HOUSE OF ASSEMBLY

Tuesday 29 November 1994

The SPEAKER (Hon. G.M. Gunn) 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:

Electrical Products (Administration) Amendment,

Financial Institutions Duty (Exempt Accounts) Amendment,

Pollution of Waters by Oil and Noxious Substances (Consistency with Commonwealth) Amendment,

Small Business Corporation of South Australia Act Repeal.

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

The Hon. W.A. MATTHEW (Minister for Correctional Services): I move:

That the sittings of the House be continued during the conference with the Legislative Council on the Bill.

Motion carried.

LAND AGENTS BILL, LAND VALUERS BILL AND CONVEYANCERS BILL

At 2.3 p.m. the following recommendations of the conference were reported to the House:

LAND AGENTS BILL

As to Amendment No. 1:

That the House of Assembly do not further insist on its amendment.

As to Amendment No. 2:

That the House of Assembly do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 3, page 1, after line 21—Insert definition as follows:

'Court' means the Administrative and Disciplinary Division of the District Court of South Australia;

And that the Legislative Council agrees thereto.

As to Amendments Nos 3 to 10:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 11:

That the House of Assembly do not further insist on its amendment but makes the following amendment in lieu thereof:

New clause, page 6, after line 22—Insert new clause as follows:

Entitlement to be sales representative

12A. (1) A person must not employ another person as a sales representative unless that other person—

(a) —

(i) holds the qualifications required by regulation; or

(ii) is registered as an agent under this Act or has been registered as a sales representative or manager, or licensed as an agent, under the repealed Land Agents, Brokers and Valuers Act 1973; and

(b) has not been convicted of an offence of dishonesty; and

(c) is not suspended or disqualified from practising or carrying on an occupation, trade or business under a law of this State, the Commonwealth, another State or a Territory of the Commonwealth.

Penalty: Division 5 fine.

(2) A person must not—

(a) be or remain in the service of a person as a sales representative; or

(b) hold himself or herself out as a sales representative; or

(c) act as a sales representative,

unless he or she—

(d) —

(i) holds the qualifications required by regulation; or

(ii) is registered as an agent under this Act or has been registered as a sales representative or manager, or licensed as an agent, under the repealed Land Agents, Brokers and Valuers Act 1973; and

(e) has not been convicted of an offence of dishonesty; and

(f) is not suspended or disqualified from practising or carrying on an occupation, trade or business under a law of this State, the Commonwealth, another State or a Territory of the Commonwealth.

Penalty: Division 7 fine.

And that the Legislative Council agrees thereto.

As to Amendments Nos 12 to 14:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendments Nos 15 and 16:

That the House of Assembly do not further insist on its amendments.

As to Amendments Nos 17 and 18:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 19:

That the House of Assembly do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 44, page 19, lines 11 to 14—Leave out the definition of 'sales representative' and insert:

'sales representative' includes a former sales representative;

And that the Legislative Council agrees thereto.

As to Amendment No. 20:

That the House of Assembly do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 45, page 20, lines 1 to 9—Leave out subclause (2) and insert—

(2) There is proper cause for disciplinary action against a sales representative if the sales representative has acted unlawfully, improperly, negligently or unfairly in the course of acting as a sales representative.

And that the Legislative Council agrees thereto.

As to Amendments Nos 21 to 26:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 27:

That the House of Assembly do not further insist on its amendment.

As to Amendment No. 28:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 29:

That the House of Assembly do not further insist on its amendment.

As to Amendments Nos 30 to 35:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 36:

That the House of Assembly do not further insist on its amendment.

As to Amendment No. 37:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 38:

That the House of Assembly do not further insist on its amendment.

As to Amendment No. 39:

That the Legislative Council do not further insist on its disagreement thereto.

And that the House of Assembly makes the following consequential amendments to the Bill—

1. Long title, page 1, line 7—After 'Act 1973;' insert 'to amend the District Court Act 1991;'.

2. New clause, page 20, after line 28—Insert new clause as follows:

Participation of assessors in disciplinary proceedings

47A. In any proceedings under this Part, the Court will, if the judicial officer who is to preside at the proceedings so determines, sit with assessors selected in accordance with schedule 1.

3. Clause 51, page 23, after line 27—Insert subclause as follows:

(2a) The Commissioner may not delegate any of the following for the purposes of the agreement:

(a) functions or powers under Part 2;

(b) the approval of classes of accounts at banks, building societies or credit unions under Division 2 of Part 3;

(c) the appointment, reappointment or termination of appointment of a person to administer an agent's trust account or of a temporary manager under Division 2 of Part 3;

(d) functions or powers under Division 3 of Part 3;

(e) power to request the Commissioner of Police to investigate and report on matters under Part 5;

(f) power to commence a prosecution for an offence against this Act.

4. New schedule, after page 27—Insert new schedule as follows:

SCHEDULE 1

Appointment and Selection of Assessors for Court

(1) The Minister must establish a panel of persons who may sit as assessors consisting of persons representative of agents.

(2) The Minister must establish a panel of persons who may sit as assessors consisting of persons representative of members of the public who deal with agents.

(3) A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.

(4) A member of a panel is, on the expiration of a term of office, eligible for reappointment.

(5) Subject to subclause (6), if assessors are to sit with the Court in proceedings under Part 4, the judicial officer who is to preside at the proceedings on the complaint must select one member from each of the panels to sit with the Court in the proceedings.

(6) A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the Court is disqualified from participating in the hearing of the matter.

(7) If an assessor dies or is for any reason unable to continue with any proceedings, the Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

5. New schedule, after page 29—Insert new schedule as follows:

SCHEDULE 3

Amendment of District Court Act 1991

(1) The District Court Act 1991 is amended—

(a) by striking out subsection (2) of section 3;

(b) by striking out paragraph (d) of section 7 and substituting the following paragraph:

(d) the Administrative and Disciplinary Division.;

(c) by striking out subsection (3) of section 8 and substituting the following subsection:

(3) The Court, in its Administrative and Disciplinary Division, has the jurisdiction conferred by statute.;

(d) by striking out from section 20(3) and (4) 'Administrative Appeals Division' wherever occurring and substituting, in each case, 'Administrative and Disciplinary Division';

(e) by striking out from section 43(3) 'Administrative Appeals Division' and substituting 'Administrative and Disciplinary Division';

(f) by striking out from section 52 'Administrative Appeals Division' and substituting 'Administrative and Disciplinary Division';

(g) by inserting after the present contents of section 52, as amended by this clause (now to be designated as subsection (1)) the following subsection:

(2) The Court, in its Administrative and Disciplinary Division, is bound by the rules of evidence in—

(a) disciplinary proceedings; and

(b) proceedings related to contempt.

(2) A reference in any Act or instrument to the Administrative Appeals Court or to the Administrative Appeals Division of the District Court, is so far as the context permits, to be taken to be a reference to the Administrative and Disciplinary Division of the District Court.

And that the Legislative Council agrees thereto.

LAND VALUERS BILL

As to Amendment No. 1:

That the House of Assembly do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 3, page 1, after line 15—Insert definition as follows:

'Court' means the Administrative and Disciplinary Division of the District Court of South Australia;.

And that the Legislative Council agrees thereto.

As to Amendments Nos 2 to 7:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 8:

That the House of Assembly do not further insist on its amendment.

As to Amendments Nos 9 to 11:

That the Legislative Council do not further insist on its disagreement thereto.

And that the House of Assembly makes the following consequential amendments to the Bill—

1. New clause, page 3, after line 13—Insert new clause as follows:

Participation of assessors in disciplinary proceedings

9A. In any proceedings under this Act, the Court will, if the judicial officer who is to preside at the proceedings so determines, sit with assessors selected in accordance with schedule 1.

2. Clause 16, page 5, after line 19—Insert subclause as follows:

(2a) The Commissioner may not delegate for the purposes of the agreement—

(a) power to request the Commissioner of Police to investigate and report on matters under this Act;

(b) power to commence a prosecution for an offence against this Act.

3. New schedule, after page 7—Insert:

SCHEDULE 1

Appointment and Selection of Assessors for Court

(1) The Minister must establish a panel of persons who may sit as assessors consisting of persons representative of land valuers.

(2) The Minister must establish a panel of persons who may sit as assessors consisting of persons representative of members of the public who deal with land valuers.

(3) A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.

(4) A member of a panel is, on the expiration of a term of office, eligible for reappointment.

