a long period of time. Clearly, the policy issue is that, if a member is a minority shareholder, he or she has less influence in the company than if he or she were a majority shareholder. That is the definition which was settled on by the Opposition in another place and which has now been accepted by the Government.

Clause as amended passed.

Clause 4—'Contents of returns.'

Mr MEIER: I know the Minister detailed the definition of 'family' in his second reading reply. However, new paragraph (fa) provides:

where the member or a person related to the member is owed money by a natural person . . . in an amount of or exceeding $10 000—the name and address of that person;

If my sister is owed $10 000 or more, do I have to disclose the name and address of that person?

The Hon. G.J. CRAFTER: No, the consistent definition of 'family' throughout the Act—and it has been so in the previous legislation—covers a spouse of the member and a child of the member who is under the age of 18 years and who normally resides with the member. So, that would exclude the relationship to which the honourable member refers.

Clause passed.

Title passed.

Bill read a third time and passed.

TRADE MEASUREMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I move:

That this Bill be now read a second time.

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

Leave granted.

The Trade Measurement Bill is the principal Bill in a package of two Bills. This Bill has two key purposes.

Firstly, it simplifies and modernises current State laws relating to trade measurement and packaging, contained in the Trade Measurements Act 1971 and the Packages Act 1967. The new legislation is a response to changes in technology and the marketplace, and will establish an appropriate legal framework for trade measurement administration as we approach the 21st Century.

Secondly, it brings a step closer the objective of nationally uniform laws relating to trade measurement and packaging, by enacting the Model Uniform Trade Legislation in this State. Nationally uniform laws relating to trade measurement have become a priority because the advances in technology and transport since federation have transformed Australia into one market. The existence of differing laws concerning trade measurement and packaging in each State and Territory creates unnecessary impediments to national and international trade, and adds significantly and unnecessarily to the costs of business. Industries affected by trade measurement legislation have been unanimous in their support for unifying the law.

The history of the Model Uniform Trade Measurement Legislation can be traced back to 1982, when a conference organised by the National Standards Commission, called for a review of trade measurement administration in Australia. The Model Legislation, which is now incorporated in this Bill, is the product of a National Working Party and has been the subject of extensive consultation with industry. The proposal to enact the Model Legislation in this State was also the subject of a Government Green Paper, released in September 1992.

In July 1990, Commonwealth, State and Territory Ministers with responsibility for trade measurement administration signed

an agreement on behalf of their respective Governments, to co-operate to achieve uniform legislation and to administer the legislation on a uniform basis. Each party committed itself to take the necessary steps for a model uniform trade measurement bill and regulations, to become the law governing trade measurement within its jurisdiction. The agreement provides for each jurisdiction to enact a separate but supplementary, Administration Bill, to provide for the particular administrative structures and arrangements appropriate to that jurisdiction. The Trade Measurement Administration Bill is not required to be uniform with the equivalent legislation in other States but must not modify the effect of the Model Bill and Regulations.

The Trade Measurement Bill regulates the use of measuring instruments for trade, transactions by measurement, requirements for pre-packed articles, the licensing of private sector firms to service instruments and certify their accuracy, the licensing of public weighbridge operators, and the powers of inspectors.

I will now deal briefly with the main provisions in the Bill.

Part I contains definitions and explains what is meant by using a measuring instrument for trade. The existing Trade Measurement Act 1971 is not explicitly binding on the Crown. The Trade Measurement Bill is binding on the Crown. However, some instruments regulated by other Crown authorities are exempt from the Bill's provisions but control over these instruments will be introduced progressively following consultation with the relevant authorities. These include electricity, gas, water, telephone and taxi meters.

Part II deals with the use of measuring instruments for trade. All measuring instruments used for trade must bear an inspector's or a licensee's mark. The Bill makes it an offence to use a measuring instrument for trade that is incorrect or unjust, or in a manner that is incorrect or unjust, or to cause an instrument to give an incorrect reading.

Part III concerns the verification, re-verification and certification of measuring instruments. This part of the Bill reflects the scheme for trade measurement administration that has operated in this State since 1967, and has now been taken up as the model for all jurisdictions. Instruments must operate within prescribed tolerances, be of an approved design and meet the requirements of the National Measurement Act 1960 for metric graduations. The administering authority is required to make arrangements for the re-verification of instruments. Inspectors will continue to monitor compliance with the legislation, having regard to the record of performance of individual instruments and traders.

Part IV of the Bill relates to transactions conducted by reference to measurement. When selling articles by reference to measurement, the trader must ensure that the measuring process is readily visible to the customer or give the customer a written statement of the measurement of the article. Pre-packed articles are not affected. Special provisions apply to the sale of meat. Where a quantity of meat is offered or exposed for sale at a marked price, the mass and unit price must also be marked with equal prominence to the price marking.

Part V of the Bill is concerned with pre-packed articles. Pre-packed articles must comply with the requirements of the regulations as to the quantities in which articles may be packed. With limited exceptions, packages must be marked with the name and business address of the packer, the measurement of the article and its price. The Bill makes it an offence to use restricted and prohibited expressions, prescribed by regulation. The Bill also defines the offences of packing or selling short measure but allows the administering authority to authorise the sale of pre-packed articles by permit where minor marking errors occur and the sale would otherwise constitute an offence.

Part VI introduces new licensing arrangements. The Bill replaces the current system of Registration for Principals in the Business of Repairing and Adjusting Measuring Instruments with a Servicing Licence which is subject to annual renewal. The Bill abolishes registration for employees engaged in repairing and adjusting instruments in favour of negative licensing. The licensing authority will have the power to issue orders barring the employment of incompetent or unfit persons from certification work.

The Bill requires a person who makes a weighbridge available for use by the public to be the holder of a public weighbridge licence. Individual weighman will no longer have to hold separate registration, as is the case under the present legislation. However, principals will be responsible for ensuring that employees are competent. Individuals who prove to be incompetent or unfit will be able to be barred from operating weighbridges by the licensing authority.

Conditions may be imposed on licences to ensure that required standards are maintained and disciplinary action may be taken against licensees who breach these conditions. A right of appeal is provided against decisions of the licensing authority.

Part VII of the Bill will give inspectors powers in relation to search, entry, inspection and seizure of goods, similar to those under existing legislation.

Part VIII is concerned with miscellaneous matters.

PART I— PRELIMINARY

Clause I specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 contains definitions used in the proposed Act.

Clause 4 explains what is meant by use of a measuring instrument "for trade". It includes use in determining the consideration for a transaction or the amount payable as a tax, rate or other charge.

Clause 5 provides that the proposed Act is to bind the Crown.

Clause 6 lists exemptions from the operation of the proposed Act, including electricity, gas and water meters, telephone call metering and taxi meters. The regulations can provide further exemptions. The proposed Act will not apply to bread.

PART II— USE OF MEASURING INSTRUMENTS FOR TRADE

Clause 7 prohibits the use of a measuring instrument for trade unless it bears an inspector's mark or a licensee's mark. In addition, if the measuring instrument is a weighbridge, it must not be used for trade unless it complies with the requirements of the regulations.

Clause 8 creates the following offences:

- using for trade a measuring instrument that is incorrect or unjust;
- using a measuring instrument for trade in a manner that is unjust;
- causing a measuring instrument in use for trade to give an incorrect reading.

Clause 9 creates the offence of supplying a measuring instrument that is incorrect, unjust or not of an approved pattern (approved under the National Measurement Act 1960 of the Commonwealth).

PART III— VERIFICATION, RE-VERIFICATION AND CERTIFICATION OF MEASURING INSTRUMENTS

Clause 10 makes it the responsibility of the administering authority to arrange for the standards of measurement necessary

for the purposes of the proposed Act. Each licensee is made responsible for providing the standards of measurement necessary for the exercise of the licensee's functions under the proposed Act.

Clause 11 explains "verification" and "re-verification" of measuring instruments. Each is carried out by an inspector who has to be satisfied that the instrument complies with certain requirements and who marks the instrument with the inspector's mark. Verification is carried out when the instrument does not already bear a mark. The requirements at verification are stricter than at re-verification which is carried out if the instrument already bears a mark (as a result of a prior verification, re-verification or certification). When re-verification takes place, any existing mark is removed.

Clause 12 explains "certification" of measuring instruments. It is carried out by the holder of a servicing licence issued under the proposed Act. The licensee must be satisfied that the instrument complies with the same requirements as for verification by an inspector. The licensee marks the instrument with the licensee's mark and removes any existing mark.

Clause 13 sets out the various requirements that have to be satisfied for verification or certification and for re-verification. These relate to permissible limits of error, pattern approval under the National Measurement Act and requirements for metric graduations.

Clause 14 imposes requirements as to the types of standards of measurement that must be used in assessing compliance with the requirements of clause 13.

Clause 15 makes the administering authority responsible for providing the means for verifying measuring instruments used for trade and making arrangements for their periodic re-verification.

Clause 16 allows an inspector to prohibit the use for trade of a measuring instrument if directions intended to permit its re-verification are not complied with.

Clause 17 requires an inspector who rejects a measuring instrument to obliterate any inspector's mark or licensee's mark on it.

Clause 18 requires a person who repairs or modifies a measuring instrument to obliterate any inspector's mark or licensee's mark on it.

Clause 19 makes provision for marks to be put on measuring instruments by means of a label affixed to the instrument.

Clause 20 creates the offence of making an inspector's mark or licensee's mark without proper authority.

Clause 21 creates related offences of unlawful possession of marks and marking implements and of making counterfeit marks.

PART IV— TRANSACTIONS BY MEASUREMENT

Clause 22 requires that when an article is sold at a price determined by reference to measurement the measurement must be done in the consumer's presence or the consumer must be given a written statement of the measurement. The consumer can demand measurement in his or her presence if delivery takes place at the time and place of measurement. Pre-packed articles are not affected.

Clause 23 creates the offence of misleading the consumer as to measurement or price calculation based on measurement and of incorrect payment that is to the detriment of the consumer.

Clause 24 makes the seller of an article guilty of an offence if the quantity sold is less than the quantity ordered unless the seller tells the buyer before completion of the sale.

Clause 25 makes special provisions for the sale of meat. The written statement required for the purposes of clause 22 must specify the mass of each cut. When exposing meat for sale at a marked price for a given quantity, its mass and price per kilogram must also be marked.

Clause 26 requires articles that are prescribed by the regulations for the purposes of the clause to be sold at a price determined by reference to a measurement of quantity in the unit of measurement required by the regulations.

Clause 27 creates a presumption that measurement determined by direct measurement of certain vehicles is more accurate than the same measurement determined by the method known as "end-and-end measurement".

PART V— PRE-PACKED ARTICLES

DIVISION 1— REQUIREMENTS FOR PACKAGING AND SALE OF PRE-PACKED ARTICLES

Clause 28 requires the packaging of pre-packed articles to comply with the requirements of the regulations as to the quantities in which articles may be packed and the marking on the package of the name and address of the packer, the measurement of the article and its price.

Clause 29 creates exceptions to the requirements of clause 28. The exceptions relate to packages for retail sale that are sold where they are packed, packages for export and sale of imported packages.

Clause 30 restricts the use on packages of "net mass when packed", "net mass at standard condition" and other expressions that are prohibited or restricted by the regulations.

Clause 31 makes it an offence to sell a pre-packed article at a specified price per unit of measurement where the price charged exceeds the correct price.

Clause 32 creates the offence of packing or selling a short measure (where the quantity in the package is less than the quantity indicated).

Clause 33 requires that where sufficient packages are available for testing, an average deficiency of the extent required by the regulations is necessary before a short measure offence is committed under clause 32.

Clause 34 creates defences to the offence in clause 32 of packing or selling a short measure. The defences relate to deficiencies which arise after packaging and for which reasonable allowance could not be made and deficiencies in packages obtained from a supplier and sold unaltered.

Clause 35 creates a general defence for sellers to the offences under clauses 28, 30 and 31 where the seller did not pack or alter the packaging of the package and the offence resulted from something the defendant could not reasonably have foreseen.

Clause 36 gives a general defence to persons who pack articles solely as employees.

Clause 37 enables the regulations to prescribe procedures for determining the measurement of pre-packed articles.

DIVISION 2— PERMIT TO SELL CERTAIN PRE-PACKED ARTICLES

Clause 38 authorises the administering authority to issue permits enabling persons to sell pre-packed articles where the sale would otherwise be an offence under clause 28 or 30.

Clause 39 imposes restrictions on the circumstances in which such a permit can be issued.

Clause 40 authorises the cancellation of a permit at any time.

Clause 41 recognises permits issued under a law of another jurisdiction that corresponds to the proposed Act.

PART VI— LICENSING

DIVISION 1— REQUIREMENTS FOR LICENCES

Clause 42 requires a person who certifies a measuring instrument to hold a servicing licence or to be an employee of a licensee.

Clause 43 requires a person who makes a weighbridge available for public use to be the holder of a public weighbridge licence or to be an employee of a licensee.

DIVISION 2— GRANTING OF LICENCES

Clause 44 provides for the making of applications to the licensing authority for servicing licences and public weighbridge licences.

Clause 45 provides the grounds on which an application for a licence may, and in some cases must, be refused.

Clause 46 requires the licensing authority to approve a particular mark for use by each licensee.

Clause 47 requires the licensing authority to keep a register of licences.

Clause 48 gives the licensing authority power to impose and vary conditions on licences.

Clause 49 sets out the conditions that apply to all servicing licences.

Clause 50 sets out the conditions that apply to all public weighbridge licences.

Clause 51 states that conditions of a licence need not be endorsed on the licence.

Clause 52 requires payment by a licensee of a periodic licence fee.

Clause 53 authorises cancellation of a licence if the periodic licence fee is not paid.

Clause 54 authorises surrender of a licence and provides that a licence is not transferable.

Clause 55 empowers the licensing authority to order that specified persons not be employed to certify measuring instruments, or not be employed to operate a public weighbridge, on the grounds of the person's lack of competency or fitness.

DIVISION 3—DISCIPLINARY ACTION AGAINST LICENSEES

Clause 56 lists the grounds for disciplinary action against a licensee.

Clause 57 provides for the licensing authority to give notice to a licensee of suspected grounds for disciplinary action against the licensee and calling on the licensee to show cause why disciplinary action should not be taken.

Clause 58 provides for the disciplinary action that the licensing authority can take against a licensee.

DIVISION 4— APPEALS

Clause 59 provides for an appeal against various decisions of the licensing authority.

PART VII— INSPECTORS

Clause 60 provides for the general powers of entry and inspection by inspectors under the proposed Act.

Clause 61 provides for the powers of inspectors in relation to the examination and testing of measuring instruments.

Clause 62 provides for the powers of inspectors in relation to pre-packed articles and articles that are for sale by measurement.

Clause 63 gives an inspector special powers to demand information from a person whose name appears on a pre-packed article.

Clause 64 entitles a person from whom anything is seized under the proposed Act to return of the thing if proceedings for an offence are not instituted within 6 months or if no conviction is obtained.

Clause 65 creates offences of hindering, assaulting, impersonating, or failing to comply with a lawful requirement made by, an inspector.

Clause 66 relates to self-incrimination.

Clause 67 requires an inspector to produce his or her certificate of authority on request.

PART VIII— MISCELLANEOUS

Clause 68 provides that a penalty appearing at the end of a provision of the proposed Act indicates the creation of an offence for which the maximum penalty is the penalty specified.

Clause 69 increases by 5 times the maximum penalty for any offence committed by a body corporate.

Clause 70 empowers the court which convicts a person of an offence under the proposed Act to award compensation to a person who has suffered pecuniary loss.

Clause 71 makes the employer guilty of the same offence committed by an employee unless the employer had no knowledge of the contravention and could not have prevented the contravention.

Clause 72 makes the director of a body corporate guilty of the same offence committed by the body corporate if the director knowingly authorised or permitted the offence.

Clause 73 creates the offence of making a false or misleading statement.

Clause 74 requires certain official signatures to be presumed to be authentic.

Clause 75 provides for the giving of certificates and for those certificates to be evidence of certain things.

Clause 76 creates certain presumptions as to the authenticity of names, addresses and dates marked on pre-packed articles.

Clause 77 creates the presumption that certain articles are packed for sale (and hence are pre-packed articles).

Clause 78 creates the presumption that a measuring instrument present on premises used for trade is itself used for trade.

Clause 79 requires records to be kept or produced in the English language.

Clause 80 lists the matters for which regulations can be made.

Clause 81 provides that the measure does not affect the operation of the *Fair Trading Act 1987*.

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

TRADE MEASUREMENT ADMINISTRATION BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I move:

That this Bill be now read a second time.

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

Leave granted.

The Trade Measurement Administration Bill provides for the administration of the Trade Measurement Bill in South Australia. The Administration Bill is not required to be uniform with other States.