(5) Subject to subclause (6), if assessors are to sit with the Court in proceedings under this Act, the judicial officer who is to preside at the proceedings on the complaint must select one member from each of the panels to sit with the Court in the proceedings.

(6) A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the Court is disqualified from participating in the hearing of the matter.

(7) If an assessor dies or is for any reason unable to continue with any proceedings, the Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

And that the Legislative Council agrees thereto.

CONVEYANCERS BILL

As to Amendment No. 1:

That the House of Assembly do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 3, page 1, after line 20—Insert definition as follows:

'Court' means the Administrative and Disciplinary Division of the District Court of South Australia;

And that the Legislative Council agrees thereto.

As to Amendments Nos 2 to 7:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 8:

That the House of Assembly do not further insist on its amendment.

As to Amendments Nos 9 to 14:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 15:

That the House of Assembly do not further insist on its amendment.

As to Amendments Nos 16 to 19:

That the Legislative Council do not further insist on its disagreement thereto.

And that the House of Assembly makes the following consequential amendments to the Bill—

1. New clause, page 20, after line 13—Insert new clause as follows:

Participation of assessors in disciplinary proceedings

47A. In any proceedings under this Part, the Court will, if the judicial officer who is to preside at the proceedings so determines, sit with assessors selected in accordance with schedule 1.

2. Clause 51, page 22, after line 27—Insert subclause as follows:

(2a) The Commissioner may not delegate any of the following for the purposes of the agreement:

(a) functions or powers under Part 2;

(b) the approval of classes of accounts at banks, building societies or credit unions under Division 2 of Part 4;

(c) the appointment, reappointment or termination of appointment of a person to administer a conveyancer's trust account or of a temporary manager under Division 2 of Part 4;

(d) functions or powers under Division 3 of Part 4;

(e) power to request the Commissioner of Police to investigate and report on matters under Part 6;

(f) power to commence a prosecution for an offence against this Act.

3 . New schedule, after page 25—Insert—

SCHEDULE 1

Appointment and Selection of Assessors for Court

(1) The Minister must establish a panel of persons who may sit as assessors consisting of persons representative of conveyancers.

(2) The Minister must establish a panel of persons who may sit as assessors consisting of persons representative of members of the public who deal with conveyancers.

(3) A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.

(4) A member of a panel is, on the expiration of a term of office, eligible for reappointment.

(5) Subject to subclause (6), if assessors are to sit with the Court in proceedings under Part 5, the judicial officer who is to preside at the proceedings on the complaint must select one member from each of the panels to sit with the Court in the proceedings.

(6) A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the Court is disqualified from participating in the hearing of the matter.

(7) If an assessor dies or is for any reason unable to continue with any proceedings, the Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

And that the Legislative Council agrees thereto.

EDUCATION AND CHILDREN'S SERVICES

Petitions signed by 138 residents of South Australia requesting that the House urge the Government not to cut the Education and Children's Services budget were presented by Messrs. Foley and Matthew.

Petitions received.

WATER RATES

A petition signed by 766 residents of South Australia requesting that the House urge the Government to reject all Audit Commission recommendations in relation to water charging was presented by the Hon. Frank Blevins.

Petition received.

MODBURY HOSPITAL

A petition signed by 3 011 residents of South Australia requesting that the House urge the Government to cease negotiations with Healthscope and undertake talks with all user groups to ensure a viable public Modbury Hospital was presented by Mrs Geraghty.

Petition received.

MARION COUNCIL

A petition signed by 81 residents of South Australia requesting that the House urge the Government to restore the subsidy paid to the Marion council to ensure the continued service of the community bus was presented by Mr Leggett.

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 51, 131, 139 and 140; and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

HOUSING TRUST CREDIT POLICY

In reply to **Ms HURLEY (Napier)** 19 October.

The Hon. J.K.G. OSWALD: The Attorney-General has provided the following response:

The legislation to which the honourable member refers in her question is the Residential Tenancies (Housing Trust) Amendment Act 1993, assented to on 27 October 1993 but not yet proclaimed. At the time of the Parliamentary debates on the Bill it was anticipated that the amendments would come into effect on 1 July 1994. Since the change of Government, as the honourable member will be aware, the new Minister for Consumer Affairs commissioned a full review of all consumer legislation and appointed a legislative review team. The Residential Tenancies Act is one of the Acts being reviewed.

The Residential Tenancies Bill 1994 and the Tenancies Tribunal Bill 1994 to be introduced into the Parliament in due course address the concerns of access to dispute resolution for SAHT tenants expressed by the honourable member. This independent forum will provide a better method of settling disputes which will be available to all parties. If the Housing Trust wishes, it will be able to access the tenancies tribunal through amendment to its own legislation. The tenancies tribunal will promote an early resolution of all tenant and landlord disputes by implementing a mediation and conciliation process, with formal hearings only held as a last resort.

The Government intends that the services of the tenancies tribunal be provided free of charge to tenants. Further, the introduction of alternative dispute resolution procedures will prove beneficial to tenants and increase their access to justice in real terms. The compulsory conciliation conferences will be advantageous to all parties in avoiding unnecessary, costly and adversarial court

hearings. The Government will also be able to save money by replacing what is a very expensive and adversarial jurisdiction with a user friendly, cost-effective forum which is far less intimidating to lay people. The Government is of the view that these measures will address the concerns of tenants more appropriately than the unproclaimed Act.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. S.J. Baker)—

Commissioner for Consumer Affairs—Report, 1993-94.
Legal Practitioners Complaints Committee—Report, 1993-94.
Legal Practitioners Disciplinary Tribunal—Report, 1993-94.
South Australian Office of Financial Supervision—Report, 1993-94.

By the Treasurer (Hon. S.J. Baker)—

Liquor Licensing Commissioner, Report on the Gaming Machines Act, 1993-94.
Friendly Societies Act 1919—General Laws—Manchester Unity.
Police Superannuation Act—Regulations—Pensioners and Lump Sums.

By the Treasurer, for the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

South Australian Country Arts Trust—Report, 1993-94
Harbors and Navigation Act—Regulations—
Restricted Areas—Glenelg.
Position-indicating radio beacon.

By the Minister for Industrial Affairs (Hon. G.A. Ingerson)—

Construction Industry Long Service Leave Board—Report, 1993.

By the Minister for Health (Hon. M.H. Armitage)—

Chiropractors Board of South Australia—Report, 1993-94.
South Australian Psychological Board—Report, 1993-94.
Public Works Committee—Mount Gambier Regional Health Services—Response by Minister for Health.

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)

Corporation By-laws—
City of Mitcham—No. 2—Council Land.
City of Munno Para—
No. 1—Repeal of By-laws.
No. 2—Permits and Penalties.
No. 3—Ice Cream and Produce Vehicles.
No. 4—Removal of Garbage at Public Places.
No. 5—Bees.
No. 6—Management of Parks.
No. 7—Keeping of Dogs.
No. 8—Flammable Undergrowth.
No. 9—Animals.
City of Payneham—
No. 1—Moveable Signs on Streets and Roads.
District Council of Port Broughton—
No. 1—Permits and Penalties.
No. 2—Council Land.
No. 3—Moveable Signs.
No. 4—Fire Prevention.
No. 5—Animals and Birds.
No. 6—Bees.
District Council of Stirling—
No. 1—Permits and Penalties.

By the Minister for Primary Industries (Hon. D.S. Baker)—

South Australian Meat Corporation—Report, 1993-94.
South Australian Timber Corporation—Report, 1993-94.

By the Minister for Emergency Services (Hon. W.A. Matthew)—

Summary Offences Act 1953—
Dangerous Area Declarations, 1 July to 30 September 1994.
Road Block Establishment Authorisations, 1 July to 30 September 1994.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: Recently, the attention of this House was drawn to aspects of the Women's and Children's Hospital budget strategy and, in particular, a proposal for increasing the safety net threshold for appliances and specialist food supplements. From the information I had to hand when the matter was raised I was able to indicate that the proposal if implemented would continue the safety net for all who utilised the service offered, and that even if the proposal were fully endorsed by hospital management—which it had not been—it would still have to be heavily subsidised by the hospital—unlike its counterpart, the Royal Melbourne Children's Hospital where there is no safety net and parents are required to pay the full cost of all such services. Moving towards cost recovery is something which is being pursued in a number of areas of Government in line with a 'user-pays' principle—a principle which the previous Government applied in many areas and which this Government believes has application in a number of areas.