The Administration Bill specifies that the Commissioner for Consumer Affairs shall be the administering authority and the licensing authority for the purposes of the Principal Act, and

that the Commercial Tribunal shall be the appeals tribunal in relation to decisions of the licensing authority.

The Administration Bill contains clauses which provide for the introduction of fees for the verification and re-verification of instruments as apply in other jurisdictions. Fees for the verification and re-verification of instruments were abolished in South Australia in 1976. It is the Government's intention that the administration of trade measurement legislation should operate on a full cost recovery basis, as is now the objective in most jurisdictions.

Fees for the verification and re-verification of instruments and for application and licence fees, will be fixed by regulation, at levels comparable to those applying in other States operating on a full cost recovery basis.

The Government takes the view, as have other jurisdictions, that the cost of administering the legislation should, in the first instance, be borne by those who carry on business of which the measurement of goods for trade is an integral part. It is to be anticipated that a proportion of this cost, like most business expenses, will ultimately be passed on to consumers. In this sense the cost of administering the legislation will be shared between traders and consumers. This is appropriate since both stand to benefit from the legislation—consumers by being more assured of receiving correct measure; and traders from consumer confidence and an assurance that they are not selling above-measure to consumers.

The Administration Bill also repeals existing legislation, namely, the Trade Measurements Act, 1971 and the Packages Act, 1967.

The proposed Acts will fulfil this State's commitment to the establishment of nationally uniform legislation relating to trade measurement and packaging, and will contribute to economic development by reducing impediments to South Australian business competing in the national market for goods.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 contains definitions used in the proposed Act. It is noted that the term "the principal Act" will mean the Trade Measurement Act 1993. The two Acts are to be read together.

Clause 4 provides that the Commissioner for Consumer Affairs is the administering authority and the licensing authority for the purposes of the principal Act.

Clause 5 provides that the Commissioner has the administration of the two Acts (subject to direction by the Minister).

Clause 6 provides for the appointment of inspectors. A certificate of authority will be issued to each inspector. Inspectors will be under the control and direction of the Commissioner.

Clause 7 will allow the Commissioner to make use of the staff or facilities of any government department, office or public or local authority.

Clause 8 authorises the Commissioner to hold an appointment and exercise functions under the Commonwealth Act.

Clause 9 empowers the making of regulations to prescribe fees and charges.

Clause 10 provides for the recovery of unpaid fees and charges as a debt due to the Crown.

Clause 11 provides that proceedings for an offence against either Act may be commenced within two years after the date of the alleged offence, or within such later period, not exceeding three years, authorised by the Attorney-General.

Clause 12 prevents double jeopardy where a person commits the same offence under both the principal Act and a law of another State or a Territory or of the Commonwealth.

Clause 13 provides that the Commercial Tribunal is to be the appeals tribunal for appeals under the Principal Act.

Clause 14 sets out the powers of the appeals tribunal or an appeal.

Clause 15 provides for the issue of search warrants.

Clause 16 provides for the manner in which documents may be served.

Clause 17 is a general regulation-making power.

Clause 18 provides for the repeal of the Trade Measurements Act 1971.

Clause 19 provides for the repeal of the Packages Act 1967.

Clause 20 provides for the continued validity of a mark on a measuring instrument after the repeal of the repealed Act.

Clause 21 will allow certain exemptions under the repealed Act to continue under the new legislation.

Clause 22 provides for cross-references in other Acts.

Clause 23 is a general transitional and savings provision.

Clause 24 will empower the making of regulations of a savings or transitional nature consequent on the enactment of the new legislation.

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

LIMITATION OF ACTIONS (MISTAKE OF LAW OR FACT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CRIMINAL LAW (SENTENCING) (EDUCATION PROGRAM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 April. Page 2926.)

Mr MEIER (Goyder): The Opposition supports this Bill. Members would be aware that since June 1990 magistrates have required some offenders to attend educational programs conducted by National Corrective Training Pty Ltd on a user-pays basis. The requirement was by way of condition attached to a bond and related to offences of shoplifting and, to a lesser degree, assault and domestic violence programs.

This Bill seeks to provide an additional sentencing option to the courts to require attendance at an educational course paid for by the offender. However, there is some concern that the way in which the magistrates have been dealing with the issue since 1990 is in some doubt legally. It is understandable, therefore, that the Government proposes that the programs be an option in relation to shop stealing, domestic violence and offences such as driving in a manner dangerous to the public. We appreciate that this may be extended later to include drink driving and other offences where American experience indicates positive results from similar programs.

Members will obviously be interested to know what sort of education program is proposed. I am pleased that the shadow Attorney has made available to me a letter from the Attorney providing further information about

how the proposed Bill will operate. Again, this reinforces the Opposition's view that this measure is going down the right track. I note from the attached notes to the letter that the Attorney has passed to the shadow Attorney that the legislative objectives of the courses will be generally to reduce recidivism, and the strategies of the courses should include improving the participant's ability to identify their wrongdoing, improving the participant's skills to change and modify their behaviour in order to stop committing the wrongful act and improving the participant's social skills.

Those three aims seem to me to be very worth while. Having had the opportunity to ride on trains in the past few weeks, I have had to shake my head on a regular basis because of the amount of graffiti and wilful damage that continues to be caused to our public transport system, to properties that make up that system and to adjoining properties, often houses, the fences of houses and, I noted this morning, trees. Graffiti artists have started to hit trees, placing their signature on them. There is one fellow by the name of Ward who is getting the better of me; his signature appears all over the place. I would like to know who this young fellow is and why the police cannot catch him.

Mr Ferguson: It's a woman.

Mr MEIER: The member for Henley Beach appears to have some information; perhaps I will take the matter up with him outside this place. Members fully appreciate that many of these young offenders do not come from the right background. Obviously, many have dropped out of school, although it was noted during the school holidays that the incidence increased. I think this new strategy of seeking to change or modify people's behaviour and help them with their social skills is a step in the right direction. I do not think it will work overnight but hopefully it will work in the long run.

It is interesting to note that the offender will pay for the course—approximately $100 for an eight-hour course and $225 for a 20-hour course, or an equivalent amount—and that no course will comprise more than 15 participants. It is also proposed that at least one course in each offence category must be available at Mount Gambier—I do not think that reflects on Mount Gambier; it just covers the South-East—and one course at Port Augusta every six months. In the design of the courses, consideration must be given to illiterate and semi-literate persons and participants from different cultural backgrounds.

Recently, I accompanied my son to one of the reserve army barracks to see whether he would be interested in joining the reserves. He filled out some forms, and there were about 20 persons doing the same thing that evening. I said to the warrant officer, 'I'm quite surprised to see such a large number of people seeking to join the reserves. Are there positions still available?' He said, 'Don't be misled by the 20 people who are filling out these application forms. You'll find that the reason they are filling them out here is that some of them are actually illiterate, and we'll find that out because their forms will be poorly filled out. They won't get any further than being seated here this evening.' He went on to say that if some of their girlfriends found out that they were applying to join the reserves that would be the end of the road for them also.

Mr Venning: The end of the romance.

Mr MEIER: Perhaps the end of the romance, as the member for Custance points out. The number of females who were applying surprised me. It took me back to my day many years ago when there were no females. I dare say that it would be a much more interesting exercise being in the reserves today than it was some time ago. I raise this point because illiteracy and semi-literacy are still a great worry in our society. No doubt, that is a reflection on our schools, but I do not know to what extent schoolteachers have the discipline and the power to be able to get some of these people to learn. I think much of this problem comes back to our school system and, while these proposed education courses will do some of the job, they will not necessarily do all of it. At least the cost of the course is to be met by the person who undertakes it.

Courses must be provided on the basis that participants who are employed can attend without detriment to their employment. That is very important. The courses are to be run as often as is necessary depending upon the number of offenders who are referred to the program by magistrates. In any event, the legislation requires the offender to commence the course within six months of the order. I hope that it will be much sooner than six months. The courses must be provided in geographically accessible and relevant locations. The Court Services Department will determine these criteria.

As a country member, whilst I note that there will be courses at Mount Gambier and Port Augusta, to the people living in most parts of Goyder and certainly on Yorke Peninsula, Port Augusta is as far away as Adelaide—both are a considerable distance. I hope that provision will be made for courses in, say, the Copper Triangle, the Mid North generally and the Murray-Mallee so that people do not experience hardship in getting there. All too often people forget about the hardships that country people face in travelling from one location to another. Consideration is also to be given to free child-care facilities for at least each alternate course. Other details are provided regarding course providers, tenderers and course evaluation.

It is interesting to consider some of those areas. This is a new direction, one which I hope will do something towards reducing the rate of recidivism, something more than just putting offenders away for a while, and that a definite education program will be put in place. I think we must give this scheme every opportunity to succeed. In a letter to the shadow Attorney-General the Offenders Aid and Rehabilitation Services (OARS) gives its support to the Bill. The letter states:

> OARS supports alternatives to imprisonment as penalty for crime and has no objection to a provision legalising conditions which allow offenders to undertake educational courses.

Further, the letter states:

> Our view of education goes much wider than this. From our experience offenders are in need of wide-ranging 'education' as a basis for their rehabilitation. In particular they need education in basic life management skills which may begin at the level of literacy and motivation moving across the range of skills to specific training for employment.

The Opposition supports the Bill.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the honourable member who has contributed to this second reading debate on behalf of the Opposition and thank the Opposition for its support of this measure. It is a minor measure and, whilst the honourable member has spoken on the substantive issue, this is really somewhat of a technical issue of ensuring that the legislation provides for the intent that was originally provided by the Parliament and has been seen to have some doubts cast upon it. So, this simply clarifies the law in this area and allows the court to continue to have available to it within the sentencing options the ability for offenders to be required to participate in these educational programs which, as the honourable member has indicated, are a valuable tool available in the criminal justice system in this State. I commend this measure to all members.

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

STATUTES AMENDMENT (COURTS) BILL

Adjourned debate on second reading.

(Continued from 20 April. Page 2945.)

Mr BRINDAL (Hayward): In order to expedite the business of the House, I will be as brief as I can. The Opposition supports this Bill. It comes to us from another place and has been tested in debate there to which, of course, I will not refer. However, the Bill is relatively uncontroversial but here again some issues do need to be explored. The Bill amends a number of Acts related to court restructuring. As I just indicated, most of them create no difficulty for the Opposition. In fact, having had some questioning elsewhere, we support all of them—I believe there are some 18 in all. The Bill provides for interest amounts awarded for personal injury claims to be made from the date fixed by the court and, as I understand it at the moment, interest may not be calculated from a date prior to the date of the commencement of the proceedings. As I understand it, in the past this has caused some problems which have largely been related to hasty introduction of proceedings so that interest and such matters can be calculated. The Government believes that such change will reduce the pressure to issue proceedings because of the interest question and may give a better prospect of settling cases before those proceedings are issued: in that we have some concurrence.

I note that, in providing information elsewhere, matters related to the legal costs amounting to some $40.5 million out of total moneys paid out for third party claims of $201.1 million represented 20.1 per cent of claims, which seems to indicate to this House the reason why lawyers in South Australia might, indeed, be prosperous, although I did notice that the shadow Attorney-General pointed out that there are costs in that amount other than just legal costs. But I would not mind taking a wager with the House—if such were permissible—that the greater proportion of that would be in legal costs.

Other amendments are made to clarify the right of the public to have access to proceedings of the court, including the judge's direction to the jury. Difficulties have been encountered in the Magistrates Court in effecting personal service on persons who live in high security premises, and amendments are proposed to enable the court to order service by post or some other means of service where such difficulties are experienced. Again, we have pointed out elsewhere that there are perhaps some difficulties with this, but by and large we are prepared to accept the proposition as being reasonable and worthy of trial.

As another amendment, I can see the merit in providing a valid means by which the court can ensure that expert reports are submitted so that all the cards are on the table. A further amendment gives to a Deputy Registrar power to delegate his powers. I believe that does not currently exist in legislation. Further, there is clarification of the Magistrates Court in relation to the constitution of the court by a special justice or two justices of the peace. Again, there is a clarification of the view that no appeal lies against an interlocutory judgment in summary proceedings—I am sure the Minister at the table understands what that means far better than I. More flexibility is given under the Bail Act by provision of this Act in relation to the failure of witnesses to obey a summons where the witness is arrested, and the Opposition has no difficulty with that proposition.

Provision is also made for an amount which has been estreated to be paid by instalments, and again the Opposition considers that to be fair and reasonable. The definition of 'judgment debt' puts beyond doubt that costs are part of the debt, and that is a sensible provision. The Sheriff's power to sell and to eject occupants from land, that is persons who are not lawfully entitled to be on the land, is likewise supported. In relation to the question of industrial offences being set down for hearing by industrial magistrates, the Opposition will not raise an objection in this place as it did not elsewhere, as we lost that debate when the industrial relations legislation was before us. The Opposition, therefore, supports the Bill.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the honourable member who has contributed to this debate for his support for this measure, which has been thoroughly debated in another place. In reference to the honourable member's comment that the figures quoted in the second reading explanation of this measure indicate that lawyers in South Australia are prosperous, I can assure him that there are many lawyers who are not prosperous.

[Sitting suspended from 6.1 to 7.30 p.m.]

The Hon. G.J. CRAFTER: In the second reading explanation some monetary figures were quoted which indicated that legal fees amounted to 20 per cent of the third party claims of some $201 million that had been applied. It went on to say that approximately 77 per cent of all actions in both the Supreme and District Courts settle at the pre-trial conference, and that a further 15 per cent settle between pre-trial conference and the trial,

which, on my calculations, comes to 92 per cent of cases that are settled prior to trial. The honourable member concluded that, as a result, lawyers in this State were raking off a huge amount of money.

I want to dispel that notion. The calculations made with respect to this measure, and with respect to the SGIC and other insurance matters, might not be a good judge of whether or not the profession in this State is prosperous. I suggest that the honourable member look over his shoulder at the portrait in this Chamber of Sir Robert Torrens and he will see the person who instituted the profession of landbroking in this State, which took a considerable amount of wealth away from the legal profession and provided a very effective system of conveyancing, guaranteed by the Government. In that way, I suggest that, in the main, the legal profession in this State has never been the prosperous profession that it may have been in other places in this country.

The downturn in the economy in this State has meant that many lawyers, particularly young lawyers, have lost their job. Some areas of legislation, for example, the workers compensation legislation which passed through this House some months ago, have seen the jobs of many lawyers in this State go by the wayside, and the restructuring of legal firms, particularly large national legal firms, has also seen the loss of many jobs for lawyers in this State in the current climate.

The profession is not a prosperous one. Certainly, for some members of the legal profession, it has been lucrative, and they have done very well from it, but I suggest that for many others that is not the case. I also suggest that many practitioners do not seek to make a fortune from their profession, and I cite as examples people who work in community legal services, those who work in alternative legal spheres, and so on. There are many generous people in the profession, as there are in other professions, such as the medical profession, teaching, and the like, and I readily accept that. We need to be wary of making somewhat rash generalisations.

I do not want to go through the detail of this measure. The honourable member has gone through it to some extent and it has been canvassed in another place. I simply commend the measure to all members.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 28 April. Page 3197.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the Bill. It does not do a great deal and, without reflecting on anything that happens in another place, which I am not allowed to do, I must say that it amazes me that certain of these Bills take precedence over more important legislation. Certain things should be said about this measure. It allows the Director to delegate his or her powers.

Mr Brindal interjecting:

Mr S.J. BAKER: I am reminded by the member for Hayward that the last thing I am allowed to say is that lawyers are wealthy, so I will not say that. The second major change relates to cross-vesting of jurisdictions, where the courts are able to allow other jurisdictions to operate their cases. The third provision relates to the Motor Vehicles Act and seeks to ensure that, in relation to those rotten little so-and-so's who cause such pain and heartache on the road, should they have their conviction quashed in a lower court of juvenile jurisdiction, the penalties of demerit points and the ultimate loss of a driving licence are not escaped by the courts taking a very favourable view of the person concerned.

It is a relatively uncontentious piece of legislation. I must admit that I was somewhat mesmerised by the need to insert a new section 6A into the Director of Public Prosecutions Act. I should have thought that section 6(4) could be amended easily. There are substantial reasons why cross-vesting should occur and the reasons provided in the second reading explanation relate to family matters, for example, where an adoption or an enforcement needs to be covered in another jurisdiction, and there is no conceivable reason why that should not occur. In fact, I was not aware that it did not occur.