The Appliance Centre has charged for medical and surgical consumables for many years. Three years ago the previous Government revised and extended those charges to include other departments within the hospital. These charges were reviewed and increased again by the previous Government in July last year. So the issue is not whether parents are charged, but by how much. Over the years, both while employed at the Women's and Children's Hospital and later in my private medical practice, I have dealt with many children who suffer from cystic fibrosis and other chronic ailments. The stamina and courage required by both the children and their parents is enormous. The burden of any further imposition on them is well recognised.

The proposed increases in the safety net were intolerably large, and I reiterate that the Women's and Children's Hospital management had not had a chance formally to consider the draft proposal. After the matter was brought to my attention, I immediately spoke to officers of the Women's and Children's Hospital and have done so again on several occasions since that time. I directed that the hospital look creatively at the other components of its budget strategy with a view to accelerating any proposals which would not have a direct impact on families.

May I take this opportunity to show my appreciation of the management and staff of the Women's and Children's Hospital who have accomplished an enormous amount in a very short time to increase their efficiency, as have the other major metropolitan hospitals. Their task is not an easy one,

and yet the results so far are exemplary in showing what can be done in achieving efficiencies whilst minimising any impact on patient care. Having said that, in this particular case I directed that a moratorium was to apply to any proposed appliance and food supplement increases so that parents would not face any increase until hospital management had considered the proposal. I am pleased to say that the Women's and Children's Hospital has proposed other solutions which will see no increase in charges as a result of this draft proposal this financial year.

In the normal manner of budget preparations, the matter of all charges is kept under review. The Women's and Children's Hospital is confident that budget strategies in non-clinical areas will be far enough advanced next financial year to minimise any effect on charges levied on patients. The hospital has agreed that its budget savings strategy will be focused as far as possible on areas other than direct patient care. I commend the hospital on that. I should point out to the House that, despite media reports to the contrary, I have never declined to meet with members of the Cystic Fibrosis Association. I would be delighted to meet with them to provide detail of the solutions that I have mentioned.

NONG FENG PEONY COMPANY

The Hon. D.S. BAKER (Minister for Primary Industries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.S. BAKER: I am delighted to be able to announce to the House the first agricultural equity joint venture involving a South Australian company with a Chinese floriculture company in Shandong, our sister province in China. Camquest, a South Australian investment company headed by the Stewart family, has signed a letter of intention and agreed in principle to a memorandum of understanding with the Nong Feng Peony Development Company based in He Ze city, 240 kilometres from Jinan, to expand the growing and production facilities of its peony flower operation.

Camquest is already well established in Shandong Province with an office in Jinan, and is involved in a cooperative enterprise with the Shandong Bureau of Geology and Mineral Resources for mining and resource processing. The province is one of the more wealthy regions in China, with a population of 86 million people and one of the highest *per capita* incomes in China. It is rich in mineral resources and has large areas of fertile agricultural land. I accompanied Mr Robert Stewart and his associate, Mr Anthony Messner, to one of the rapidly expanding areas, He Ze city, during my visit to China earlier this month. The letter of intention, which will lead to a memorandum of understanding, is a reflection of the professional approach, patience and diligence of the Stewart family, whose involvement with Shandong Province is longstanding.

The peony flower was the national flower of the Qing Dynasty, during the period 1644-1911—China's last imperial regime. The flower has been part of Chinese history for more than 1 500 years and is now grown in 20 of the 27 provinces and autonomous regions. It comes in 500 varieties, nine shapes and eight colours. The peony flower is highest on the list of flowers to be adopted as the Chinese national floral emblem, to be announced next month. The joint venture also involves a well-known South Australian floriculturalist, Mr Larry Cavallaro, whose intention is to establish broader export marketing for the peony flower throughout the world, particularly amongst Chinese communities in Japan, the United States and Europe.

I am pleased to announce to the House that the South Australian Government has agreed to enter into a technical exchange and a cooperation program with the joint venturers to study the potential for peony production in South Australia to supply the Chinese and other international markets during the Chinese off season. Stock from the Chinese garden will be test grown in various regions in South Australia under a program managed by the Department of Primary Industries in conjunction with the Nong Feng Peony Development Company. This is a most exciting investment, involving a significant floricultural company in Shandong Province, two respected South Australian businessmen and the South Australian Government. The venture encompasses research and development, a high level of marketing expertise and a beautiful flower for which there is already significant international demand, and I am confident it will be the forerunner of other similar investments in Shandong Province.

QUESTION TIME

GLENSIDE HOSPITAL

Ms STEVENS (Elizabeth): Why has the Minister for Health closed Glenside Hospital's Willows program for suicidal patients and why are the needs of predominantly young people being sacrificed as his response to threats by senior psychiatric staff to restrict—

The SPEAKER: Order! The honourable member is aware that she must ask the question and not enter into comment. The Chair has been lenient, because there are a number of new members. I would suggest to members that they ask their questions, do not comment, and then seek leave to explain. I would suggest that if the honourable member wants to look back at the rulings of previous Speakers she will find that Standing Orders have been enforced in a more rigid way than I have enforced them. Members are not permitted to comment.

Ms STEVENS: I think my question stands as it is, Sir.

The Hon. M.H. ARMITAGE: The Willows program is for clients with a primary diagnosis of personality disorder and associated behaviour disorder, and the program aims to assist clients in developing responsible behaviour despite the limitations of those disorders. Six clients enter into contracts to attend the program, which they attend as inpatients five days a week for a four month period, but for the rest of the time they are living in the community.

During the weekends, these patients are already in the community in their own home, so we are looking at a status of where the program is provided, because these are patients who are not in closed wards. Every single weekend of the program, they are out in the community. Many clients with a similar diagnosis already are currently supported through community based case management and rehabilitation services, as is appropriate. That is exactly what the process of deinstitutionalisation is all about. It was certainly the whole theme behind the process of the closure of Hillcrest Hospital, embraced so enthusiastically by the previous Government.

So, given that under the realignment program we will increase the amount of funding this financial year for

programs in the community from $7 million to $14 million, in other words, doubling the amount of money for those programs, it is proposed that the Willows program over the next few months will make arrangements to link those current clients, who at the moment are already home in the community every weekend, with their local community services so those services can be provided in the community.

Staff will be provided with an opportunity to relocate to the community service, and that is exactly the theme of the deinstitutionalisation process, so in fact we are transferring the services from an acute hospital, which these patients simply do not need, into the community. As I said, that is exactly the theme of all of the processes of deinstitutionalisation which have been embraced enthusiastically around the world, by the previous Government and by us.

CRIME PREVENTION

Mr WADE (Elder): My question is directed to the Premier. Following the agreement reached at last Friday's meeting of Premiers and Chief Ministers to develop a comprehensive national anti-crime strategy, what role will South Australia play in the development of this strategy?

The Hon. DEAN BROWN: I thank the member for Elder for that question. We had a very successful Premiers' Conference last Friday, attended by all the Premiers and Chief Ministers. We dealt at some considerable length with the issue of combating crime on a national basis—across the whole of Australia. Until now, it has been recognised that individual States have carried out a major war against crime, but now, after Friday, there is a clear direction whereby each of the States and Territories across Australia will pool their resources to make sure that we combat crime more effectively.

It was interesting to see the extent to which South Australia is recognised as an Australian leader in the fight against crime in a number of areas. That includes such things as domestic violence, stalking and a number of key issues like that, including youth crime, which this Parliament has dealt with very effectively. Following the agreement by the State Premiers, it is interesting that there should be a national approach to crime. South Australia was then selected as the lead State to put this strategy into place. I am delighted that the rest of Australia, and the other State Premiers and Chief Ministers, have recognised the lead role that South Australia has taken in this area, particularly in the past 12 months, and have given us that responsibility.

I point out what is now proposed. This strategy will cover a whole range of areas, including collection of data on the type and location of criminal offences to make sure there is uniformity across Australia; strategies to address both the social and economic causes of crime; appropriate criminal laws and penalties; effective crime detection and law enforcement; and effective sentencing and custodial options.