The Opposition supports the proposition that the Registrar of Motor Vehicles should be informed at all times when offences have occurred that affect the licensing of drivers so that the ultimate penalties are communicated to the Registrar to ensure that those people who are not entitled to drive on the road do not do so or, if they do drive on the road, they do so without a licence. We do not stop them but we make it more difficult. I have one question that I will ask in Committee to show that I have read the Bill and to show that the people upstairs do not know it all. With those few remarks, I indicate my support for the Bill.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the honourable member for his indication of support on behalf of the Opposition for this omnibus measure, which brings together a number of amendments under legislation that is vested in the responsibility of the Attorney-General. It is hoped that we will see more Ministers bring into Parliament this sort of Bill, which gathers together a number of diverse amendments under legislation that is entrusted to those respective Ministers, so that the House can deal with more minor matters collectively under a ministerial portfolio and, in that way, use the House in a much more efficient and effective manner.

In this case, we are making a minor amendment to the Director of Public Prosecutions Act 1992 to improve the range of opportunities that are available to that new office in this State in its relationships with other States. The amendment of the Jurisdiction of Courts (Cross-vesting) Act 1987 once again will provide greater flexibility between Commonwealth and State matters, particularly in respect of the Family Law Act, the Motor Vehicles Act and the Real Property Act. I think all those measures have been quite thoroughly debated in another place. They are minor matters, but they will improve the efficiency of the respective Acts and provide a better service to the community. I commend this measure to all members.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Delegation.'

Mr S.J. BAKER: My question relates to the wording of new section 6A, which provides that the Director may, by instrument in writing, delegate to any suitable person. I have looked through the legislation for a definition of the term 'suitable person', but I cannot find one. In the original section 6 (which remains), the Director is able to delegate to any member of staff of the office any of the Director's powers or functions under this legislation. I wish to have the phrase 'suitable person' clarified. It is not clear at all who is a suitable person. The Director may wish to delegate his powers to me and, quite frankly, that would be a disaster. Could the Minister please answer this very serious question?

The Hon. G.J. CRAFTER: The Opposition seems to be preoccupied with trying to provide in every piece of legislation a definition for everything it believes should have a definition attached to it; I do not know why. That has never been the case, and there are certainly plenty of examples of discretions of this type vested in statutory officers, as the Director of Public Prosecutions is. That office-holder shall determine who is a suitable person, and that depends on the circumstances of the requirement for the delegation. It may be a person in the Commonwealth administration; it may be a person directly responsible to the Director of Public Prosecutions within his or her staff.

To define that in some way in this legislation would be most difficult and really pointless. As a Parliament we have decided that there should be an office of the Director of Public Prosecutions. We have vested in that office-holder various powers, and I would have thought that the act of delegation was one of the more minor powers vested in the office-holder and, therefore, to require some sort of statutory definition of who is a suitable person is really taking this to quite extreme lengths. I think we have to rely on the good judgment of the Director of Public Prosecutions to decide in the circumstances of each delegation who is a suitable person.

Mr S.J. BAKER: I am quite affronted by the Minister's response. I asked the Minister who is a suitable person, and the Minister responded by saying the Opposition seems to want some incredibly lengthy definition to describe the world of suitable people. That is not what I was asking at all. I did not know whether the Director could vest me, or the Speaker of the House of Assembly, when he retires from Parliament, with the power. There are some engaging possibilities. I do understand that in his second reading explanation the Minister talked about other jurisdictions in this regard, but I had a very good look through the legislation, and it does not provide any guidance if the Director wrongly delegates power. I believe that power has been wrongly delegated in the past on one or two occasions. There is no guidance under the legislation as to where that power should go.

Having heard from the legal representative of the Government in the House of Assembly on this matter, I am none the wiser. It will not fill me with a great deal of concern until we find a circumstance when it goes wrong, but I would have thought that in future, when there is an appeal in progress, a judge sitting on an important case would have the benefit of *Hansard* from this place to direct him or her in their deliberations. I accept that the Minister does not know the answer, but it is sometimes helpful if he can give some guidance.

The Hon. G.J. CRAFTER: I think the honourable member is grossly misleading the Committee if he says that any dictum laid down in *Hansard* will be of guidance to the court because, of course, the Opposition here in South Australia has consistently denied the courts the opportunity to peruse *Hansard* in order to define the intention of Parliament more clearly with respect to the interpretation of statutes.

Mr S.J. Baker interjecting:

The Hon. G.J. CRAFTER: The honourable member may appease his conscience by saying they have a look, but it certainly is not permissible in court. This matter has been brought up year after year in Parliament, ever since I have been here, and the Opposition has denied that opportunity to the courts and to the legal profession in this State. So, for the Opposition to raise that in defence of this measure is really the hope of despairing counsel.

Clause passed.

Remaining clauses (6 to 8) passed.

Bill read a third time and passed.

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 2666.)

Mr VENNING (Custance): I thank my colleague the member for Bragg for allowing me the privilege of the passage of this Bill for the Liberal Party. This is my second opportunity to do so since I have been privileged to be a member of this House. The Liberal Party supports this Bill. It is not a complex Bill, but it is essential, nevertheless, for the efficient administration of the Road Traffic Act. My colleague in another place, the Hon. Diana Laidlaw, sought advice from the South Australian Road Transport Association, the Royal Automobile Association of South Australia and the South Australian Farmers Federation, as I did. The Bill addresses four separate items quite specifically. The first relates to tandem and tri-axle groupings on trucks, that is, axles that are under trucks, whether it be the prime mover driving axles or the axles on the trailer, or whether they be a pair (as a tandem) or three, (the tri-axle).

This problem has been with us for many years. I will declare an interest here: as a farmer and truck driver I used to drive on the roads commercially, but I do not any more. I operate a big truck only on the farm, but I am fully aware of the problems we had with this issue, because technology brought in a new system every few years, and no law applied.

The police and inspectors had a lot of trouble trying to work out whether or not axles were legal, particularly when someone had committed a misdemeanour and was being weighed. All sorts of tricks went on. The Bill amends both the definitions to conform with the

Australian design rules standards. We welcome that, not only with this but with all Bills, because trucks drive all across Australia. As members know, Australia is now a small place and road hauliers can move from one side of the nation to the other in two days, and travelling over three or four States with different laws is incredible.

Mr Ferguson interjecting:

Mr VENNING: They do that with sleeper cabs and two drivers and can do it quite within the law, just answering the interjection from the member for Henley Beach. The Minister's second reading explanation outlined the difficulties being experienced with the current definition of 'tri-axle group', which is a group of three equally spaced axles, each of which is more than one metre apart but less than 3.2 metres from other axles in that same group. This definition is absolute and quite specific, and there should be no difficulty in future as to what designates a tandem axle.

This also ought to solve some of the difficulties encountered by our inspectors at weighbridges. Road protection is a safety issue. We all know that people overload and increase their payload to the detriment of the road and to other road users. No-one gains from this abuse. Over the years, in South Australia we have seen many different configurations come onto the road. We have only really had tri-axles in any numbers in the past five or six years. As I say, every truck now has them, but when they first came out I investigated them and found that you got only five extra tonnes for the extra axle, which weighed two tonnes, so you were really no better off. The rules have also changed in relation to that.

Mr S. G. *Evans interjecting:*

Mr VENNING: I hear the interjections and support from my colleague, and I know that in the old days he was involved with this problem. We then saw the invention of lazy axles, an extra axle to help the existing one drive axle, and there were all sorts of problems with those because they were not compensatingly sprung. They were on their own and, in the first instance, they did not have brakes on them. If you took the truck anywhere near a sandy paddock or bit of loose dirt the thing got stuck, so the lazy axle became a compensating axle.

But then we saw other problems, and this is when the law started to come in, because at this stage axles did not have brakes and they had a continuing problem. The Hendrickson suspension, which we all know very well, has come on to the market. Hendrickson is probably one of the biggest manufacturers of axles in Australia. The tandem Hendrickson axle is the drive axle that we see under tip trucks and prime movers. It has become very popular and has made it a lot easier for our law enforcers. As soon as they see a Hendrickson they know the dimensions, and that has solved that problem.

But we have also had other manufacturers such as Rockwell bringing products onto the market with different specifications. And all the while we saw road hauliers and farmers, particularly, in those dark days making their own suspensions. We saw swing arms, compensating arms and unibeams, which all confused law enforcers as to what was a legal axle and what was not. It has taken years for us to come to the point at which we know what is a tandem axle and what is a tri-axle setup. It has been very interesting, because I have seen some truck drivers fit air bag suspensions to their axles and, obviously being overloaded, use an air bag for when the inspector tried to weigh the axle.

They used the air bag to move the weight of the truck as the axles are moved over the weighbridge. It was very frustrating for law enforcers, because these air bags were quite legal. But this Bill makes it a lot harder. Also I gather, although it does not specifically say in this Bill, that brakes are compulsory on all wheels on a truck and on a trailer. So, we have come a long way and gradually the people who are operating trucks, be they road transport hauliers or farmers, have come to understand over the years that they had to put on the road trucks that were safe, and almost all have accepted that fact and realised that to be on the road you must be safe.

It has been very confusing over the years. We have seen some tremendous changes in technology in this area, particularly in the past 25 years. We have seen the road haulier in Australia really take off, although I am afraid that the conditions of our roads have not kept pace with the size and speed of these huge rigs, but at the same time we know the demise of our railways. However, we will not go into that, as that is another issue. The industry has been frustrated by the different State laws, as I said, and it has been quite confusing, particularly when talking about rigid tray tops, rigid semis and pig or west coast trailers, which is a term that is often used in South Australia. A pig trailer or a west coast trailer is just a trailer that is really all wheels: a small tray with tri-axle wheels on both sides.

It is very popular in South Australia because of its load carrying capacity, because the tare weight is not high but it carries a tremendous weight. It is a tri-axle configuration. When they were first introduced here they were quite dangerous, because they had a habit of tipping forward and backwards under brakes, although technology has solved that problem. As an inspector came along to measure these trailers, it was very difficult because the Act was not there to say exactly whether or not this rig was legal. We have also seen in recent days the advent of the B double and of the road train, particularly in the mid-north and further up from Port Augusta. We see massive rigs of 400 horsepower plus. When you see these massive things go past, they almost carry the load of a locomotive on the railway line. Of course, the damage to roads is tremendous, especially when you compare it to a railway line. It is great to see that we have finally tidied up this part of the Bill.

The second amendment in the Bill deals with police directions to drivers. The Bill amends sections 33 and 41 to provide police with the necessary authority to regulate and control traffic as the circumstances dictate. The amendment follows an appeal to the Supreme Court which held that section 41 did not apply because at the time the police direction was given the driver was not in the vehicle. We can all imagine what sort of nonsense would go on if that sort of provision applied. People who knew the Act I am sure could quite easily flout it and cause our law enforcers much heartache. It certainly was exploited, and now that is virtually tidied up.

The amendment also provides that a person will not be guilty of an offence of failing to comply with a direction if it is proved that he or she did not have charge of the

vehicle or leave it standing on the road. That covers it very well. I note that this part of the Bill also deals with the opening and closing of roads. That is not a major part of it, but looking through it carefully I note that the opportunity has been taken to amend a similar provision in section 33 of the Act, which relates to the closure of roads for the purpose of conducting a sporting or like event on the roads. We all know about carnivals and things at Christmastime, and it is good to see them all in the Bill.

The third amendment deals with pedestrians obeying signs and marks. Currently, pedestrians are obliged to comply only with traffic signals and signs where there is a specific provision in the Act, that is, at traffic lights. The proposed amendment to section 76 addresses this anomaly. We all know what is meant by this Bill, because you come up to a traffic light, push the button and wait for the pedestrian sign to come on. If the sign does not come on and the light turns green, what do you do? Do you walk over on the green light or do you wait for the pedestrian sign? Some are unaware that the pedestrian button is there. There are all sorts of problems.

One example relates to pushbikes. Although I have not ridden a bike very much in Adelaide of late, I used to, and I know that pushbikes do not trigger the traffic lights in many cases. Often, you will see the pushbike run on the red light. It has been very debatable whether the person is breaking the law. There is still a difficulty there, because most pushbikes will not trigger the lights.

Many pedestrians break more rules of the road than do drivers, because they seem to walk where they like. If there is a red light and there are no cars coming, they walk across the lights. We see it outside Parliament House where they jump the red light by running across the road. It is good to see this issue being picked up. I am sure it will not be policed all that often, but there will be cases where an officer of the law wishes to make an example of a person who habitually breaks the law in this way and they will now be able to use the letter of the law to tidy up this matter.

The Bill also deals with the use of rear vision devices. This area interests me particularly, because I have had much to do with it over the years. The Bill refers to 'mirrors' on a vehicle, and I presume that that means two mirrors. However, the legislation stipulates 'as long as one gets a clear view to the rear and the sides of the vehicle'. All vehicles are usually fitted with an internal central mirror and one on the driver's side of the vehicle. I question whether a left hand mirror is legal.

I presume that, where vehicles are fitted with a rear louvre or device in the back window to keep out the sun, the left mirror is a requirement under the Act, but the Bill does not specify that, and I question it. I would recommend that people fit the two mirrors, because they are certainly a boon. Technology has certainly made a big improvement; a left hand mirror on a car or a truck can be remote controlled through the button on the driver's side. In the past, people would get into their vehicle that was equipped with a left hand mirror only to find it was out of focus. One was either taller than one's wife or else someone had knocked the mirror and it was out of focus.

When one was travelling alone, how did people focus that mirror? More than likely they did not bother. However, today we have the electric button and, with just a flick, it brings the mirror into focus, and that device has been a tremendous boon to drivers. I am concerned that such devices attract a 30 per cent sales tax. A safety conscious Parliament would make sales tax exempt, encouraging people to buy them.

Members interjecting:

Mr VENNING: I know that it is a Federal issue, but it would be common sense for really valuable aids—

The SPEAKER: Order! The Minister is standing in a direct line between the member for Custance and the Chair. The member for Custance.

Mr VENNING: Thank you, Mr Speaker. Such a device is classed as a car or truck accessory and attracts sales tax, but there ought to be more scope for tax reduction on such items as these. We know how dangerous the roads are and I am amazed there are not more accidents. Even when I have been watching a vehicle in front, considering whether to overtake it, I have not looked behind because I have been concentrating on the vehicle in front. Suddenly, on my coming out, there has been a toot from behind and I have asked myself, 'Where did that vehicle come from?' That happens to drivers time and again. I do not know how we do not have more rear end collisions. Having the two or three mirrors in focus would certainly help.

I refer to one company, Britax Industries, which manufactures mirrors for almost the total Australian industry and which exports to many countries of the world, particularly Japan. Today a mirror is not just a mirror, because they come in a myriad of sizes, shapes and actions. I compliment that company for staying in South Australia and for making a world class product. I understand that the company supplies mirrors to Toyota and many of the bigger Japanese companies. I give the company much credit for that. Mirrors are obviously a safety aid and it is important that this matter be dealt with.

Another important provision in the Bill relates to the introduction of closed circuit television. People might think that we are moving into the technological age, and on many vehicles I have seen a little camera on the back of a bus or a long vehicle, particularly road trains, but I did not realise until today that those cameras were not legal.

The Hon. M.D. Rann interjecting:

Mr VENNING: That is also the case for infra-red cameras as well. I gather that some cameras can be remote controlled to move on a swivel. Drivers need that, because they get only a small glimpse of what is happening on the TV screen. I hope that the use of such devices will be encouraged, particularly on articulated buses. When people stand in the bus, the driver cannot see down the middle or around the back, and such cameras on the back are a tremendous boon, and the Bill deals with this important matter.

In conclusion, this is an essential Bill and the Parliament needs to attend to it. As a new member of Parliament, I often wondered whether we should be making laws about certain matters at all but, in that instance, I regard this as a commonsense Bill, a Bill that tightens up many of the smaller matters in the Road

Traffic Act, and I think all South Australians will benefit from it. I commend the Bill to the House.

Mr S.G. EVANS (Davenport): I support the Bill. The roads we make in Australia are not of a suitable standard for the type of equipment people are driving. In Europe, the United States and South Africa the same vehicles carry more tonnage per axle than we allow here and, in the long term, that is inefficient.

The Hon. M.D._ Rann interjecting:

Mr S.G. EVANS: Yes. I refer to the road between Pretoria and Johannesburg, which is an eight lane concrete road. There is no doubt that such roads have longer lives than the roads we make. Mr Speaker, you referred to the concrete road on the other side of the river in Semaphore that was built by the Americans in the Second World War. It is still an effective and serviceable road. Australia is so sparsely populated, with great distances between commercial areas, and I believe that we should look at inefficiencies and that we should make better roads.

About four years ago drivers came to me and complained about the road through Pinnaroo to New South Wales. I hired an Izuzu truck and drove that route, because I used to drive on the road quite a bit. In this large vehicle I travelled empty to Deniliquin and back and I travelled part of the route at night. With the west coast mirrors—the large mirrors used on such trucks—extending over the width of the truck, I was passing within 18 inches of mirrors hitting on the Pinnaroo road if both trucks kept their wheels on the bitumen. That was how bad it was. Think of the dangers and stupidity involved. No wonder we have a few accidents: I am amazed that we do not have more accidents. I refer to heavily laden vehicles travelling at 80 km/h in the opposite direction and passing within about half a metre of one another.

The member for Custance has spoken common sense on the Bill, but we are a long way behind in building roads that will make proper use of the vehicles available to us. I hope that the authorities throughout Australia start to realise that we need better roads for these vehicles so that we get more efficiency in that industry, because it helps our economy overall. I support the Bill.

The Hon. M.D. RANN (Minister of Business and Regional Development): Because of my interests in this area as Minister responsible for technology in this State, and one who at the weekend was at the opening of Techspo and saw the display by people like Vision Systems, it is a privilege to respond. The fact that we are dealing with the provision of rear vision devices today reflects that we are going into a new age in terms of the motor vehicle industry, including the use of audio visual devices and the use of remote control television for safety. I am not sure whether this covers infra-red devices or night vision devices. I am delighted to see that in this Bill we are addressing the realities of the twenty-first century.

Of course, directly in terms of the provisions relating to police direction to drivers, as the member for Custance pointed out (and I would like to commend him on his speech), we are giving the police the opportunity to do their job without having one arm tied behind their back. I refer to their giving direction to drivers who do not have to be sitting in the car but who are actually outside the car, thus allowing the police to ensure the orderly conduct of roads and the orderly prosecution of the laws of this State.

There are some areas in which I do not pretend to have expertise. I am prepared to be humble in terms of the definition of tandem axle groups and tri-axle groups. Anyone who lives, as I do, in the northern suburbs would see the semitrailers and other huge vehicles coming down Main North Road, the Salisbury Highway and Port Wakefield Road with multiple axles bearing huge weights. We are dealing with a technicality that is allowing or could allow drivers who are over-weighting their vehicles to escape the penalty of the law. We are providing a clearer definition and a bit of commonsense in dealing with those tri-axle group provisions, and I commend the Bill to the House.

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

EQUAL OPPORTUNITY (COMPULSORY RETIREMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 April. Page 3308.)

Mr S.G. EVANS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. D.C. WOTTON (Heysen): The Opposition supports this Bill. We originally had significant concern in regard to this legislation when it was proposed that the sunset clause be extended for another two years. The legislation has been amended in another place and the Opposition supports the Bill as it comes into this House.

The principal Act was passed in March 1990. The Government has, therefore, had plenty of time—some three years—in which to address the issues relating to removal of retirement age and has now proposed an extension of time because of the 'general economic situation, high unemployment (particularly among youth) and the need to maintain maximum flexibility in dealing with the public sector work force as we deal with the difficult State budgetary situation'.

The legislation was introduced without any consultation with the interest groups and took a number of organisations by surprise, particularly the employers. It was introduced on 24 March with just over two months until the sunset clause expired. The Government has given a number of reasons why the delay should be introduced. It blamed the difficulty on a delay in the report of the working party reviewing age provisions in State Acts and regulations. That blame was quite misplaced, because the Commissioner for Equal Opportunity was on time in conducting the review pursuant to statute. In fact, the report has now been tabled for a number of weeks—I would think probably six or seven weeks ahead of the deadline.

Since the Opposition has provided the opportunity for consultation with a number of organisations, there has

been a considerable amount of comment. The South Australian Employers Federation supported the extension and gave some firm reasons. The Chamber of Commerce and Industry also indicated at the time that it would have liked to have the principal Act repealed. Flinders University and Adelaide University made submissions supporting the legislation and seeking exemptions for a period of time to enable them to address the problems of ageing academic staff, and many others expressed a concern about the legislation.

The Council on the Ageing made very strong representations. From my considerable dealings as a result of my portfolio responsibility, I know that the Council on the Ageing has been very strong in its criticism of the legislation, particularly in its original form. I would like to refer to a letter that the council wrote to the Premier in which it indicated that it believed the decision to proceed with the legislation to be inappropriate, unjustified and inconsistent with the social justice principles underlying the original age discrimination amendments to the Equal Opportunity Act. A number of individuals have expressed the same concern. The council went on to indicate to the Premier that it believed the history of the matter to be instructive.

In outline, the Government introduced the age discrimination amendments in the budget session of 1989 following pressure from a wide coalition of community, employer and union groups coordinated by the Council on the Ageing. The Bill was delayed while proper consultation was undertaken. Subsequently, an improved Bill was presented to Parliament and passed with bipartisan support in April 1990.

The Act was not proclaimed until June 1991. The reason for that delay was preparation for its implementation. However, its provisions, including the abolition of compulsory retirement, were widely known and discussed in both public and private sectors. As a result, both the Government and private employers have had a significant amount of time—as I said, some three years—to plan for the abolition of compulsory retirement.

The Council on the Ageing goes on to explain that, subsequent to the proclamation, both the Commissioner for the Ageing and the Commissioner for Equal Opportunity have put substantial effort into effecting the smooth implementation of the legislation. They indicate that they have been involved in or briefed on the various activities and planning.

The council states that the reasons advanced by Government spokespersons for Cabinet decisions on this matter have been both inconsistent and unsustainable. The primary rationale apparently relates to the perceived added difficulty in reducing public sector employee numbers unless compulsory retirement is maintained. It goes on to spell out that there is no evidence of a direct substitution effect between retirement patterns and youth unemployment, the latter being a function of much wider and more complex factors. According to the Council on the Ageing:

> ...compulsory retirement creates comparative injustice for employees who have not been in the work force for as long as others, whose employment may have been interrupted by periods of unemployment, or who have financial dependants and/or commitments beyond the current retirement age.

If the Government seriously believes that delaying the abolition of compulsory retirement would help alleviate youth or other unemployment, the council requests the Premier to show quite clearly the research to demonstrate this. Of course, there is very little, if any, research of that kind.

In closing, the council makes the following point:

> Furthermore, since the passage of the Act in 1990, many older employees have planned their future in anticipation or in the expectation of compulsory retirement being abolished in 1993. Many people have contacted the council in recent days to protest bitterly at the betrayal this decision represents to their plans.

I support, in particular, the council's last statement, because I am sure that many of my colleagues on both sides of the House have received similar representations from people who are very concerned about this proposal and who have planned their future in the expectation of compulsory retirement being abolished. Those people were very concerned about the extension that was first put forward in the original legislation.

Reference is made by COTA to youth unemployment. I was interested to read the submission from the Youth Affairs Council of South Australia, in which it is stated:

> Arguments justifying the extended delay on the grounds of the current (unacceptably) high levels of youth unemployment are not supported by YACSA [Youth Affairs Council of South Australia]. There is, quite simply, no evidence to sustain the assertion that compulsory retirement will create further job opportunities for young people. The job substitution effect is not apparent, could only be marginal at best and is, in any case, not a desirable strategy for tackling youth unemployment.

The South Australian Council of Social Services also opposed the original legislation and emphasised its strong support for the stance adopted by the Council on the Ageing in its proposal to defer both unjust and inappropriate extensions of the legislation that was first brought before the House.

As I said earlier, I am sure that members on both sides of the House have received representations from members of the community who were opposed to the extension, certainly the two-year extension, and who have had their plans interrupted or who have made plans regarding superannuation, investments and financial commitments on the basis that the legislation would be enacted and they would be able to continue working past what is regarded as the normal retirement age.

I also note the concerns expressed by the Public Service Association, which states in an article in its own publication, the *Public Service Review* of April 1993, that it believes it has been deceived. It makes the point that for two years its older members have been given the expectation of a choice; a choice to work or a choice to retire. The article states:

> To be discriminated against on the basis of age is illegal. It was made illegal as a response to community expectations that everyone should be treated fairly.

The PSA goes on to say:

> It seems ironic that a Government that preaches social justice and equity is prepared to discriminate against a very small minority group of workers in order to appear as though they are taking action to improve the situation for the unemployed. It won't help unemployment as the Government is not replacing retired persons.

There are a number of letters to the editor regarding this situation, which I am sure members on both sides of the House have noted. I am pleased that in another place the legislation has been amended to replace the two-year extension with an extension of the sunset clause to 31 December 1993. That means that within the next eight months or so it should be possible for the Government to examine some of the recommendations of the working party reviewing age provisions in State Acts and regulations. This falls into two categories, the first of which is unemployment.

One would have thought that it would be quite simple to ensure that private sector employers and employees are treated no differently from the public sector employer, the Government and employees by simple amendments to remove the retiring age from the Government Management and Employment Act, the Education Act and other legislation that relates to employment. If the other matters become too complex to be dealt with quickly they can be the subject of a separate piece of legislation, which the Government may need to consider later.

As I have said, there has been a considerable amount of representation on this legislation, and the Opposition is much more satisfied with the legislation that is before us. I hope that the amendments carried in another place will mean that older people will be able to rest more easily in the knowledge that the plans they have originally made will be deferred for only a short period until the end of this year. I commend my colleagues in another place for putting forward that amendment which I believe will be generally accepted by people in the community, not just those aged over 60 or 65 but all people both young and old. The Opposition supports this legislation.

The Hon. B.C. EASTICK (Light): I take up the point raised by my colleague the member for Heysen by citing two or three examples of issues that have been directed to my attention by constituents regarding the invidious position in which they have found themselves placed because of this backflip by the Government. Almost three years ago the Government made a statement regarding the course of action that it intended to follow without any indication along the way that it would resile from the position it had put forward, with the result that a number of people were enticed in circumstances within the departmental scheme to take up new contracts for a specific period. Some people were counselled not to retire at the time they originally intended because of a work load that could be foreseen by their department and they therefore committed themselves forward and others entered into arrangements of both a personal and a family nature.

I wish to cite two or three examples of such situations, the first of which concerns a person with specialist professional and administrative ability. He was a late starter within the Public Service system and is highly regarded both here and interstate for the pivotal role that he plays in the Department of Primary Industries. He has suddenly found himself in the position of having to retire much earlier than he had decided to in order to accommodate the Government, and that has created problems for him in respect of financial commitments that he has entered into.

I will provide another example: a person who had been given the opportunity to extend his working life and who felt able and was encouraged within the workplace to continue working beyond age 65 years committed himself to a repayment program on behalf of an adult child to purchase a home. It was a very clear family arrangement in which not only the home purchaser—the child—but also the parents had committed themselves to a repayment program over the next 3½ years, which would give that child, who is married, a start in life. The parents, now faced with having to retire early and not being able to fulfil that part of the commitment over the full 3½ year period, still have 2½ years to go, and the person concerned will go out before 31 December. That is an imposition not only on that member of the Public Service involving his employment but on his and his wife's commitment to their adult child in relation to the purchase of a house. That is one example of which I am aware; there may well be others in similar circumstances.

Certainly, there are cases of people who have undertaken a commitment to continue working for at least another 12 months beyond 65 years of age—again, with encouragement by the Government—and who have committed themselves to purchasing a new motor vehicle, on the basis that with that additional 12 months of work—some 10½ months of it extending beyond age 65 years—they would be able not only to go into retirement with a more reasonable type of vehicle but also to fulfil a certain commitment to the commercial community of this country. They are the sorts of problem that have arisen as a result of these changes.

We also find that some pressure has been put upon TAB staff, whereby an agreement appears to have been entered into (it is uncertain how it was presented—whether it was by way of an award or an intended award, or whether it has total credibility in a legal sense) requiring officers, both male and female, of that organisation to retire at age 60 years. Certainly since the Government's announcement, female members of the TAB staff who will reach the age of 60 years before 31 December (or 31 March under the original Bill) have been told they will be required to retire.

Under the Government Management and Employment Act and legislation covering other areas of activity, whether it be the Education Department or elsewhere, the option exists for a 60-year-old female to elect to continue working until at least age 65 years, yet management has been making noises along the lines that, because of the Government's change of attitude, they will go at age 60 years. Likewise, male officers, who under all other circumstances of employment in the Government would have an entitlement to work until age 65 years, have been told that, by virtue of TAB management's dictum, they also will be expected to retire at age 60 years. I have no doubt that those matters will be discussed with some vigour in the area of labour and industry to determine whether they have been spoofed or whether the awkward position in which they find themselves has resulted from some form of work arrangement which was not fully understood by them or which was believed by them to have been supplanted

anyhow by the equal opportunity measure promulgated three years ago.

Whilst my colleague indicated that we as an Opposition are prepared to support the position as reported to this House at 31 December, might I say that the Government, to put it in colloquial terms, has done the dirty on a large number of Government employees. It has placed them in a position that is at variance with the position applying to private enterprise. It has made a promise that it is not fulfilling, and it has done so because it has failed to get its act together and failed to do those things which were necessary—and were known to be necessary three years ago—to fulfil the commitment given to its employees.

Whilst I, likewise, am committed to supporting the Bill as it has come from another place, I hope there is enough spirit on the part of Government members—and certainly sufficient understanding by the Government itself of the position in which it has placed a large number of people in the community—for us to see a measure coming before the before the House offering a much shorter period than that stipulating 31 December. If they say they cannot be in that position by 1 July, certainly they will be in that position by 1 October. Even then, a group of people may miss out, and I refer to those who have the misfortune to celebrate their sixtieth or sixty-fifth (as the case may be) birthday within that three-month period occurring before 1 July and 1 October respectively.

The least we could hope for is that the Government gets its act together between now and the next session of Parliament—even to the point of returning early in August—and offering the House a further Bill to be implemented as from 1 July, that is, by agreeing to an element of retrospectivity (a word that normally evokes horror and fear from this side of the House, as you, Mr Speaker, will appreciate) which will demonstrate a genuine commitment by the Parliament—not just the Government but by the Parliament—to the promise made to the Public Service officers concerned. Such a measure, whilst it may not come to pass (we know how the Government treats so many of its employees like dirt), should at least be considered by the Government, if it has any soul.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the Opposition for its support of this measure as it has come to us from another place. It is certainly encouraging to hear the Opposition support life tenure in the public sector. It is the first time I have ever heard the Opposition argue in favour of life tenure. It is certainly the first time I have heard the Opposition argue for that tenure for public servants. Indeed, the rhetoric that has come from the Opposition over many years has been quite the opposite, and what the Government is doing here is working its way through a very difficult and complex situation in a period of high unemployment. When this measure was debated in this House, I quite vividly recall a number of these matters being raised, and that is why the review, which has been referred to in the second reading speech and which has brought about the situation we see today, has recommended that we take this further deferral action. This is a very substantial change in our community in fundamental values as well, and it is something that we simply cannot rush into.

As I indicated in the second reading debate, the Government is concerned to ensure that the implementation of the abolition of compulsory retirement proceeds in an orderly and measured fashion. The Government believes that it is not appropriate that the policy be implemented in the private sector before becoming applicable in the public sector. To this end, the Government has put forward this Bill to ensure that compulsory retirement does not become unlawful in the private sector on 1 June 1993, as was proposed, while the public sector, with its special legislative provisions, could lawfully continue to require its employees to retire at specified ages.

The Government is keen to provide leadership in the area of abolition of compulsory retirement and, to this end, it is encouraging the public sector to develop a range of policies and programs for older workers which respond in positive and pro-active ways to the consequences which flow from the abolition of compulsory retirement. The abolition of compulsory retirement will be enhanced considerably in the public sector by the development of such policies. With this in mind, the Government has emphasised the importance of the development of the following measures within the public sector, measures to be taken by Government instrumentalities and public sector agencies to inform their employees about the abolition of compulsory retirement and the policies and programs to be established by Government instrumentalities and public sector agencies to assist older employees to remain in employment beyond the hitherto conventional retirement age.

I will touch on some of the issues that were raised during the second reading debate by members opposite. First, with respect to representations received from the Public Service Association, I must point out that the Public Service Association article acknowledged that employees under the Government Management and Employment Act, teachers, etc., are not directly affected by this amendment as the specific Acts of Parliament that govern their terms and conditions of employment would have continued to apply after 1 June 1993, in any event. For example, teachers are employed under the Education Act. With respect to specialist positions, the GME Act allows that persons over 65 years can be appointed on a temporary basis. In that way, persons with specialist knowledge and with skills that are particularly required can be retained on a temporary basis, and that has happened in the past.

It is not quite as stark as Opposition members paint in their debate on this issue. Hypocritical as their arguments are on behalf of those who have made representations to them, there is no doubt that the Opposition's policies, which have been clearly enunciated over a long time, are to abolish security of tenure for public servants and to provide much more flexible public sector employment and a much reduced public sector employment structure. There is no doubt about that. It has been said publicly by Leaders of the Opposition in this State over a long time. With those comments I commend this measure to all members.