A national strategy will be developed by the end of 1995. That work will include: a national crimes victims' survey to produce a reliable national database on the geographic incidence of crime and trends over time; a substantial upgrade of the interstate exchange of information and criminal intelligence between Police Forces; the establishment of a national motor vehicle theft task force, comprising major players in the automotive and insurance industries, to develop strategies to combat motor vehicle theft; the making of anti-stalking legislation more effective by ensuring that, where a person is involved in incidents of stalking in more than one State or Territory, those incidents can be considered as occurring in any State of Australia; and, finally, further development of a model criminal code for the whole of Australia.

Again, I stress that this is something that South Australia has taken up on a national basis. It is interesting, because the States of the United States of America have come together on a similar basis very recently to make sure that they combat crime on a national basis, and I am delighted to see that same model being applied right across Australia. As I said, as one of the Premiers involved, I was pleased with the achievements made at the Premiers' conference: I was particularly pleased that South Australia has been given due recognition and the chance to lead that national strategy.

MODBURY HOSPITAL

Ms STEVENS (Elizabeth): Why did the Minister for Health claim last week that staff at Modbury Hospital were delighted with a decision to privatise the hospital when he was aware that the Medical Staff Society has consistently opposed privatisation of the hospital? The Opposition is aware that the Medical Staff Society at Modbury Hospital expressed opposition to the privatisation in a letter dated 7 November. Minutes of Modbury Hospital Private Development Proposal Committee dated 17 August 1994, and other correspondence released by the Minister's office, record the Medical Staff Society's previous opposition to the privatisation of the hospital.

The Hon. M.H. ARMITAGE: The statement last week was in relation to a meeting that I had with 50 or 60 staff at Modbury Hospital on the day the announcement was made that Healthscope was the preferred tenderer. It was made in relation to the fact that there had been a media release by the Secretary of the ANF that morning indicating it was highly likely that industrial bans would be increased and that the Government was under enormous pressure in relation to Modbury Hospital.

I arrived there at about 3.30 or 4 o'clock in the afternoon to hear that there had been a staff meeting and a unanimous vote to remove all the bans—not to increase them at all, but to remove them—and, in fact, to indicate that the staff were pleased with the process. Indeed, as they said to me, and as I have identified in every statement I have made about this, there were some who said, 'We won't work for any private sector person.' As they knew only too well, they had three options: redeployment, targeted separation packages or—

Mr Atkinson: Were they delighted?

The Hon. M.H. ARMITAGE: The point was that they were delighted with the options given to them, in response to the member for Spence. There was certainly no angst. Since that time, I have spoken with the AMA. It indicated that it would like to have discussions with Healthscope about the matter, which I have set up. I spoke with Healthscope, which indicated to me that it had already spoken to individual doctors in relation to the Royal Colleges of Surgery and Medicine and so on. The individual doctors were very happy with the discussions that they had had with Healthscope, and I indicated to the directors of Healthscope that it would be appropriate for them to speak with the colleges themselves rather than just the individual practitioners at Modbury, which they did.

I have spoken with the Dean of the Medical Faculty in Adelaide and with the Professor of Medicine, both of whom

were interested to see Healthscope plans. Healthscope has spoken to both of them, and they recognise that the commitments made by the Government to retain teaching, training and research in any of this contract will be upheld. So, I stand by my statements.

Members interjecting:

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

PIPELINES AUTHORITY

Mr ROSSI (Lee): Can the Treasurer inform the House of the progress being made to sell the Pipelines Authority of South Australia, which is one of the key assets listed for sale as part of the Government's debt reduction strategy?

The Hon. S.J. BAKER: The PASA pipeline is indeed for sale. As the House will recall, we made the statement prior to the last election that Government should not be involved with banks, insurance companies, pipelines and the like. A very diligent process has been pursued since the election in order to put this asset together into a saleable state. I announced last week that the process had entered its final phase, advertisements having been placed in local, interstate and international newspapers advertising the fact that PASA is for sale.

We are in fact selling the gas haulage business. We are not actually selling the regulatory business, involving negotiations and price: the gas merchant business, if you like, will remain in the hands of Government, at least for the time being. The employment issues are important and are being dealt with, and there are ongoing discussions with PASA's very skilled staff. Here, I would like to pay tribute to PASA. This pipeline has operated to the benefit of South Australia for 25 years, and PASA has an excellent and very highly skilled staff, who are operating at peak efficiency. We are very pleased with the progress they have made and the discussions that have taken place, and it is important to note that PASA is often called upon by interstate instrumentalities for its advice concerning pipelines.

So, we believe we have an asset to sell not only in terms of the pipeline itself, which includes the Katnook, but also in relation to the expertise that goes with the company, and that is first rate. We believe that the expressions of interest which have emanated not only from South Australia and interstate but from many other parts of the world will result in a fair price being obtained for that asset, to the future economic benefit of the State and ultimately reducing the State's debt. So, this matter is entering the final phase, and we hope and expect that negotiations will be completed during April and that the contract will be finalised before the end of this financial year.

HEALTHSCOPE

Ms STEVENS (Elizabeth): Why is the Minister for Health subsidising Healthscope at commercial rates of interest to upgrade public patient facilities at Modbury Hospital? A document leaked to the Opposition entitled, 'Modbury Hospital private development proposal, Stage 2—Evaluation of detailed proposals, executive summary', indicates that Healthscope will provide private sector funds for public patient facilities of up to $4.125 million, to be repaid at $541 000 per annum over 15 years. The total cost to taxpayers of the $4.1 million to be provided by Healthscope will be over $8 million.

The Hon. M.H. ARMITAGE: I do not recall the actual detail, but I will look at the figures. However, let the member for Elizabeth not forget that the asset will remain the State's. I have been through this before; I am prepared to go through it again.

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: The hospital is not for sale.

The SPEAKER: Order! There are too many interjections.

EMPLOYEE OMBUDSMAN

Mr SCALZI (Hartley): Can the Minister for Industrial Affairs advise the House whether the Office of Employee Ombudsman has been established as part of South Australia's new industrial relations system and, if so, will he say what role the Employee Ombudsman has had in assisting employees, particularly those seeking to negotiate enterprise agreements?

The Government's industrial relations policy announced before the election promised the establishment of the Office of the Employee Ombudsman to ensure that all employees are aware of, and exercise, their rights and responsibilities in the industrial relations system. The new Industrial and Employees' Relations Act subsequently passed by Parliament in May this year created the Office of Employee Ombudsman, giving it the power to report independently to this Parliament.

The Hon. G.A. INGERSON: I thank the member for Hartley for his question and his continuing interest in this important area of industrial relations, particularly with respect to the Employee Ombudsman. The honourable member has had a special interest in the role of women in the workplace, and one of the surprising issues that have arisen in this matter is the number of telephone calls women have made to the Employee Ombudsman concerning industrial issues: of more than 2 000 telephone calls (the equivalent of 40 calls a week) 80 per cent have been made by women. Clearly, the nonsense that the Labor Government spread around prior to the previous election about how well it looked after women in the workplace has been borne out by the position of Employee Ombudsman.

The Employee Ombudsman has been involved in all of the enterprise agreements that have been put before the Industrial Commission. He has scrutinised all of the agreements and in two instances has been directly involved in ensuring that the employee's situation has been brought up to the standard of the safety net. This is an important role, the first in Australia, and notably introduced by a Liberal Government, significantly to help women in the workplace, and we are proud to have been first in this respect.

MODBURY HOSPITAL

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. How does the Government propose to deal with the substantial numbers of professional staff who will be made redundant following the Healthscope takeover of Modbury Hospital? Has the cost of supporting these staff been taken into account in the claimed savings from privatisation of the hospital? Documents on the privatisation of Modbury Hospital obtained by the Opposition state:

Staff seeking redeployment within the Public Service who are unable to obtain positions would be placed on the unattached list and

would be paid for by the State health system. The practicality of significant numbers of professional staff on the unattached list is a matter requiring further consideration by the Government.

The SPEAKER: The honourable member is commenting. The Minister for Health.

The Hon. M.H. ARMITAGE: This is an important matter, because the staff at Modbury Hospital have been assured on numerous occasions that there were three options for their future employment when the successful tenderer—this happened many moons before Healthscope was identified as the successful tenderer—was named. First, the staff would be offered work with Healthscope. Any organisation cannot take over a public hospital and not utilise vast numbers of the present employees. That is a fact of life; that is the first thing, and that is what Healthscope has been running on and why it has been interviewing staff and making its plans clear. That is the first thing.