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

LIMITATION OF ACTIONS (MISTAKE OF LAW OR FACT) AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill amends the Limitations of Actions Act 1936 by setting out the limitation periods applicable to actions for the recovery of money paid under a mistake of law or fact and to other actions based on restitutionary grounds. At present, actions for recovery of moneys can be instituted up to six years from the date of the payment.

The law relating to recovery of moneys has been the subject of two recent judicial decisions; one dealing with moneys paid under a mistake of law, the other dealing with the recovery of payments made pursuant to an invalid tax. The decisions have the potential to have a significant impact on business in this State and on State finances.

The common law rule was that money paid under a mistake of fact was recoverable but money paid under a mistake of law was not recoverable.

In 1992, the High Court overturned this doctrine in the case of David Securities –v- Commonwealth Bank (1992) 109 ALR 57. The Court examined the issue of recovery of moneys paid under a mistake of law and rejected the generally held view that money paid under a mistake of law is irrecoverable. The Court held that the basis of a claim for recovery of money paid under a mistake was that the recipient had been unjustly enriched at the expense of the payer. It considered that there was no justification for drawing a distinction on the basis of how the enrichment is gained, except in so far as the manner of gaining the enrichment bears upon the justice of the case.

The case has the effect of removing the distinction between mistakes of fact and mistakes of law in relation to recovery of moneys. Therefore the position in Australia is now that money paid under a mistake of law is *prima facie* recoverable.

The abolition of the distinction between mistake of law and mistake of fact is not of itself a major problem as the distinction is often not clear and many jurisdictions have already removed it by legislation. The Law Reform Committee of S.A. also recommended the abolition of the distinction in its Twelfth Report. However, it is necessary to ensure that such a significant and sudden change does not have adverse implications on business.

Under the new principles set out in David Securities a payer will be able to seek recovery of moneys paid under a mistake of law up to six years ago. This is a windfall for the payer, and may have significant undesirable consequences for the recipient. It also results in uncertainty in the business community as it will be difficult for businesses to assess their possible liability.

The second case deals specifically with the recovery of invalid taxes. In Woolwich Building Society -v- IRC (No 2) [1992] 3 All ER 737, the House of Lords adopted a new test so that tax payments are *prima facie* recoverable whether or not they are voluntary. It is not certain that the High Court will adopt the line taken by the House of Lords but if it does it would have serious implications for the State as payments made pursuant to an invalid tax would then be recoverable even if they were voluntary.

The law in Australia at the moment in relation to the recovery of money paid to a public authority in the form of taxes or other levies, pursuant to an *ultra vires* demand by the authority, is dependant upon whether or not the payment was voluntary. Payments of money made under compulsion are recoverable where the demand is ultra vires. (Mason -v- New South Wales)

However, this issue may be reconsidered by the High Court. Given the recent cases of David Securities and Woolwich, there are a number of possible approaches which the Court could take, for example:

(a) restate the existing test;

(b) modify the existing test with the added qualification that the possible defences respecting mistake of fact will also be applicable (this would be consistent with the Court's approach in David Securities);

(c) adopt the approach of the House of Lords in Woolwich so that such payments are prima facie recoverable;

or

(d) adopt the approach of the Canadian Supreme Court in Air Canada -v- British Columbia (1989) 59 DLR 161 where the majority suggested that there should be no recovery in respect of invalid taxes, at least in the absence of impropriety.

The approach to be adopted by the High Court may have significant implications for the State.

In order to minimise the impact of these two decisions, the Government proposes to limit the period within which claims for recovery of moneys can be made. Recovery in respect of invalid taxes will be restricted to twelve months from the date of payment while recovery of payments made under a mistake of law or fact or otherwise on restitutionary grounds can be made up to six years from the cause of action. Subsections (1) and (2) of section 38 provide accordingly. Special provision has been made for payments of invalid tax made more than six months before the commencement of this amendment. The limitation period in those cases will be the limitation period that would have applied if this section had not been enacted or six months after the commencement of the Act (whichever expires first).

The new Section 38 (3) provides that the twelve month limitation period in respect of recovery of invalid taxes cannot be extended and that if an action is not brought within the period the right to recover the money is extinguished.

If an extension is allowed a person may be able to recover a tax payment some time after the payment because of a subsequent judicial determination which in effect renders the tax invalid. This is not considered appropriate. This subsection does not extend to actions covered by subsection (1) *i.e.* money paid under a mistake of law or fact.

Victoria, New South Wales and Western Australia all have enacted legislation which limit the time for bringing actions to recover taxes, fees etc to twelve months.

New Section 38A provides that a limitation of action imposed by the principal Act is to be regarded as a part of the substantive law of the State. This is consistent with a decision of the Standing Committee of Attorneys-General aimed at avoiding the problem of forum shopping *i.e.* taking action in another State to avoid a limitation period.

I commend this Bill to honourable members.

Clauses 1 and 2: are formal.

Clause 3: Substitution of s. 38

Clause 3 repeals s. 38 of the Act which provided for the extension of limitation periods under Acts in force on 14 January 1867.

A new section 38 is substituted which provides that an action for the recovery of money paid under a mistake of law or fact or otherwise based on restitutionary grounds must be commenced within six years after the cause of action arose if the cause of action arose on or after the commencement of this section. If the cause of action arose before the commencement of this section then the action for the recovery of the money must be commenced within the limitation period that would have been applicable if this section had not been enacted, or six years after the commencement of this section (whichever expires first).

However, the proposed subsection (2) provides that if the money was paid by way of a tax or purported tax and is recoverable because of the invalidity of that tax an action for the recovery of that money must (whether the payment was made voluntarily or under compulsion) be commenced within 12 months after the date of the payment if the payment was made either after the commencement of this section or within six months before its commencement. If the payment was made more than six months before the commencement of this section then the action for the recovery of the money must be commenced within the limitation period that would have been applicable if this section had not been enacted or six months after the commencement of this section (whichever expires first). This does not apply to the recovery of an amount that would, had the tax or purported tax been valid, have represented an overpayment of tax.

The prescribed periods of limitation under subsection (2) cannot be extended.

The proposed section provides that 'tax' includes a statutory business franchise or licence fee, or other statutory fee or charge. It also provides that in the case of an inconsistency between this section and the provisions of any other Act, the other Act will prevail to the extent of the inconsistency.

Clause 4: Insertion of s. 38A

Clause 4 inserts a new section into the Act which provides that a limitation of action imposed by this Act is to be regarded as part of the substantive law of the State.

The Hon. D.C. WOTTON secured the adjournment of the debate.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

[Sitting suspended from 8.46 to 9.25 p.m.]

DEVELOPMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 5 (clause 4)—After line 9 insert new definition as follows:

'ecologically sustainable development' means development which seeks—

(a) to enhance individual and community wellbeing and welfare by following a path of economic development that safeguards the welfare of future generations; and

(b) to provide for equity within and between generations; and

(c) to protect biological diversity and to maintain ecological processes and systems;'.

No. 2. Page 8 (clause 5)—After line 8 insert new paragraph as follows:

'(ba) a copy of the proposed regulations must be sent to the Local Government Association of South Australia at an appropriate time determined by the Advisory Committee and the Advisory Committee must give the Local Government Association of South Australia a reasonable opportunity to make submissions in relation to the matter;'.

No. 3. Page 8, line 11 (clause 5)—After 'public comment' insert 'and the submissions received from the Local Government Association of South Australia'.

No. 4. Page 9 (clause 7)—After line 25 insert new subclause as follows:

'(4) A regulation under subsection (3) must not provide for the modification of any provision of this Act which specifically provides for, restricts or prevents an appeal under this Act.'

No. 5. Page 12, line 1 (clause 10)—After 'urban' insert 'or regional'.

No. 6. Page 12, lines 3 to 5 (clause 10)—Leave out paragraph *(e)* and insert new paragraphs as follow:

'(e) a person with practical knowledge of, and experience in, environmental conservation chosen from a panel of three such persons submitted to the Minister by the Conservation Council of South Australia Incorporated;

(f) a person with practical knowledge of, and experience in, the provision of facilities for the benefit of the community chosen from a panel of three such persons submitted to the Minister by the South Australian Council of Social Service Incorporated;

(g) a person with practical knowledge of, and experience in, urban and regional planning.'

No. 7. Page 13, line 11 (clause 10)—Leave out 'other than an appointment under subsection (3) (c))' and insert 'under subsection(3)(a), *(b), (d)* or (g) '.

No. 8. Page 13, line 12 (clause 10)—Leave out 'under this section'.

No. 9. Page 16, lines 2 and 3 (clause 18)—Leave out subclause

(4) and insert new subclause as follows:

'(4) An authorised officer must produce the identity card for inspection before exercising the powers of an authorised officer under this Act in relation to any person.'

No. 10. Page 16, lines 12 and 13 (clause 19)—Leave out subparagraph (i) and insert new subparagraphs as follow:

'(i) where the authorised officer reasonably suspects that a provision of this Act is being, or has been breached;

(ia) in the case of an authorised officer who holds prescribed qualifications—for the purpose of inspecting any building work;'.

No. 11. Page 17, line 22 (clause 19)—Leave out 'and provide such facilities as are' and insert 'as is'.

No. 12. Page 18, lines 4 to 20 (clause 19)—Leave out subclauses (8) and (9) and insert new subclauses as follow:

' (8) It is not a reasonable excuse for a person to fail to answer a question or to produce, or provide a copy of, a document or information as required under this section that

to do so might tend to incriminate the person or make the person liable to a penalty.

(9) If compliance by a person with a requirement under this section might tend to incriminate the person or make the person liable to a penalty, then—

(a) in the case of a person who is required to produce, or provide a copy of, a document or information — the fact of production, or, provision of a copy of, the document or the information (as distinct from the contents of the document or the information);

or

(b) in any other case — the answer given in compliance with the requirement,

is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).'

No. 13. Page 21 (clause 22)—After line 13 insert new subclauses as follow:

'(3a) Subject to subsection (3b), the appropriate Minister must, in relation to any proposal to create or alter the Planning Strategy—

(a) prepare a draft of the proposal for public consultation; and

(b) by public advertisement, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase and invite interested persons to make written representations on the proposal within a specified period of not less than two months from the date of publication of the advertisement; and

(c) arrange for a series of meetings at which members of the public may make personal representations on the proposal; and

(d) ensure (so far as is reasonably practicable) that any representation made under paragraph (b) or (c) is taken into account before the Planning Strategy is created or altered (as the case may be).

(3b) Subsection (3a) does not apply in relation to a proposal to alter the Planning Strategy if the appropriate Minister has, by notice published in the *Gazette,* certified that, in his or her opinion

(a) the alteration is of a minor nature and, in the circumstances, does not warrant public consultation; or

(b) it is necessary for the proper operation or application of the Planning Strategy that the alteration take effect without delay.'

No. 14. Page 23, lines 29 and 30 (clause 24)—Leave out 'by the Minister' and insert the following:

'(i) by the relevant councils after consultation with the Minister; or

(ii) by the Minister on the basis that he or she considers that the amendment is reasonably necessary to promote orderly and proper development within the relevant areas and that, after consultation with the relevant councils, it is appropriate for the Minister to undertake the amendment;'.

No. 15. Page 24 (clause 24)—After line 8 insert new subclause as follows:

'(2) The Minister must, in relation to the preparation of an amendment under subsection (1)(e) or (f), consult with the Minister responsible for the administration of the Heritage Act 1993 and the State Heritage Authority.'

No. 16. Page 26 (clause 25)—After line 10 insert new subclause as follows:

'(14) A reference in this section to a council includes, where an amendment relates to the areas of two or more councils, a reference to the councils for those areas.'

No.17. Page 27—After line 6 insert new subclause as follows:

'Special provision relating to places of local heritage value

26a.(1) If a proposed amendment designates a place as a place of local heritage value, the council or the Minister, as the case may be, must give each owner of land constituting the place proposed as a place of local heritage value a written notice—

(a) informing him or her of the proposal; and

(b) setting out any reasons for the proposal of which it is aware; and

(c) inviting the owner to make submissions to the Advisory Committee within four weeks of the receipt of the notice on whether the proposal should proceed.

(2) An owner of land constituting a place proposed as a place of local heritage value may, within four weeks of the receipt of a notice under subsection (1), make written representations to the Advisory Committee on whether the proposal should proceed.

(3) If a person who makes written representations under subsection (2) seeks to appear personally before the Advisory Committee to make oral representations, the Advisory Committee must allow him or her a reasonable opportunity to appear personally or by representative before it.

(4) The Advisory Committee must then prepare a report in relation to the matter for the council or the Minister.

(5) A copy of the report must be provided to each person (if any) who made a representation to the Advisory Committee under subsection (2).

(6) If it is proposed that the amendment still proceed, a copy of the draft Plan Amendment Report must be sent to each person (if any) who made a representation to the Advisory Committee under subsection (2).

(7) A person who is entitled to receipt of a draft Plan Amendment Report under subsection (6) may appeal to the Court against the proposed designation of the place as a place of local heritage value.

(8) The appeal must be commenced within four weeks after the draft Plan Amendment Report is received under subsection (6) (and this period cannot be extended by the Court).

(9) If an appeal is commenced, then, notwithstanding sections 25 and 26—

(a) the Plan Amendment Report cannot proceed further until the determination of the appeal; and

(b) the council or the Minister (as the case may be) is a party to the appeal; and

(c) the Court may, on the determination of the appeal—

(i) confirm, vary or reverse the designation of the place as a place of local heritage;

(ii) remit the matter to the council or the Minister for further consideration or for reconsideration;

(iii) make consequential or ancillary orders (including orders that alter the proposed amendment, or provide that the proposed amendment no longer proceed).'

No. 18. Page 27, line 8 (clause 27)—Leave out 'may' and insert , must'.

No. 19. Page 27, line 17 (clause 27)—Leave out 'may' and insert 'must'.

No. 20. Page 27, line 27 (clause 27)—Leave out 'may' and insert 'must'.

No. 21. Page 27, line 29 (clause 27)—Leave out 'may' and insert 'must'.

No. 22. Page 28, line 3 (clause 27)—Leave out 'both Houses of Parliament pass resolutions disallowing an amendment laid before them' and insert 'either House of Parliament passes a resolution disallowing an amendment laid before it'.

No. 23. Page 28, lines 12 and 13 (clause 28)—Leave out in the interests of the orderly and proper' and insert 'in order to prevent the undesirable'.

No. 24. Page 28, line 22 (clause 28)—After 'cause copies of' insert 'the amendment and'.

No. 25. Page 28, line 27 (clause 28)—Leave out paragraph (b) and insert new paragraph as follows:

'(b) if either House of Parliament passes a resolution disallowing the amendment within 12 sitting days (which need not fall within the same session of Parliament) after a notice of motion for disallowance is given, provided that that notice was given within 14 sitting days (which need not fall within the same session of Parliament) after the day on which the amendment was laid before the House; or'.

No. 26. Page 28 (clause 28)—After line 35 insert new subclause as follows:

'(7) If an amendment ceases to operate by virtue of subsection (4) (a), (b) or (c) then, despite any other provision of this Act (but subject to subsection (8))—

(a) any application under Part 4 which has been made on the basis of the amendment (and would not otherwise be valid) automatically lapses; and

(b) any development authorisation previously given on the basis of the amendment (and which would not otherwise have been given) ceases to have effect.

(8) Subsection (7) (b) does not apply in relation to a development authorisation where the development has been commenced by substantial work on the site of the development before the amendment ceases to operate.'

No. 27. Page 32 (clause 34)—After line 29 insert new paragraph as follows:

'(iiia) the Minister, acting at the request of the proponent, declares, by notice in writing to the relevant council, that the Minister is satisfied that the council has a conflict of interest in the matter on the basis that the council has undertaken, is undertaking, or has resolved to undertake (either on its own or in joint venture with any other person), a similar development within its area;'.

No. 28. Page 36, line 10 (clause 37)—Leave out paragraph (b) (and the word 'and' immediately preceding that paragraph).

No. 29. Page 39 (clause 39)—After line 33 insert new subclause as follows:

'(5a) If a relevant authority permits an applicant to vary an application that relates to a Category 2 or Category 3 development within the meaning of section 38, the application will, for the purposes of this Part, but subject to any exclusion or modification prescribed by the regulations, to the extent of the variation, be treated as a new application.'

No. 30. Page 42, line 28 (Heading)—After 'MAJOR' insert the words 'DEVELOPMENTS OR'.

No. 31. Page 43, lines 12 to 17 (clause 46)—Leave out paragraphs (a) and (b) and insert 'the Minister may, by notice in writing to the proponent, declare that this section applies to the development or project'.

No. 32. Page 43 (clause 46)—After line 17 insert new subclauses as follow:

'(2a) The Minister must make a declaration under subsection (2) if the proposed development or project falls within criteria prescribed by the regulations.