The second option was that they would be offered a TSP, and large numbers of people have already taken a TSP and, given the benefits to the overall budgetary situation and the fact that this is voluntary, I think everyone would applaud that. The third and only other option was redeployment. In other words, no job was at risk whatsoever because of this process. So, a large number of redeployees, which is quite a small number in itself, would immediately be redeployed within the system. It is important to say that people on unattached lists are always utilisable, because the TSP process is (and I am sure other Ministers will agree) determining that many people wish to take a TSP but their job is not surplus.

Regularly, I sign letters to people who have applied for a TSP because they wish to utilise the package to do other things with their lives, but their job has not been declared surplus, or there is no other employee in another area with those skills to take over that job (because a TSP can involve one person moving from a job and another person from another area coming in and doing it). There will be only a small number of redeployees in the first instance, because Healthscope will take most people and a large number of people have taken TSPs already. I assure the member for Elizabeth that the large number of people in the system who are applying for TSPs but who cannot get them will be pleased, because there will be an impetus and people will be able to take up positions which the TSP applicants wish to leave.

EXPORTING AND IMPORTING

Mr LEWIS (Ridley): I direct my question to the Premier. What will be the effect on the viability of South Australia's export and import replacement industries in general and on farmers in particular of the Prime Minister's encouragement for the ACTU to seek across the board wage increases unrelated to productivity gains and of the Federal Government's policy to again increase interest rates?

The Hon. DEAN BROWN: I thank the member for Ridley for that question, which tackles some pretty fundamental issues relating to the Australian economy that, quite clearly, the Prime Minister, the Federal Treasurer and the Federal Government have failed to come to grips with. In particular, since early this year, we have seen constant pressure for an increase in interest rates. The reason for that pressure is that the Federal Government has not had a strategy to overcome the very high level of national debt, and because of our ongoing very high level of deficit for the recurrent budget that debt is increasing at an alarming rate and, of course, Australia is in a unique position.

I highlight to the honourable member the sharp contrast between the State Governments of Australia which, over the past two or three years, and particularly in South Australia over the past 12 months, have come to grips with and faced their high debt at State level and their high State budget deficits. State Governments around Australia have tackled that issue, yet the Federal Government has failed to do so. Therefore, all of us, through mortgage rate increases, and increases in interest rates on personal loans, small businesses and on farms—as the honourable member highlighted in his question—are now paying very dearly for the lack of leadership and management skills of the Federal Government in handling the Federal economy.

On top of that, we have seen this recent push for a very significant increase in wages. Again, somewhat fuelled by the lack of appropriate industrial relations policies by the Federal Government—and that set up an industrial relations system that so readily allowed trade unions in particular to switch from a State award across to a Federal award and seek higher wages where they could get the best deal—there has been added fuel for this wages push across Australia. We see the evidence of that now with national disputes and the push for a 15 per cent increase in salaries.

I say to the honourable member that, if we see a 15 per cent increase in salaries, it will have a devastating effect on the Australian economy when we have an inflation rate of about only 2 per cent on an annual basis. Our export industries will find it that much more difficult to compete, for a number of reasons. One reason is that as interest rates increase in Australia, because of the high debt, the value of the dollar will tend to rise and, therefore, our export industries will be less competitive. Also, Australia as a nation will be less competitive. Australia now ranks number 16 in the world in terms of international competitiveness, while New Zealand is in seventh position.

New Zealand has come to grips with its national economic problems; Australia has failed to do so. I am afraid to say that export industries in particular, and those industries trying to produce to replace imports, will be the hardest hit of all. Of course, the ultimate cost is that we will all pay through higher interest rates on our personal, housing and small business loans and, if we are not careful, Australia will once again go into a boom bust cycle. In those circumstances we will unfortunately find that the growth that is occurring across Australia at present—and I am delighted to see in today's *Advertiser* that South Australia is now the leading State in the nation for economic recovery—will once again stall.

HIV/AIDS

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Health inform the House whether the State Government has now agreed to implement the draft State HIV/AIDS strategy he received early this year, including recommendations about dealing with the virus in South Australia's prisons and prevention programs in our schools and, if not, what is causing continuing delays in this important and sensitive area of health policy?

The Hon. M.H. ARMITAGE: That is a very important question given that it is AIDS Awareness Week. I am attending a function on Thursday at 11.30, or something like that, and I intend to make an announcement at that time.

PIG-IRON DEMONSTRATION PLANT

Mrs HALL (Coles): Will the Minister for Mines and Energy explain to the House details of plans to construct a pig-iron demonstration plant as a forerunner to a full-scale plant in South Australia, and can he explain the State Government's involvement with the joint venture project?

The Hon. D.S. BAKER: I thank the honourable member for her question and her involvement in the back bench committee on mines and energy. She takes a very keen and active role in it. I pay tribute to the previous Administration for accepting the advice of the Department of Mines and Energy and entering into the South Australian exploration initiative. Of course, the present Government's ongoing commitment over the next two or three years will mean that some $25 million will be spent on that exploration initiative. As a forerunner to accepting that advice, other States are now following, and some $100 million will be spent around Australia in attracting prospective development in the States, and that is very good for Australia's future. One thing that the initiative has underlined is that we have some quite interesting deposits in South Australia. In fact, in the northern Gawler Craton region some very good coal and iron ore deposits have been identified.

The Department of Mines and Energy will spend some $600 000 this year in proving up those reserves, especially in the iron ore deposit area. A public company called Ausmelt has approached the Government. Ausmelt has its origins in the CSIRO and the very successful Siromelt process which is now used in several places around the world for smelting copper and other non-ferrous metals. The technology involves heating to a temperature of some 1200° celsius for smelting copper, increasing to 1600° to smelt iron ore. It is a $10 million project.

The South Australian Government is prepared to inject up to $1 million of seed capital into the project. This will allow the proving up of the Ausmelt process and the future development of the iron ore and coal reserves into pig iron. I stress that there is no further commitment by the South Australian Government. More importantly, if the South Australian Government wants to sell its rights at any time during the proving up process in the next couple of years, it may do that. It is $1 million without strings attached to prove up the process. It could have some very large financial ramifications for the future of South Australia if iron and steel plants can be established in this State. We welcome it and wish Ausmelt and its joint venture partners well in proving up this process.

TRANSPORT FARES

Mr ATKINSON (Spence): Will the Premier give an undertaking that increases for TransAdelaide bus, tram and train fares, promised by the Minister for Transport last Friday, are announced in Parliament before the end of the year and not held over to avoid public scrutiny?

The Hon. DEAN BROWN: I cannot give that assurance at all, because Cabinet has not considered the matter since it was last raised some four months ago when Cabinet rejected the proposal. We are expecting Parliament to sit only this current week. Therefore, I am unable to give that assurance, because Cabinet has not agreed to any increase in transport fares.

OPERATION PENDULUM

Mr BASS (Florey): Will the Minister for Emergency Services advise the House whether the South Australian Police will be undertaking any further initiatives following the success of Task Force Pendulum?

The Hon. W.A. MATTHEW: I thank the honourable member for his question and ongoing interest in policing matters. I am pleased to advise the House that, following the overwhelming success of Police Task Force Pendulum, the Police Commissioner has decided to establish as a trial two command response divisions, one north and one south of Adelaide, commencing on 1 January 1995. The northern command response division will be based at Holden Hill and the southern command response division will be based at Glenelg. Each of the combined response division task forces will comprise 47 officers: an inspector in charge, three teams of operatives with a sergeant in charge of each team, and backup support will come from the technical intelligence section within the division.

The roles and duties of these divisions will include undertaking specific policing operations to address behavioural problems in the community, assuming responsibility from the existing crime inquiry units for the investigation of some reports of crime, and pursuing the tactics developed during Operation Pendulum which proved successful in the clearing up of crime across metropolitan Adelaide.

I take this opportunity to remind members of the successes of Operation Pendulum in its intensive three months of operation. These included the arrest of 1 080 offenders who were reported for 2 707 offences; the recovery of property valued at $851 796; and the clear up of approximately $2.5 million worth of crime—all this from one task force in just three months. As Minister, it is pleasing to report to the House that, after more than a decade of Labor Party neglect, the police in South Australia are now receiving the support that they have demanded from the Government for some time and are able to get on with their fight against crime.

HOUSING TRUST SALES

Ms HURLEY (Napier): When did the Minister for Housing, Urban Development and Local Government Relations receive the proposal from Natwest for the purchase of trust homes worth $1.7 billion? Is the Minister satisfied that his department has handled this matter in a professional manner—

The SPEAKER: Order! The honourable member is now commenting. I suggest that she ask her question and then explain it.