(2b) The Minister must, within 14 days after making a declaration under subsection (2), cause to be published in a newspaper circulating generally through the State a notice—

(a) describing the development or project in reasonable detail; and

(b) if an application has been lodged under this Act in relation to a proposed development, specifying a place at which the application may be inspected; and

(c) inviting members of the public to make written submissions to the Minister within a period specified in the notice (which must be a period of at least four weeks from the date of publication of the notice) on—

(i) the development or project; and

(ii) the matters which an environmental impact statement in relation to the development or project should address.

(2c) The Minister must then hold such hearings as he or she thinks fit in relation to the matter.

(2d) At a hearing held pursuant to subsection (2c)—

(a) any person who made written submissions to the Minister will be entitled to appear personally or by representative and to be heard on his or her submissions; and

(b) the Minister may hear and consider such other evidence and representations as he or she thinks fit.

(2e) The Minister may (whether or not he or she holds a hearing referred to above) conduct such private inquiries into the development or project as he or she thinks fit.

(2f) The proponent must then, in consultation with the Minister, have prepared, or arrange for the preparation of, an environmental impact statement in relation to the proposed development or project in accordance with guidelines prescribed by the regulations.'

No. 33. Page 46, lines 8 and 9 (clause 48)—Leave out 'the Minister requires the preparation of an environmental impact statement' and insert 'the proponent receives a notice under section 46(2)'.

No. 34. Page 47, line 29—After 'CROWN DEVELOPMENT' insert 'BY STATE AGENCIES'.

No. 35. Page 47 (clause 49)—After line 31 insert new definition as follows:

the Crown' means the Crown in right of the State;'.

No. 36. Page 48, lines 28 to 32 (clause 49)—Leave out subclause (8) and insert new subclause as follows:

'(8) If it appears to the Development Assessment Commission—

(a) that the proposal is seriously at variance with—

(i) the provisions of the appropriate Development Plan (so far as they are relevant); or

(ii) any code or standard prescribed by the regulations for the purposes of this provision; or

(b) that the proposal would have an adverse affect to a significant degree on any services or facilities, or businesses, provided or carried on in the proximity of the development; or

(c) that the development could be undertaken at least as efficiently or effectively by a private developer; or

(d) that the proposal is in direct competition with a development that has been undertaken, or is being undertaken,

by a private developer in the proximity of the development, specific reference of that fact must be included in the report.'

No. 37. Page 49, lines 12 to 16 (clause 49)—Leave out all words in these lines after 'thinks fit' in line 12.

No. 38. Page 49 (clause 49)—After line 16 insert new subclause as follows:

'(13a) An approval under this section will be taken to be given subject to the condition that, before any building work is undertaken, the building work be certified by a private certifier, or by some person determined by the Minister for the purposes of this provision, as complying with the provisions of the Building Rules (or the Building Rules, as modified according to criteria prescribed by the regulations).'

No. 39. Page 49, lines 21 to 23 (clause 49)—Leave out paragraph (b) and insert new paragraph as follows:

'(b) the Minister approves a development that required a specific reference under subsection (8),'.

No. 40. Page 49, line 28 (clause 49)—Leave out '(including a certificate or approval under Part 6)' and insert '(other than to fulfil a condition under subsection (13a), or to comply with the requirements of Part 6)'.

No. 41. Page 50, lines 10 to 12 (clause 50)—Leave out all words in these lines and insert the following:

'and, in so acting, the council or the Development Assessment Commission must have regard to any relevant provision of the Development Plan that designates any land as open space and, in the case of a council, must not take any action that is at variance with that Development Plan without the concurrence of the Development Assessment Commission'.

No. 42. Page 58, line 11 (clause 59)—Leave out 'A' and insert 'Subject to subsection(la), a'.

No. 43. Page 58 (clause 59)—After line 14 insert new subclause as follows:

'(la) If the building work is being carried out on a building owned or occupied by the Crown, the person must notify the Minister (instead of the council) of the commencement or completion of a prescribed stage of work.'

No. 44. Page 58, line 15 (clause 59)—Leave out 'by a statement' and insert 'or supported by a statement from a person who holds prescribed qualifications'.

No. 45. Page 61, lines 14 to 17 (clause 65)—Leave out the clause and insert new clause as follows:

'Interpretation

65. In this Division—

'the appropriate authority' means—

(a) in relation to a building owned or occupied by the Crown (or an agency or instrumentality of the Crown), or to any building work carried on by the Crown (or by an agency, instrumentality, officer or employee of the Crown)—the Minister; or

(b) in any other case—the council for the relevant area.'

No. 46. Page 61, line 20 (clause 66)—After 'in accordance with the regulations' insert 'and assigned by appropriate authority (as at the date on which the classification falls to be determined)'.

No. 47. Page 61, line 27 (clause 66)—Leave out 'or the Minister assigns a classification under this section' and insert 'assigns a classification under this section, or the Minister assigns a classification under subsection (3),'.

No. 48. Page 61 (clause 66)—After line 37 insert new subclause as follows:

'(7) This section does not apply in respect of any building owned or occupied by the Crown (or an agency or instrumentality of the Crown) erected before the commencement of this section.'

No. 49. Page 62, line 9 (clause 67)—Leave out 'a council' and insert 'the appropriate authority'.

No. 50. Page 62, line 11 (clause 67)—Leave out 'council' and insert 'appropriate authority'.

No. 51. Page 62, line 20 (clause 67)—Leave out 'council' and insert 'appropriate authority'.

No. 52. Page 62, line 22 (clause 67)—Leave out 'council' and insert 'appropriate authority'.

No. 53. Page 62, line 32 (clause 67)—Leave out 'A council which refuses an application' and insert 'If an application is refused by a council, the council'.

No. 54. Page 63, line 5 (clause 67)—Leave out 'A council' and insert 'The appropriate authority'.

No. 55. Page 63, line 8 (clause 68)—Leave out 'a council' and insert 'the appropriate authority'.

No. 56. Page 63, line 10 (clause 68)—Leave out 'the council' and insert 'the appropriate authority'.

No. 57. Page 63, line 12 (clause 68)—Leave out 'A council which refuses an application' and insert 'If an application is refused by a council, the council'.

No. 58. Page 69, line 18 (clause 74)—After '1934' insert 'or the Electoral Act 1985'.

No. 59. Page 78, lines 32 and 33 (clause 85)—Leave out ', or with the approval of,'.

No. 60. Page 80, line 30 (clause 86)—After 'who has applied' insert 'to a council'.

No. 61. Page 80, line 31 (clause 86)—After 'against a refusal' insert 'by the council'.

No. 62. Page 82—After line 22 insert new clause as follows:

'Powers of Court on determination of a matter

87a. The Court may, on hearing any proceedings under this Act—

(a) confirm, vary or reverse any decision, assessment, consent, approval, direction, act, order or determination to which the proceedings relate;

(b) affirm, vary or quash any order, notice or other authority that has been issued;

(c) order or direct a person or body to take such action as the Court thinks fit, or to refrain (either temporarily or permanently) from such action or activity as the Court thinks fit;

(d) if appropriate to the subject matter of the proceedings, order—

(i) that a building (or any part of a building) be altered, reinstated or rectified in a manner specified by the Court;

(ii) that a party to the dispute remove or demolish a building (or any part of a building);

(e) make any consequential or ancillary order or direction, or impose any condition, that it considers necessary or expedient.'

The Hon. G.J. CRAFTER: First, I want to acknowledge the consideration that was given to this Bill in another place and the amendments that were considered there. Very substantial amendments were moved, some 156 all told, 62 of which were passed in the other place, many of which I must say were consequential and the same issues were being considered in many of them. We are now in a position where we can resolve this matter in the House of Assembly. The Government will accept 25 of the amendments that have come from the other place; nine of those amendments we have redrafted in a form that I believe is acceptable to this Committee; and the remainder of the amendments we oppose. The Government accepts, as I said, some of these amendments and in other cases acknowledges the intention behind the amendments that have been moved

but proposes that the desired objectives be achieved in a slightly different way. We now seek the Committee's support for the amendments that have been circulated.

There is a third category of amendments, which the Government cannot accept. While the ideas may appear superficially attractive when viewed in principle, close examination reveals that they will carry undesirable and at times unacceptable implications or consequences were they to be applied in practice. So, the amendments that we have considered in detail from the other place are really almost entirely of a practical nature and do not involve great matters of philosophical or political content. It is really how we can best apply the provisions of this legislation to serve the community and particular groups in the community that seek to avail themselves of these laws in order to provide for development of one form or another in the State.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be disagreed to.

An appropriate definition for the term 'ecologically sustainable development' is currently being discussed as part of the negotiations between the various State and Federal Governments. Any attempt to define this term in the Development Bill will therefore be premature and, should a new definition be agreed to in these negotiations, it will be necessary to amend the Development Act in order to insert that new definition. While the Government supports the references to 'ecologically sustainable development' that are now in this Bill and recognises the intent of members in another place in raising these issues, since the term does not relate to development assessment its definition is more appropriately located elsewhere.

As the planning strategy sets the general framework for development plan amendments, it is appropriate that a definition of ESD and an associated explanation be contained within the planning strategy. This will provide a logical and important link between the definition and development plan amendments. I anticipate that an agreed definition will be available by the time the planning strategy is finalised and will be included in that document.

Mr OSWALD: The Opposition believes that it is very important that ESD be included in planning legislation. We spoke quite strongly about this when the Bill was before the House some weeks ago, and we reaffirm our commitment to ESD. The main question we have to address at the moment is: in what form do we define it and where? An enormous amount of discussion is taking place across the Commonwealth at the moment, endeavouring to determine a common definition for 'ecologically sustainable development', and I think that when the EPA Bill comes before the House later in the year we will again go through the exercise of trying to determine what should be the most appropriate ESD definition.

At this time the fact that the ESD is picked up in the objectives of the Bill is a step forward, and the fact that it is also included in the planning strategy is important. It will be sufficient for the principles of ESD to be incorporated in development plans, because, as members know, no development plan can come into being unless certain principles have been taken into account, one of which is the principle of ESD. I know that certain groups in the community would like to see a definition of ESD incorporated in the text of the legislation as it comes out of the Parliament but, whilst that sentiment is admirable, until such time as we determine the ESD definition Commonwealth-wide and until we have determined the definition as it will apply to the EPA, I believe that the proposal put up by the Government under the circumstances is acceptable, and therefore the Opposition supports the motion.

The Hon. D.C. WOTTON: I appreciate the points made by both the Minister and the Opposition spokesman. However, I am disappointed that this definition has not been retained in the legislation. Ecologically sustainable development is extremely important. I take the point made by my colleague the member for Morphett that at least that definition will be recognised through the preparation of development plans. I also recognise that at this stage there is some uncertainty about a definition as it relates to the Commonwealth and other States, although I would have thought that the Australian Conservation Strategy that was brought down some years ago—a Federal document—with the definition of 'ecologically sustainable development' in it would be appropriate in this Bill. I remind the Committee again of the definition brought forward in another place, as follows:

'ecologically sustainable development' means development which seeks—

(a) to enhance individual and community wellbeing and welfare by following a path of economic development that safeguards the welfare of future generations; and

(b) to provide for equity within and between generations;

and

(c) to protect biological diversity and to maintain ecological processes and systems.

I would have thought that that was a totally appropriate definition which should have been in this legislation. After all, that is what development is all about. This is a Development Bill. We are talking about the necessity that has been recognised by the Minister and the Opposition for ecologically sustainable development, and I can say only that I am disappointed that the Government is not willing to accept this amendment from another place.

Motion carried.

Amendments Nos 2, 3, 4 and 5:

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

That the Legislative Council's amendments Nos 2, 3, 4 and 5 be agreed to.

Motion carried.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be disagreed to and that the following alternative amendments be made in lieu thereof:

Clause 6, page 11, lines 32 and 33—Leave out 'nominated by the Local Government Association of South Australia' and substitute 'chosen from a panel of three such persons submitted to the Minister by the Local Government Association of South Australia'.

Clause 6, page 12, lines 3 to 5—Leave out paragraph (e) and insert new paragraphs as follows:

(e) a person with practical knowledge of, and experience in, environmental conservation or management, or the management of natural resources;

(f) a person with practical knowledge of, and experience in, the provision of facilities for the benefit of the community.

The Government recognises the wishes of those in another place and agrees with the intent that there is an appropriate mix of expertise on the Development Assessment Commission, formerly the Planning Commission. However, the Government is concerned that the proposed amendment promotes membership of the commission on the basis of a person's nomination by certain organisations. This could lead to conflict of interest or a perception, rightly or wrongly, by the general public that members would vote in accord with the views of the organisation they represent. Difficulties could arise if such an organisation had made representations on a matter for decision by the commission.

However, it is proposed to increase the membership of the commission from five to six members in order that environmental, conservation and social planning views are clearly represented on the commission. I believe that that satisfies the main thrust of the concerns that were expressed in another place.

Mr OSWALD: I believe that there will be a good deal of disappointment in the community, for example, that a representative of the Conservation Council will not be nominated for the commission, but the Parliament has thought the issue through to the extent that not everyone can be eligible to be a member of the commission. During the past week many organisations have come to me and asked, 'Can our organisation be given a berth?' They might ask, 'If a certain type of development comes up, will any of the nominees of individual groups be compromising their position?' There will be a few difficulties in nominating individual representatives of groups.

From talking to a planning solicitor, I was reminded that clause 13 does allow for advertisements when the Minister decides to appoint members to the commission. The very fact that that clause allows an advertisement to be placed and allows all organisations that want to be considered for the commission to put forward their names will provide a half-way house. An organisation such as the Farmers Federation, the Conservation Council, SACOSS or any other with an interest in having a nominee on the commission would be alerted to the fact that the advertisement was being placed and, having been alerted to the advertisement, they could put forward names.

Under one of our proposed amendments these organisations could put forward three names and the Government could consider those three names. Clause 13 allows many organisations to put up three names and then the Government can make an appointment. It is a half-way position. It is probably not ideal in terms of the representations made by various organisations such as the Conservation Council. True, the Conservation Council represents about 60 organisations and it believes that it is eminently qualified to put forward a nomination. There are other organisations that feel equally strongly that they should put forward a nomination.

Considering the Minister's explanation and the difficulties that he highlighted, and having regard to the remarks I have just made, it is my view that we should support the amendments. There will be a review of the functioning of the new Development Act within six months and again within 12 months of its constitution, and we can look carefully at how this new commission operates and how the balance works. We can review the position under clause 13 regarding advertising and the selection of members. I support the amendments.

The Hon. D.C. WOTTON: I have to express my disappointment that the amendment passed in another place has not been accepted in this place. I concur with a number of points made by my colleague the member for Morphett, but I wish to take the opportunity, as he did, to remind the Committee that, for example, the Conservation Council of South Australia Inc. is an umbrella organisation that represents about 68 different organisations in South Australia. As I stated earlier in regard to my support for a definition relating to ecologically sustainable development, it is important that this legislation, which relates to development in this State, should recognise the importance of environmental and conservation matters and factors.

I cannot agree with the point made by the Minister about the possibility of there being some form of conflict of interest just because the views of that organisation might be expressed. As long as I have been in this place we have dealt with legislation or introduced amendments that provide opportunities for organisations, such as the Conservation Council, to be able to put forward a list of three names and then have the Minister select the name of a person who would represent that organisation on, in this case, the commission. I would have thought that it was totally appropriate that that should be the case.

The Conservation Council is a responsible organisation; it represents an enormous number of responsible people in this State who should be given the opportunity to have their say regarding future development in this State. I appreciate what has been said by the member for Morphett about clause 13 being something of a halfway house, and I also appreciate the comments that he has made in regard to the review that will no doubt take place in relation to the functioning of this piece of legislation. As I have said previously in this debate, it will be essential that the success or otherwise of this legislation be reviewed on an ongoing basis. I would hope that whoever is the Minister responsible for this legislation will recognise the responsibility that he or she may have in amending the legislation as quickly as possible if there are seen to be faults in it. However, I can only reiterate my very real disappointment in this case that this amendment is not being supported in this Committee.

Motion carried.

Amendments Nos 7 and 8:

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

That the Legislative Council's amendments Nos 7 and 8 be disagreed to.

It is now proposed that all members, with the exception of the panel nominated by the Local Government Association, will be selected after a public notification

process. This will ensure that all interested persons with appropriate expertise will have an opportunity to register their interest in being considered for appointment.

Mr OSWALD: With the assurance of the Minister that there will be public notification, I support the motion.

Motion carried.

Amendments Nos 9, 10, 11 and 12:

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

That the Legislative Council's amendments be agreed to.

Motion carried.