Ms HURLEY: Why has there been a delay in assessing the offer? The Minister has announced that the document sat in his department for longer than he would have liked and that he is now considering proposals by Natwest to purchase trust homes worth $1.7 billion and lease them back to the Government.

The Hon. J.K.G. OSWALD: I would have thought that, with all the issues running in my department, the Opposition could have found another question today to attempt to stretch out this issue overnight. I think that the *Advertiser* this morning summarised the matter very well. There are three financial institutions in this country of which I am aware—there could be more—which have approached this Government, and they have probably approached every Government in the Commonwealth. I am certainly aware that

some of them have approached the Victorian Government and put forward proposals which are variations on the lease-back scheme. I think that those members who follow public housing are probably aware of those schemes.

This Government, like other Governments interstate, has given them the courtesy of accepting their submissions, some of which have not been in a lot of detail. Having accepted those submissions, we have done them the courtesy of having them evaluated. Natwest is one of the three companies which have come forward. Its submission is in the process of being evaluated by officers within Treasury, the Asset Management Task Force and also the Housing Trust. I expect to have a report back through the Housing Trust. I hoped it was going to be last week, but I understand it will now come through within the next week or so. It is not an issue which I am pressing with great urgency, because there are far more important matters on my plate in the department than a response to the Natwest proposal. However, it is being evaluated and it will come up in due course. As I said, and it is in the *Advertiser* this morning, we have done these institutions the courtesy of looking at their proposals and evaluating them.

I went to Victoria about three or four weeks ago and sought a lengthy meeting there with the head of the Department of Housing, who is one of Australia's experts in the area of the lease-back of public housing, and sought from him the views of the Victorian Government, because I am aware that they are well advanced in the whole area of lease-back in discussions with the private sector. I can report that the Victorian Treasury is very cool towards the whole question. That is for the simple reason that it is a matter of the cost of money. It varies from State to State as to what each State's reaction will be and whether it will be a scheme that one State will embrace and another may choose not to embrace, because internal finances and investment and ownership of the public housing stock varies from one State to another.

In summary, the proposals are being evaluated. In the fullness of time I will get back an official reply. I am aware that, in Natwest's case, the Asset Management Task Force replied on an interim basis through the solicitors acting for Natwest. The date is in the *Advertiser* and the honourable member can look at it. We did make an interim reply, and in the meantime the Asset Management Task Force was eliciting more information. My officers are evaluating it and a reply will come up in due course.

RURAL FINANCE AND DEVELOPMENT DIVISION

Mrs PENFOLD (Flinders): Will the Minister for Primary Industries explain to the House the result of the review of the operations of the Rural Finance and Development Division of the Department of Primary Industries, such a review having been recommended by the rural debt audit conducted earlier this year?

The Hon. D.S. BAKER: I thank the member for Flinders for her question and continued interest in the assistance that this Government is to give to primary producers in South Australia. As she rightly said, after the rural debt audit was completed, it was felt that we should have a look at rural assistance generally in the Rural Finance and Development Group. The consultants who were chosen to do that, Mr Bob Kidman and Mr Lindsay Durham, also carried out the rural debt audit. They have completed their report, and it came up with some quite startling matters that needed urgent attention. One was that the previous Administration had not adjusted interest rates in line with the loans that were taken out, in some cases for four or five years, and that matter had to be addressed. The other very startling matter was that they uncovered some files in the bowels of the Rural Assistance Branch which should never be touched—yellow stickers and all.

All those matters have been brought forward—and there is more, too. One of the things that became quite clear was that, in assisting farmers in South Australia, we as a Government had to try to make sure that our rural assistance branch was run in a businesslike manner, taking into account that we are offering a service to clients. I think the changes that we will see in the next six months and the way our clientele is serviced by that department will reflect much more contact with the borrowers and much more feedback from the lenders.

The Government has previously announced that we believe that it is not appropriate to continue to lend farmers capital under the RAS scheme. We think that that sort of assistance can be handled much better by interest rate subsidies. It can be given to individuals who are eligible and can be ceased when times improve or when, through seasonal adjustment, those farmers are in a better financial position. However, the RIADF, which offers concessional loans, will continue and the Government will look at how that should be administered. It is important that it be managed much more along business lines. Everyone will be treated fairly. Some of the dockets will not be held down in the bottom drawer, and as that is worked through and as we get into the next session I will give Parliament an update as to how well farmers are being treated. Their loans will be looked at sympathetically by this present Administration.

HOUSING TRUST SALES

Mr QUIRKE (Playford): Is the Treasurer concerned that the Housing Trust is considering bypassing SACON and transferring debt to private banks by selling trust homes worth potentially $1.8 billion on a lease-back deal, and what effect would this or similar transactions in the Government sphere have on SACON's profit?

The Hon. S.J. BAKER: The honourable member is drawing a long bow under the circumstances. Governments get a variety of financial propositions, as the honourable member and as the former Treasurer would understand. I think he understood; I am not sure that too many people went through the door when the previous Government was in power.

The Hon. Dean Brown: Put it this way: he didn't bother to read the debt figures.

The Hon. S.J. BAKER: No, he couldn't—

An honourable member: He put those in the In basket.

The Hon. S.J. BAKER: I think the debt figures went straight into the Out basket from the In basket. The issue of how we manage our finances is a question that occupies my time, as do the financial affairs of the whole of Government. In relation to the NatWest deal, ultimately a lot of discussions take place in agencies. If a sound proposition is to come forward, it has to go through the processes of Treasury, as everyone would be well aware. A lot of discussion is taking place at agency and ministerial level. Ultimately, they have to stand the test that is placed on them, in this case, by the Treasurer. The issue of whether SACON makes less or more profit is irrelevant. The issue is whether South Australia can

do better than it is doing at the moment, and the Minister has said already that that is being assessed.

WASTE CONTROL

Mrs ROSENBERG (Kaurna): Will the Minister for the Environment and Natural Resources advise the House what progress has been made in developing a metropolitan Adelaide solid waste strategy?

The Hon. D.C. WOTTON: As the member for Kaurna may be aware, a draft strategy was developed by consultants for the Waste Management Commission in 1993. Unfortunately, that draft strategy was found to be unsatisfactory by both the commission and an independent reviewer, the independent review having been completed in August this year. A new waste management strategy is now being developed for metropolitan Adelaide that will encompass all issues relating to solid waste management, waste minimisation, recycling and disposal.

Work commenced on drafting the new strategy after the original consultants withdrew from the project in September this year. A contract has been let to produce a report looking at economic and financial aspects of solid waste management, particularly in the metropolitan area, and that report will form part of the draft strategy. A preliminary seminar program has been prepared for the discussion and public consultation phase of the development of the draft strategy, and that is timed for February 1995. I intend that that consultation be as wide as possible, and I hope that local government and the community will show a considerable amount of interest in the formulation of this strategy.

The strategy will encompass a broad range of issues, and a summary document will be produced outlining the strategy. It will cover a number of issues, including the polluter-pays principle; waste prevention, recycling and resource recovery; domestic waste and litter; commercial and industrial wastes; building and demolition wastes; control of special wastes; and the review process. The report will cover waste management strategies from 1995 to the year 2010, with provision for review in the years 2000 and 2005. The development of this strategy is vitally important for dealing with our waste in an effective and strategic manner both now and into the next century, and for that reason I will be very pleased to keep the honourable member and the House informed of its progress.

KINDERGARTEN STAFFING

Mrs GERAGHTY (Torrens): I address my question to the Minister for Employment, Training and Further Education, representing the Minister for Education and Children's Services. Will the Minister assure the House that all kindergarten staffing levels will be assessed based on their needs and under the same criteria and afforded the same staffing levels as now apply to Blackwood and East Torrens kindies? The staffing levels of the Blackwood and East Torrens Kindergartens were to be reduced, but on the *7.30 Report* on 22 November the Minister announced they would be reinstated. This was based on attendance of 48 to 50 children at East Torrens and 53 at Blackwood. Lincoln Borthwick Kindergarten has 50.8 daily attendants for this term and staffing levels are to be reduced. The enrolments—

The SPEAKER: Order! The honourable member is now commenting.