Amendment No. 13:

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

That the Legislative Council's amendment No. 13 be disagreed to and that the following amendment be made in lieu thereof:

Clause 22, page 21, after line 13—Insert new subclause as follows:

(3a) The appropriate Minister must, in relation to any proposal to create or alter the Planning Strategy—

(a) prepare a draft of the proposal; and

(b) to such extent as the Minister thinks fit, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase and undertake such consultation (including one or more public hearings) as may be appropriate.

The Government recognises the desire of those in another place to ensure a high level of public involvement in the process of amending the planning strategy. This amendment seeks to retain this philosophy but gives the ability to require a more appropriate level of consultation commensurate with the importance of the amendment proposed. It will provide certainty without rigidity.

The Hon. D.C. WOTTON: Again, I am disappointed in regard to the actions proposed by the Minister. It was not very long ago that the present Premier, on coming into office, made significant play of the instruction that he had given to his Ministers that, before they listen to their own advisers, they should listen to the community. Considerable emphasis was placed on that statement at the time the current Premier came into office.

Perhaps it is easier for Opposition members to say it than it is for Government members to say it, but I do not believe that we in this place listen to the community enough in a number of areas. I feel that to be the case particularly when it comes to planning or development procedures under this Bill. I would have thought that the proposals put up in another place were appropriate. They are sensible and they provide the opportunity for absolute consultation. It seemed to me that it was only right that the community, through these amendments, should be provided with that opportunity for absolute consultation. I recognise the hour of the night and it is not appropriate for me to go on at any length in relation to this matter, but I express my concern on behalf of all those people. There were many who recognised the need for appropriate consultation on what is a very important piece of legislation. I regret that the House of Assembly has not been able to recognise that.

Mr OSWALD: I would like to put on the record one specific point, picking up some comments made by my colleague the member for Heysen. The amendment that went to another place was the Opposition's amendment. The amendment proposed in this place was quite lengthy and involved the insertion of the concept of consultation. Since it has come back from another place, the Government has picked up some of the original proposals put forward. In doing so, it has retained paragraphs (a) and (b). Whilst the member for Heysen is correct and certainly expresses disappointment that the whole of the amendment is not in the Bill, at least part of Opposition's amendment has been accepted by the Government, and we are grateful for that. Indeed, I am sure the Conservation Council and other organisations will be grateful, because the Bill now encompasses part consultation, albeit it could be in more depth. However, at least the Government has recognised that there is a need for part consultation. It has incorporated that in the Bill and, because it has incorporated at least part of the Opposition's amendment, at this time I am prepared to support the motion.

The Hon. G.J. CRAFTER: I acknowledge the comments of the member for Morphett. The planning strategy concept with which we are dealing in this amendment is not currently known to planning law in this State. Indeed, this amendment not only establishes a statutory instrument but is an indication by the Government of its overall impact on planning in this State. We are not intent on making sure that that process is nailed down by a whole lot of legalisms and constructions that would inhibit the free flow of information from Government agencies to assist in the overall enhancement of our planning process.

We have tried to grapple with some of the concerns expressed in the debate during the consultation stage to provide for broad based community participation and consultation in these issues and, in the essence of Government activity and the various activities of Government agencies, we have tried to deliver a wide variety of services to the community, from human services to defence agencies. We then need to provide for the maximum flexibility that we can. This amendment grapples with those diverse interests. I believe it is a most practical and responsible measure; indeed, a measure that will most effectively serve the overall interests of the community.

Motion carried.

Amendment No. 14:

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

That the Legislative Council's amendment No. 14 be disagreed to and that the following alternative amendment be made in lieu thereof:

Clause 24, page 23, lines 29 and 30—Leave out 'by the Minister' and substitute the following—

(i) by the Minister on the basis that the Minister considers that the amendment is reasonably necessary to promote orderly and proper development within the relevant areas and that, after consultation with the relevant councils, the Minister considers that it is appropriate for the Minister to undertake the amendment; or

(ii) by the relevant councils with the approval of the Minister (and, in such a case, section 25 will apply with any necessary modifications);

In essence, the Government supports the concept of enabling councils to work together on development plan amendments affecting more than one council area. This

concept of regional planning is certainly one element of the planning process that has clearly been lacking in the past. However, the Government proposes a new amendment that will allow councils to undertake such plans for the Minister's approval rather than simply after consultation with the Minister. This will provide greater certainty and avoid the potential for conflicts that might otherwise arise. In order to provide consistency with the related clauses the order of subparagraphs (i) and (ii) has been rearranged. This amendment formalises a process which was intended to be done through ministerial delegation as outlined in the regulations.

Mr OSWALD: The Opposition has had a careful look at the Minister's proposal. We think it will firm up the process and we do not have any difficulty in supporting it.

Motion carried.

Amendment No. 15:

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

That the Legislative Council's amendment No. 15 be agreed to.

Motion carried.

Amendment No. 16:

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

That the Legislative Council's amendment No. 16 be disagreed to.

This amendment is opposed because it is no longer required as a result of my previous amendment.

Motion carried.

Amendment No. 17:

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

That the Legislative Council's amendment No. 17 be disagreed to and that the following alternative amendments be made in lieu thereof:

Clause 25, Page 25—After line 27—Insert new subclause as follows:

(11a) Where a proposed amendment designates a place as a place of local heritage value, the council must, on or before the day on which the plan amendment report is released for public consultation under subsection (11), give each owner of land constituting the place proposed as a place of local heritage value a written notice—

(a) informing the owner of the proposed amendment; and

(b) inviting the owner to make submissions on the amendment to the council within the period that applies under subsection (11).

Lines 28 and 29—Leave out 'prescribed under subsection (11)' and substitute 'under subsections (11) and (11a)'.

Line 30—After 'public consultation' insert 'and, if relevant, under subsection (1la)'.

Lines 35 to 37 and

Page 26—

Lines 1 and 2—Leave out paragraph (a) and substitute new paragraph as follows:

(a) seek the advice of the advisory committee—

(i) if the Minister is of the opinion that there is substantial public opposition to the whole or part of the proposed amendment, or that the council has recommended that substantial alterations be made to the amendment; or

(ii) in the case of an amendment that designates a place as a place of local heritage value—if the owner of the land objects to the amendment (and, in such a case, the owner of the land must be given a reasonable opportunity to make submissions to the advisory committee [in such manner as the advisory committee thinks fit] in relation to the matter before the advisory committee reports back to the Minister); and.

Line 32—Insert new subclause as follows:

(5a) Where a proposed amendment designates a place as a place of local heritage value, the Minister must, on or before the day on which the plan amendment report is released for public consultation under subsection (5) give each owner of land constituting the place proposed as a place of local heritage value a written notice—

(a) informing the owner of the proposed amendment; and

(b) inviting the owner to make submissions on the amendment within the period that applies under subsection (5).

Page 27, lines 1 and 2—Leave out all words in these lines after 'advisory committee' in line 1 and substitute:

(a) on the matters raised as a result of public consultation under subsection (5); and

(b) on any submissions made under subsection (5a); and

(c) on any proposed alterations to the amendment.

The Government recognises the intent of those amendments in another place to provide an independent review process relating to the listing of local heritage places. However, given the general concern that has arisen about the courts dealing with policy matters, the Government proposes alternative amendments that will involve the requirement of councils to notify landowners of places proposed to be listed. It will give those landowners the opportunity to make representations to the council, in the first instance, and to the advisory committee, if they so wish. The Environment, Resources and Development Committee will still be able to make a final assessment regarding the concerns of landowners whose properties have been listed as local heritage places in development plan amendments.

Mr OSWALD: I support the amendments. It was my remarks in the second reading debate that floated the concept of having appeals and appeal mechanisms or of incorporating within the Bill some form of appeal mechanism that could be resorted to. On reflection, the amendments of the Upper House were too restrictive. At the end of the day there were about five hurdles to get over in order to obtain local heritage listing. From memory, the way in which these amendments are proposed provides a process to local government, then notification to the owner and then an appeal through the heritage subcommittee of DPAC. On that basis, there is still an appeal mechanism, but it is not as cumbersome.

I think the amendment of the Upper House could have had inherent difficulties that may not have been foreseen. It might have sounded okay, but within the next six to 12 months as the process was put in train with the new Development Bill in place we may have had a few problems which we really do not need. This process as proposed by the Government is sensible; it is easy to understand and should be easy to follow and easy to put into practice. I support the Minister's amendments.

Motion carried.

Amendments Nos. 18 and 19:

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

That the Legislative Council's amendments Nos. 18 and 19 be agreed to.

Motion carried.

Amendment No. 20:

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

That the Legislative Council's amendment No. 20 be disagreed to.

While the intent of those in another place is understood, the Government considers that the conventions should be followed in this instance. Therefore, it is inappropriate to bind the Governor in the manner proposed by the amendment.

Mr OSWALD: The Opposition agrees with the Minister's comment.

Motion carried.

Amendments Nos. 21 and 22:

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

That the Legislative Council's amendments Nos 21 and 22 be agreed to.

Motion carried.

Amendment No. 23:

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

That the Legislative Council's amendment No. 23 be disagreed to.

The Government recognises the concerns that have been raised in another place about the use of clause 28 in the Bill. However, the legal complexities and the prospective high level of legal action that could result from this amendment need to be avoided. The current wording of section 43 of the Planning Act has worked well and a legal precedent has been established. A planning practice circular exists under the Planning Act outlining the circumstances under which interim effect can be used. I anticipate that a similar circular will be prepared under the Development Act that will reflect the spirit of the amendment proposed in another place.

Mr OSWALD: The Minister has summed up the situation accurately and I support the motion.

Motion carried.

Amendments Nos 24 and 25:

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

That the Legislative Council's amendments Nos 24 and 25 be disagreed to and that the following alternative amendment be made in lieu thereof:

Clause 28, page 28, line 27—Leave out paragraph (b) and insert new paragraph as follows:

(b) if either House of Parliament passes a resolution disallowing the amendment after copies of the amendment have been laid before both Houses of Parliament under section 27(7);

An important element of the Development Bill is that policy decisions and development plan amendments are made after professional investigations and public submissions. This applies to plans prepared by councils and the Minister. The Government considers that this principle should also apply to Parliament. Therefore, disallowance of a development plan amendment by either House of Parliament should only follow evidence being taken by the Environment, Resources and Development Committee and its report being made available. Amendment No. 25 would have had a potential for disallowance to come some considerable time after an amendment came into interim effect. This could create significant problems, as I indicated earlier.

Mr OSWALD: The Opposition supports the Minister's amendment, but I use this opportunity to raise a matter that surfaced in general discussion about the clauses. I refer to the amount of work that goes to the ERD Committee and the work that it is expected to process in the way of SDPs or, as they are to be called now, development plans. I gather that on many occasions the committee bogs down with SDPs when all it does is check to see whether the local MP has an objection and, if not, the matter is put through.

There must be some filtering mechanism for the committee in the processing of those applications. There is some concern about allowing the Minister to be the filtering mechanism. There is also some concern about the Chairman of the committee being the filtering mechanism, but I tend to believe that it must be the latter rather than the former. Whilst an amendment to the Act that set up the committee would be the appropriate way to handle the problem, I should like to think that, coming out of this debate on the Development Bill, the Government will look at streamlining the flow and processing of plans through the ERD Committee so that the committee can spend more time on major developments and can become more project orientated.

In that way it can become involved in looking at a project such as the MFP or a major planning inquiry rather than bogging itself down on minor work, which I do not believe is its area of responsibility. I support the amendment that is before the Committee, but I hope that the Government will have a close look at the processing of plans through that parliamentary committee so that it can get on with the work that I believe Parliament set it up to do.

The Hon. G.J. CRAFTER: I note the comments that the member for Morphett has raised with respect to this matter. I must say that I am also concerned at the workload of that committee and the somewhat onerous responsibilities that are placed on it for little valuable outcome. I undertake to discuss the matter with the Chairman of that committee. The requirement that all these supplementary development plans, as they are currently known, go before what was formerly the Subordinate Legislation Committee, and now to the Environment, Resources and Development Committee, was inserted in the very early hours of the morning in the conference of managers of both Houses with respect to the Planning Act in 1982.

I was a member of that conference, and they were inserted by the Hon. Mr DeGaris when he was at the most cantankerous and irascible stage of his long career in this Parliament. He refused to take the Liberal Party Whip in the other place and, in fact, insisted on these amendments for what reason no-one knows but, as he held the balance of power and he was going to sit there until everyone rotted in the room, we eventually gave in on these matters. So, as the honourable member said, we have a problem, and it is not the function of a parliamentary committee to bog down in what is bureaucracy. I know some elements of that committee would like to be involved in the administrative processes and, indeed, to take politics into the administrative processes. That would be, I suggest, disastrous.

Nevertheless, there is—and the Government agrees—a rightful function of legislative review of administrative action in this important area. So, I will undertake to pursue that matter with the Chairman of the committee as he walks past.

Motion carried.

Amendment No. 26:

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

That the Legislative Council's amendment No. 26 be disagreed to.

The Government cannot support retrospective legislation which takes away people's valid approvals, even though they may have entered into expensive contracts. The alternative that people are expected to enter into agreements subject to non-disallowance of the planned amendment is unrealistic, particularly in view of the time which may elapse between the introduction on an interim basis and the final decision eventually taken by a parliamentary committee and then Parliament as a whole. While it may be considered that this amendment would impact on only a small number of major projects, I suggest this is not the case. The amendment could also affect a large number of small developments such as carports and other minor home renovations for which local residents had gained approval under the general provisions of the development plan amendment with interim effect.

Motion carried.

Amendment No. 27:

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

That the Legislative Council's amendment No. 27 be disagreed to.

The Government recognises the problem that has led to this amendment. Nonetheless, it is considered that this matter is best addressed by councils referring such applications to the Minister. If this does not occur, an applicant would have the right of appeal to the ERD Court. Such an appeal should be resolved quickly under the new system. It is likely that the amendment was proposed with the view that it would relate to a small number of applications each year. However, it is the Government's view, on advice that we have received, that the amendment could result in a significant number of small-scale applications being sent to the Minister by developers, thus frustrating the intention of the Bill.

Mr OSWALD: The Opposition accepts that explanation and supports the motion.

Motion carried.

Amendment No. 28:

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

That the Legislative Council's amendment No. 28 be disagreed to.

This amendment removes the ability to restrict appeal rights against directions issued by the State agencies to councils. The Bill envisages that other legislation separate from the Development Bill will be progressively integrated over the coming years. Members would be aware that some 106 Bills relate to development in this State, and it is our intention to incorporate as many of those processes as possible into this development legislation over time. Some but not all of this legislation provides for appeal rights. The amendment would remove the flexibility to determine appropriate appeal rights at the time of integration. This is particularly important in the light of the acceptance of amendment No. 4, which we dealt with earlier.

Motion carried.

Amendment No. 29:

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

That the Legislative Council's amendment No. 29 be disagreed to.

The problem with this amendment is that it would require a new application to be lodged even though very minor amendments had been made to an application. For example, a developer building flats may agree to shift the location of a window in response to valid concerns expressed by a neighbouring landowner. If a new application were to be required, it is likely that the developer would resist changing the plans because of the delays and costs involved. The concerns of those in another place can be met by regulations 332 and 333 in draft regulations made available by the Government.

Mr OSWALD: I believe this is an extraordinary amendment. The name of the game is to try to facilitate developer's going ahead with their developments after they have received approval. Under the amendment, if a loading bay is shifted or has some minor alterations made to it, the developer must go right back and start the planning approval process again. It is an extraordinary amendment and one that cannot be supported. In this legislation we are looking for some sensible planning direction. To come forward with an amendment such as this, which is quite contrary to those principles, makes one wonder where we are really going in terms of trying to frame legislation to get this State up and running again. The Minister is correct in opposing the amendment, and I have no trouble in supporting the motion.

Motion carried.

Amendment No. 30:

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

That the Legislative Council's amendment No. 30 be agreed to.

Motion carried.

Amendments Nos 31, 32 and 33:

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

That the Legislative Council's amendments Nos 31, 32 and 33 be disagreed to and the following alternative amendment be made in lieu thereof:

Clause 46, page 43, after line 17—Insert new subclauses as follows:

(2a) The Minister must, in considering whether an environmental impact statement should be prepared, take into account criteria prescribed by the regulations.

(2b) The Minister must, in formulating the guidelines referred to in subsection (2) (b), undertake such public consultation as the regulations may require.

The Government recognises the wish of those in another place for greater public input into the early stages of an environmental impact statement. The amendments as proposed could lead to significant delays and confusion by people who have insufficient information on which to comment. Therefore, the Government proposes a new amendment that will incorporate the criteria for an EIS in the regulations, with such criteria, being, for example, the character of receiving environment, potential social economic and environmental impacts, resilience of the environment to cope with change, confidence in the

prediction of impacts, and the presence of planning or policy framework for other procedures or statutory approval processes. It is intended to advertise the draft guidelines for a particular major project so that members of the public will have the opportunity to comment on them. There will also be public consultation on the guidelines. The extent and nature of consultation will be set out in the regulations.

Mr OSWALD: The Opposition supports the amendment, particularly subclauses (2a) and (2b). It is very important. We believe the wording of subclause (2b) is significant. Members will understand in their own mind the significance of it as well. It is certainly an improvement in the process to have that consultation there, and I am pleased that the Minister has seen fit to bring it forward into one of his amendments, and I support it.

Motion carried.

Amendments Nos 34 and 35:

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

That the Legislative Council's amendments Nos 34 and 35 be agreed to.

Motion carried.

Amendment No. 36:

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

That the Legislative Council's amendment No. 36 be disagreed to.

This amendment, which relates to development applications, should address matters such as amenity, traffic impacts, noise, and so on. The issue of business competition is not a matter for consideration in this process, I would suggest, so the Government considers that any amendment involving the Development Assessment Commission in commenting on such matters is clearly wrong. The issue of business competition between the Government and private agencies is philosophical, and hence should be discussed in Parliament and not the commission. The Development Assessment Commission is not equipped to make judgments on commercial impacts on proposed developments.

Mr OSWALD: The Opposition supports the Minister's proposal, but I must say that it was one of my initial amendments, and I am very pleased that the Minister has picked up and accepted many of my amendments. I am happy for this one to be withdrawn, because on considering the proposition there is no question that it would be impossible for the commissioners to be qualified enough to make the assessment as we have defined it in the Bill. It is not the role of the commission; it is a planning authority to make planning decisions and it should not get tied up with any arguments over the economic value of a proposal.

I put up the amendment on behalf of one of the major institutes in Adelaide and, having further had discussions with it since we put up that amendment on its behalf, I know it sees the difficulty that we would have had in expecting the commissioners to have that knowledge. I think the Minister's summary is adequate, and I have no problem in supporting his amendment.

Motion carried.

Amendments Nos 37 and 38:

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

That the Legislative Council's amendments Nos. 37 and 38 be agreed to.

Motion carried.

Amendment No. 39:

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

That the Legislative Council's amendment No. 39 be disagreed to.

Simply, this amendment is no longer required.

Motion carried.

Amendment No. 40:

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

That the Legislative Council's amendment No. 40 be disagreed to.

The Government simply cannot accept this amendment. By seeking to bind the Crown to the requirements of part VI, the amendment would require a range of administrative procedures to be observed. These would do very little to improve public safety but would add significant costs, particularly in the area of bureaucracy, and they simply cannot be justified. I would remind the Committee that the Government has agreed to an earlier amendment, which will ensure that plans and specifications for all Government building work will be approved by an independent person.

Motion carried.

Amendment No. 41:

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

That the Legislative Council's amendment No. 41 be agreed to.

Motion carried.

Amendments Nos. 42 and 43:

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

That the Legislative Council's amendments Nos 42 and 43 be disagreed to.

These two amendments seek to give practical effect to the earlier proposal to bind Crown development to the provisions of part VI. As the Committee has not approved amendment No. 40, these two amendments must similarly be rejected as consequential.

Motion carried.

Amendment No. 44:

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

That the Legislative Council's amendment No. 44 be agreed to.

Motion carried.

Amendments Nos 45 to 57:

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

That the Legislative Council's amendments Nos 45 to 57 be disagreed to.

These are consequential amendments upon the disapproval of amendment No. 40 just considered by the Committee.

Motion carried.

Amendments Nos 58 to 62:

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

That the Legislative Council's amendments Nos 58 to 62 be agreed to.

Motion carried.

The Hon. G.J. CRAFTER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I move:

That Standing Orders be so far suspended as to enable the Acting Clerk to deliver messages to the Legislative Council when the House is not sitting.

Motion carried.

ADJOURNMENT

At 10.30 p.m. the House adjourned until Wednesday 5 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 4 May 1993

QUESTIONS ON NOTICE

SAGRIC

310. Mr BECKER.

1. How many local and international subsidiary or wholly owned companies are owned or controlled by SAGRIC?

2. Who are the directors of each company and what remuneration is paid to each?

3. How many staff are employed on contract by SAGRIC and each company and what are the terms and conditions of each contract?

The Hon. T.R. GROOM: The replies are as follow:

1. Three

2. Innovation Management Ltd:
   Dr P R Harvey
   Mr M J Lloyd
   Dr G H Simpson
   Mr J D S Taylor

Mr Lloyd receives $6 662.50 p.a. No directors fees are paid to the other directors as they are company employees.

MRad:
Mr J D S Taylor
Mr R C Coups
Dr P R Harvey
Mr M J Lloyd
Mr R A Riggs
Air Vice-Marshall H F Roser
Dr G H Simpson

Air Vice-Marshall Roser and Mr Lloyd each receive $6 662.50 p.a. No director fees are paid to the other directors as they are company employees.

AUSTRAINING International Pty Ltd
Dr P R Harvey
Dr G H Simpson
No director fees are paid to the directors.

3. On 16 February there were 57 contract staff employed by SAGRIC International and its subsidiary companies.

The terms and condition of their contracts are confidential between the companies, contractors and consultants.

GOVERNMENT VEHICLES

355. Mr BECKER: How many traffic infringement notices were issued in each of the years 1991 and 1992 to drivers of vehicles owned or leased by each department or agency under the Minister's responsibility, what was the reason for each notice, who paid the fine and if the fine was paid by the department or agency, why was it decided not to make the driver pay?

The Hon. M.K. MAYES: The replies are as follow:

Department of Environment and Land Management

The Department of Environment and Land Management comprises the previous Lands Department and the Environment functions of the former Department of Environment and Planning.

Inquiries have been made with appropriate officers from these areas, and I advise that in relation to each of the financial years 1 July 1990 to 30 June 1991 and 1 July 1991, no traffic infringement notice has been paid by the Department. No record is maintained as to the receipt of the notices, if/when they are received they are directed to the vehicle's driver or custodian for attention.

Department of State Aboriginal Affairs

The Department did not incur any traffic infringement notices during the financial years 1991 and 1992.

South Australian Metropolitan Fire Service

As the SA Metropolitan Fire Service provides an emergency service to the community, appliances are exempt from certain road traffic regulations when responding to emergency incidents. Traffic Infringement Notices were not issued to the SAMFS prior to January 1991.

Since 1 January 1991, Traffic Infringement Notices have been issued and all fines incurred have been investigated by the Fire Service. In circumstances where it is confirmed that the driver was responding to an emergency incident at the time of the traffic infringement, an application to waive the fine is forwarded to the SA Police Department.

Where an emergency incident was not the issue, the driver is required to pay the fine.

Period 1-1-91-30-6-91
17 Notices issued—
6—Speeding offences
11—disobeying traffic lights
14 Notices waived
3 Fines were paid by Drivers not attending emergency incidents

Period 1-7-91-30-6-92
72 Notices issued—
42 Speeding offences
30 disobeying traffic lights
51 Notices waived
6 Fines paid by drivers not attending an emergency
15 applications to waive currently under consideration

Country Fire Service

Period 1-7-1990-30-6-1991
11 Notices issued

Period 1-7-1991-30-6-1992
17 Notices issued

The notices were all issued for speed camera offences and were paid by the person driving the vehicle at the time.

South Australian Police Department

Information from the South Australian Police Department will be forwarded as soon as statistics are available.

FENCING CONTRACTS

425. Mr OLSEN: In relation to contracts let to fence heritage areas of native vegetation in the District Council of Ridley-Truro in the past five years—

(a) what was the length and cost per kilometre of the fencing in each case;

(b) what were the specifications in each instance, if they varied between contracts, ie, wire number, size (diameter), tensile strength, type (barb or plain), post type, post spacing, dropper spacing per panel, gate number (if included);

(c) how many tenders were received in each instance;

(d) what was the highest and lowest tender in each instance and was the lowest tender accepted?

The Hon. M.K. MAYES: The replies are as follows:

(a) The following table summarises the contract fencing carried out.

Case	Length (km)	Cost per km
		$
1	1.4	1 547
2	0.4	1 540
3	1.7	1 676
4	1.6	1 668
5	1.02	1 362
6	1.27	1 630
7	3.1	870
8	1.7	1 605

- These costs include fenceline preparation costs (ie removal of old stone walls, old fences and vegetation).
- Material costs are excluded as materials were primarily supplied from Departmental stocks.

(b) The specifications are summarised below for each case;

Case	1	2	3	4	5	6	7a	7b	8
Wire number	3B2P	3P	5P	5P	5P	6P	2P	3P	3P
Spacers per panel	3	1	1	1	2	3	2	1	1
Gate number	0	1	1	1	1	3	2	0	1

- Plain (P) wires are 2.5 mm Tyeasy, Barb (B) 1.57 mm.
- All posts are 75-100 mm treated pine posts or 1650 mm or 1350 mm steel star fence posts spaced at 18-21 metre intervals.
- Spacers are pressed steel galvanised spacers.

(c) One quotation was received in each instance.

(d) The quotation received for these works was considered to be reasonable and was therefore accepted.

SOUTH AUSTRALIAN HEALTH COMMISSION

432. Mr VENNING:

1. What is the total work force of the South Australian Health Commission employed purely in an administrative role?

2. How many are actually employed in the hospital or area health services section?

3. What is the total administration cost of the commission and how much of this relates to the hospital or area health services section?

The Hon. M.J. EVANS: The replies are as follows:

1. At 28 February 1993, the work force of the South Australian Health Commission, excluding the Public and Environmental Health Service, was 229.91 F.T.E.

The work force of the South Australian Health Commission is employed to carry out the functions of the Commission as set out in the South Australian Health Commission Act Section 16 (1) (See Attachment 1). Staff of the Health Commission are employed across a range of activities to carry out the functions of the Commission.

The administration of health services is the responsibility of individual incorporated health unit and their Boards of Directors.

2. There are no specific hospital or health service sections. Three Divisions, Metropolitan Health Services Division (MHSD), Country Health Services Division (CHSD) and the Disability Services Office (DSO), have primary responsibility for co-ordination, funding and planning of health services.

Staff levels as at 28 February 1993 were:

MHSD	24.4 FTE
CHSD	23.7 FTE
DSO	8.0FTE

3. The total administration cost of the Commission, excluding Public and Environmental Health Service, for 1991-92 was as follows:-

Salaries and wages	$11 455 000
Goods and services	$8 304 000
	$19 759 000

These costs relate to all functions of the Health Commission, not only to administration. As there are no specific hospital or area health services sections, no allocation of costs can be made.

Functions of Commission

16. (1) The function of the commission is to promote the health and well-being of the people of this State and, in particular—

(a) to institute, promote or assist in research in the field of health and health services;

(b) to collect, or assist in the collection of, data and statistics in relation to health and health services;

(c) to ascertain the requirements of the public, or any section of the public, in the field of health and health services and to determine how those requirements should be met to the best advantage of the public or the section of the public concerned;

(d) to plan and implement the provision of a system of health services that is comprehensive, coordinated and readily accessible to the public;

(e) to establish, maintain and operate such health services as the commission may think desirable and possible within the limits of its resources;

(f) to assist any other body or person in the establishment, maintenance or operation of a health service to the extent that the commission thinks desirable;

(fa) to ensure that any incorporated hospitals, incorporated health centres and any health service established, maintained or operated by, or with the assistance of, the commission are operated in an efficient and economical manner;

(fb) to ensure the proper allocation of resources between incorporated hospitals, incorporated health centres and health services established, maintained or operated by, or with the assistance of, the commission;

(g) to provide, or assist in the provision of, education, instruction or training in such professional or other fields of knowledge or expertise related to the provision of health services as the commission thinks desirable;

(h) to promote and encourage voluntary participation in the provision of health services;

(i) to disseminate knowledge in the field of public health to the advancement of the public interest;

(j) to keep the policies and standards of health and health services developed by the commission under constant evaluation and review;

(k) to ensure as far as possible that the people of this State live and work in a healthy environment;

(l) to perform any other functions prescribed by this Act or any other Act;

and

(m) to perform such other functions as may be necessary or incidental to the foregoing.

(2) The commission has full power to perform any act necessary or expedient for the performance of the functions for which the commission is established.

(3) The commission must, in carrying out its functions, act wherever possible in a manner calculated to encourage participation by voluntary organisations and local governing bodies in the provision of health care.

SPEED CAMERAS

444. The Hon. JENNIFER CASHMORE:

1. What are the principal locations of road accidents in the metropolitan area?

2. How many speed cameras are operating in the metropolitan area, at which locations and on which dates and at what times have they been operating in each of the months from January 1992 to January 1993?

3. What are the guidelines for placement of speed cameras and is there a relationship between the location of accidents and the subsequent location of speed cameras?

The Hon. M.K. MAYES: The replies are as follows:

1. Road accidents occur throughout the metropolitan area, but tend to follow the major road network. Major roads generally show an accident pattern along the entire length, but with some sections having heavier concentration than others.

2. There are nine cameras operating in the metropolitan area. In the period January 1992 to January 1993 there were about 13 000 different speed camera operations, spread throughout the metropolitan area. It would be impractical to provide details of each of the 13 000 operations.

3. Police Department policy allows for speed cameras to be used at locations including those with a high accident history; roads which are the subject of complaints of speeding; roads which have a combination of high speed and high volume and roads which are unsafe for other speed detection methods.

The deployment of speed cameras is based on a speed related accident rating for road sections. The deployment is in proportion to the accident rating, hence speed cameras are used on low rating roads, but to a lesser extent than high rating roads.

ARBOUR DAY

446. Mr BECKER: Will the Minister reintroduce Arbour Day in all schools and if not, why not?

The Hon. S.M. LENEHAN: Arbour Day was reintroduced by the Hon John Bannon on the 20 June, 1989 at a ceremony in the South parklands which celebrated the centenary of the first Arbour Day in South Australia.

Since the reintroduction of Arbor Day many schools have carried out tree planting activities on or near the 20 June. The Education Department and other agencies such as the State Tree Centre and community groups such as Trees for Life and Greening Australia have supported schools with materials and

activities to celebrate Arbor Day since its reintroduction four years ago.

Some schools link World Environment Day on 5 June with Arbor Day on the 20 June to celebrate an environment month.

PAEDOPHILIA ALLEGATIONS

451. Mr BECKER:

1. When did journalist Dick Wordley hand to police tapes of a recorded interview with Mr John Ceruto alleging a high society Adelaide clan involved in a paedophile racket?

2. How many police have been assigned to investigate the allegations and what priority is the case given?

3. Will the Minister and Parliament receive a report on investigations of the allegations and if not, why not?

4. Were allegations relating to boys from an institution for mentally and physically handicapped transported in a Government motor vehicle made in the tapes investigated by police and if so, what were the findings?

The Hon. M.K. MAYES: In early 1992 police received a document and computer disk from Mr Dick Wordley, journalist containing a transcript of an interview between a Mr John Ceruto, now deceased, and an unknown interviewer.

The document consisted of comments by Mr Ceruto concerning the alleged activities of certain members of the Adelaide Society in the late 1960's and early 1970's.

The document was historical and vague in specifics and was assessed as being of minuscule value to any police inquiry.

WATER QUALITY

453. The Hon. D.C. WOTTON: Further to the answer provided on 18 February 1993 to the question without notice asked by the Member for Heysen, what contingency plans are in place for the supply of water to various regions in the event of an outbreak of blue-green algae?

The Hon. J.H.C. KLUNDER: Detailed contingency plans have been developed for all regions of South Australia to deal with blue-green algae or any other threats to water quality.

The plans include:

- Monitoring and assessment procedures,
- Control measures in the source waters such as booms to protect off takes, flow manipulation, aeration and copper sulphate treatment of reservoirs,
- Water treatment procedures such as chlorination and activated carbon,
- Use of alternative supplies including tankering of water to affected areas.

The plans have been discussed with all the relevant agencies. The plans for the Riverland and Murray Mallee Regions were presented at public meetings at Berri and Murray Bridge in November and December 1992.

The plans are available for inspection at the Central and Regional Offices of the Engineering and Water Supply Department.

454. The Hon. D.C. WOTTON: Further to the answer to question on notice No. 390, does the discharge of treated waste water from the Myponga Sewage Treatment Works into the Myponga Creek contribute to the THM range of 106-344 ug/h in the Myponga system and if so, would the THM levels fall below the Australian guideline value of 200 ug/h if the discharge ceased?

The Hon. J.H.C. KLUNDER: The Myponga Sewage Treatment Works contributes less than 0.5 per cent of the organic loading, the precursors for THM formation, entering Myponga Reservoir. Consequently its contribution to THM formation is insignificant. Less than 2 μg/L of the total THM concentration would be due to the sewage treatment works effluent.