The Hon. R.B. SUCH: I thank the honourable member for her question; it is an important one. I will get a detailed answer, but in the interim I can say that, in respect of staffing preschools, two different formulas have been in place, and that has caused some difficulties. I know the Minister is looking at that. One formula is based on the last attendance figure and the other is based on enrolments. The Minister has informed me that for the bulk of the kindergartens there is no change in staffing; for many—in fact, for 30 kindergartens—there is actually an increase in staff; and, where there is a decrease in staffing, it is due partly to budget constraints but partly also to changing enrolments.

The honourable member opposite is trying to colour in a negative way the Government's very strong commitment to preschool education. One of the fundamental aims of this Government is to ensure that children get off to a good start, not only at the kindergarten level but also in the early years of schooling. We are determined that that will take place and that it will be followed through in all the years of education. This Government is strongly committed to a high quality delivery of service at the preschool level. My colleague in another place will come back with a detailed answer to the question asked by the honourable member.

REPATRIATION GENERAL HOSPITAL

Mr BRINDAL (Unley): Can the Minister for Health inform the House whether the transfer of the Repatriation General Hospital at Daw Park meets the conditions which have previously been set by this House? During the term of the previous Government, a private member's motion, which passed having received bipartisan support in this House, set out five conditions to be satisfied prior to the South Australian Government's agreeing to a transfer of the Repatriation General Hospital to this State.

The Hon. M.H. ARMITAGE: I do thank the member for Unley for his very important question about a matter that has been of enormous concern to the repatriation community for a number of years, indeed since the then Hawke Government indicated that it would no longer be in the business of running repatriation hospitals and that it would divest itself of that responsibility. As everyone would realise, the repatriation community has been justifiably concerned about the future for their care because, as everybody who has had anything to do with the Repatriation Hospital would recognise, the diggers are fiercely loyal to the Repat. Many of them tell me it is because that, when they are admitted to the Repat, they are surrounded by people who went through similar privations. I indicate, as I did at the ceremony on Saturday, that I feel very personally—

Mr Brindal: You spoke very well on Saturday.

The Hon. M.H. ARMITAGE: I thank the member for Unley for saying that. The honourable member was there to hear me. As I indicated, I have a personal affiliation with the Repatriation Hospital, because my father was a member of the Second 7th Field Regiment and died in the Repatriation Hospital, having spent the last days of his final illness there.

The Repatriation Hospital has been accepted into the State system after a number of years of negotiation, and five conditions were given bipartisan support in the previous Parliament. I am clearly pleased to indicate that all those conditions have been met under the arrangements that have been worked out. The first of those conditions was that the veterans would have access to comprehensive health and hospital services. That will certainly happen, because they will clearly have access to the Repatriation Hospital should they so desire it, but equally under a new scheme, the

Repatriation Private Patients Scheme, they will be able to get care nearer to their own communities. Indeed, that is what is happening. The demographics indicate that veterans who live a long way from Daws Road are now happier to be admitted to a hospital nearer their home and their support services.

A second condition is that the Commonwealth would guarantee that all funds would be transferred to the State and would be indexed for inflation. The agreement does make sure that guaranteed funding is transferred to the State to run the Repatriation General Hospital at its current level of service. Very importantly, thanks to the deal that was hammered out between the Commonwealth and State officers—and I take this opportunity particularly to thank the members from the South Australian Health Commission who did a fine job in the past 11 months to get a great deal for South Australia—the funds are indexed for inflation.

A third condition was that the Commonwealth would complete the facilities upgrade at the Repatriation Hospital. The Repat has been around for sometime, and the last thing the State wanted to do was to take over a deteriorating asset. So, that was always part of the negotiations. Pleasingly, the patient areas and the theatre have already been upgraded, and significant ongoing maintenance is being carried out at the moment.

Very importantly, as part of the deal that was hammered out, the Commonwealth is contributing $13 million up front capital investment which will see the provision of a brand new rehabilitation facility. As a number of the repatriation patients are older, clearly rehabilitation is a major need. It is also a great boon to the State system, because it will allow us to plan appropriately for rehabilitation in the southern area with the three campuses—the Repatriation Hospital, Flinders Medical Centre and Noarlunga Hospital.

The fourth condition was that the arrangements would be satisfactory to the veterans community, particularly the RSL. As anyone who was there on Saturday would have known, the Consultative Council of the veterans community has unanimously supported the agreement, as has the State Council of the RSL.

Lastly, it was very important that the staff of the Repatriation General Hospital were satisfied that their interests were adequately safeguarded. It is no secret to anyone from any Party who stood for election at the 1993 election that there was turmoil at the Repatriation General Hospital, because the staff had no idea whether or not they were to be looked after properly. That that situation had developed was an immediate indictment of the people who were involved at that stage. The transfer agreements have been negotiated within the framework of the ACTU Repatriation Agreement, and staff fora at the Repatriation have been very supportive. On Saturday, one of the persons who has been most vociferous regarding concern about these matters said to me, 'What a wonderful result.' So, Mr Speaker—

Mr Brindal: We achieved in months what they couldn't in years.

The Hon. M.H. ARMITAGE: The member for Unley interjects, 'In months we have achieved what the previous Government took years not to achieve.' That is the case, because negotiations had totally stalled before the last election. Indeed, Saturday was the denouement of one of the first actions of the Government after the 11 December election.

STORMWATER LEVY

Mr FOLEY (Hart): Does the Minister for the Environment and Natural Resources support the introduction of a new stormwater levy based on property values? Last Friday the Premier announced proposals to establish stormwater catchment authorities financed by levies collected by local government and based on property values. In February 1991, the Minister expressed his total opposition to the use of property values for rating purposes and described water rates based on property values as a backdoor tax, a property tax, an asset tax, a Robin Hood tax, and an extra tax on residents.

The Hon. D.C. WOTTON: Yes.

AFL TRAINEESHIPS

Mr LEGGETT (Hanson): Is the Minister for Employment, Training and Further Education aware of the recent announcement regarding AFL traineeships and, if so, how do the seven Adelaide Football Club players selected stand to benefit? Secondly, can the Minister inform the House of the latest cricket score and maybe mention whether there is a Warne warning to England?

The SPEAKER: I would suggest to the Minister that he not dwell on the comments at the end of the explanation.

The Hon. R.B. SUCH: I thank the honourable member for his keen interest in matters sporting and training. Yes, it is an exciting development that we have an arrangement—

Members interjecting:

The Hon. R.B. SUCH: Mr Speaker, I interrupt my answer to give the score. England is all out for 323. Warne took 8 for 71 and just missed out on a hat trick. I return to my answer.

Members interjecting:

The SPEAKER: I would suggest to the Minister that he answer the question.

Members interjecting:

The Hon. R.B. SUCH: We will be offering training to the English cricket team. It is a very exciting development that the Australian Football League and, in particular, the Crows have linked with TAFE to provide training to their recruits so that, when their football career comes to an end, they will be able to access employment. I think it is a very encouraging sign and something we should extend to other sportsmen and women in our community. It has been a long-standing problem, as we would all be aware, that sportsmen and women suffer great disadvantage in that often they commit themselves at an early age to sport and miss out on appropriate training.

In this case, via the AFL and through the Regency Institute of TAFE, trainees are undertaking not only additional training relative to football but also fitness studies, ground management, and catering and hospitality training, as well as other useful skills such as public speaking, handling the media (which is a very useful skill), finances and computer studies. This is the forerunner of additional training programs which will be offered—

The Hon. D.S. Baker interjecting:

The Hon. R.B. SUCH: And I know that the Minister for Primary Industries is keen that his team should get into the AFL, although I think it is a long shot. If and when they do enter the AFL, I am prepared to assist them via TAFE in any training program that will benefit their players.

An honourable member interjecting:

The Hon. R.B. SUCH: The Crows, like 80 000 other South Australians, have discovered TAFE and have realised

that within TAFE there are 300-plus award courses, covering everything from computer assisted design to child-care worker training. Indeed, if any of them wish to give up their football career, we also train jockeys by courtesy of an electronic horse which is based at the Cheltenham racecourse. So, it highlights the diversity of TAFE and our commitment to sport and to helping AFL recruits obtain the necessary training so that they can have a career in the future when they decide to give up football.

GRIEVANCE DEBATE

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

Mrs ROSENBERG (Kaurna): Last Sunday I had the pleasure to represent the Premier at the commemoration of the Hope Forest Dingabledinga salt mitigation project, centred around the work done by the Hope Forest Dingabledinga Landcare group at Hope Forest, via Willunga. I was particularly pleased to be asked to commemorate the completion of this four year project because, as a member of the Southern Hills Soil Conservation Board four years ago, I worked with the then Mayor, Bob Bishop, and concerned locals to set up the Hope Forest Landcare group. Martyn England, as the Southern Hills Landcare officer, was responsible for the successful application of funds from Landcare.

As the name of the project suggests, the salt mitigation program is all about remedying salinity problems in the farming area. In 1990, as part of a Masters thesis in soil conservation, which was based specifically on salinity in the Willunga Basin, it was estimated that land degradation was costing about $1.5 billion a year simply to repair and clean up waterways, dams and harbors as a result of silt run-off. In South Australia alone, six million hectares was affected by land degradation.

At the time of writing this Masters thesis it was estimated that dry land salinity had destroyed 210 000 hectares and was extremely widespread. In the Murray-Darling Basin, water tables had risen 30 metres since the clearance had begun, and more than 1.3 million tonnes of salt is carried across the South Australian border, which equals 2.5 tonnes a minute. So, it is no wonder that the Murray-Darling Basin authority has given salinity its highest priority. It is also no wonder that Landcare funding has attracted some Federal attention, because it has become a politically acceptable thing to fund in the community.

The Hope Forest project lends itself very well to the aims of Landcare; that is, to involve the community working unitedly together to attack a severe land degradation problem and to demonstrate to others how the problem can be solved. This project has been running for four years and I am glad to say that choosing the valley bounded by Bevan, Verral and Range Roads has provided a discrete area with only one drainage point, and so it allows a total catchment approach.I cannot stress enough how essential the total catchment approach is to overcoming land degradation.

This project has used a series of piezometers and an electro-magnetic survey to determine water table fluctuations throughout the seasons. The survey suggested engineering solutions which, thankfully, this particular Landcare group deemed inappropriate in this instance. The problem of dry land salinity is clear, its cause is clear and its control is clear, but it takes a long time to achieve a remedy. The result of removing deep rooted vegetation and replacing it with shallow rooted pasture and overstocking causes the water table to rise and brings with it salt to the surface. Replanting high water usage pasture and deep rooted tree species addresses the problem.

It is timely to say that our Government will soon be addressing the issue of Native Vegetation Act review, which was promised in the election campaign. We must be ever diligent to ensure that advocating further land clearance is balanced carefully with the arguments involving examples such as this particular land care problem. I can visualise that area in the year 2000, including the tree planting that has been done, the bird life and the animal life which will return to that degraded area. The tourism potential is enormous. This group has already started talking to other groups in the community about the possibilities of ecotourism in that area.

Our Government is keen to expand catchment groups and this particular Landcare group is already working on expanding into the Finniss a total catchment authority. I would like to sincerely congratulate all those who were involved in that project. It is certainly a boost to that area, and in particular I would like to mention Richard Bennett, who is the President of the group, Peter Bishop, who is the activity officer, and Chris Burgan, the publicity officer. They are a credit to Landcare in South Australia and a credit to the electorate which the Premier represents.

The Hon. M.D. RANN (Leader of the Opposition): Tonight I have the privilege of officially launching the Adelaide HIV/AIDS counselling team. This week, of course, our entire nation—its leaders and its people—will focus on the HIV/AIDS crisis. But that focus must not be transitory. The sharper focus of this week must be translated into solid action and commitment to assist those who are infected or affected by this virus. There is no doubt that prejudice still impedes the sensible discussion of this illness, despite all that has been achieved: prejudice at the political level; prejudice in the media; prejudice in the community.

HIV/AIDS is a virus that brings out the best and worst in Australia. It exposes some of our worst prejudices, born of ignorance. But it also highlights to us all the courage and commitment of dedicated Australians, individually and in groups, who serve others and give love and support. But the prejudice that still lurks deep in our national consciousness must be exposed and confronted, not avoided. Indeed, I want to pay tribute to those health professionals, the AIDS Council staff, Health Commission staff, and also commend the work being undertaken throughout Australia and in this State by Catholic and Protestant clergy and lay workers to assist people who are living with HIV/AIDS and who are committed to living.

The message from mainstream churches in Australia is that it is the moral high ground for Christians to care for people with AIDS, while the moral low ground is to pretend the problem does not exist or cover it with prejudice and hate. The fundamental message of this week must be to reaffirm that the HIV/AIDS crisis has not passed; that AIDS is not yesterday's story—that it is not the '80s disease'. HIV/AIDS is still one of the most pressing health problems confronting Australia and the world. It is a virus that affects men and

women, children and adults, gays and heterosexuals. The profile of the virus keeps changing. But let us remember that more people will die this year from the virus than died a year ago—even though HIV infection rates are down.

In Australia more than 18 000 people have been infected with HIV, more than 500 in South Australia. Over 3 000 Australians have died of AIDS. Worldwide the AIDS crisis is worsening. At least 16 million people have been infected with HIV, and most are young, black and poor. One-third of global daily infections are estimated to be among women under the age of 25. Internationally the crisis is taking different forms, with our closest neighbours in Asia facing an exploding threat.

In Australia I am concerned that there will be moves by health bureaucrats to mainstream HIV/AIDS prevention and treatment programs. The national HIV strategy concludes in mid-1996. It is vitally important for those infected and affected by HIV/AIDS to insist that the Federal and State Governments increase their efforts in a new strategy rather than seeing any diversion of resources by bracketing AIDS research, treatment and prevention programs with other infectious diseases.

Every day people affected by HIV/AIDS are confronted with extraordinary prejudice and ignorance. They confront prejudice in our health system, in doctors' and dentists' surgeries, in our hospitals, as well as in the wider community. I am told that the offices of many general practitioners are still rife with discrimination. Sometimes it is a question of not wanting to deal with HIV/AIDS. Sometimes it is not knowing how to deal with the virus and the people who are infected with it. The need to raise standards among health professionals is still of critical importance. Ignorance and prejudice have no place in the clinic or surgery, just as they must have no place in our Parliaments.

People living with HIV/AIDS have to deal with discrimination at the CES, in the workplace and in job interviews, and too often the people making decisions about HIV/AIDS, including members of Parliament, do not want to be directly confronted with it. So, it is vitally important that MPs hear first-hand of the needs, as well as the discrimination and prejudices, faced both by those infected and by those who care for them. We must not allow the HIV/AIDS challenge to recede in the public consciousness or from the political agenda.

Certainly one good question to ask the Minister for Health would be: what has happened to the State HIV/AIDS strategy which was completed last year and which went in the form of recommendations to him earlier this year? Why has it been stalled in Cabinet for so long? Why has it gathered dust? When will it be implemented, and will it be implemented fully? Certainly we look forward to hearing what the Minister has to say on Thursday of this week. Why is it that this Government wants HIV/AIDS to have a lower profile? Target groups must mobilise; MPs must be visited and must be educated. The State HIV strategy must be transformed from talk into action. Certainly it would be great credit on Federal and State Governments to see what President Clinton is doing in this area in the United States.

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

Mr BECKER (Peake): One of these days we might get a Leader of the Opposition who can make a speech without having to read every word and who is not so cynical in relation to the efforts of this current Government.

I want to clarify two issues that have been raised in this place. I am appalled at the performance, in the House, of the member for Spence during the past few weeks and, in particular, at his lack of accuracy. Some weeks ago he accused me of telling a constituent who had contacted me regarding the infamous Barton Terrace, 'You can't change a woman's mind', or words to that effect. I have a copy of the letter I wrote to that particular person; that is not mentioned anywhere in the letter, nor do I ever recall saying it. In fact, the letter I sent to my constituent is a precis of the history of Barton Terrace.

All through this matter the member for Spence has been jumping up and down about reopening Barton Terrace to the general public, but he has never moved a motion or introduced a private member's Bill to authorise its reopening. So, I take his little campaign in relation to that matter as just a publicity stunt and nothing else. During a debate last Thursday concerning the impartiality of the Speaker, the member for Spence said that I had challenged the Speaker for Liberal Party nomination as Speaker. That statement was not true either. So, there are two examples of lack of accuracy by the member for Spence.

On another occasion he reflected on the member for Coles, and from time to time he has reflected on other members in relation to statements in this House. You might forget and forgive someone who occasionally might make an error, but when they do it consistently you start doubting their credibility. Constituents would also have to be concerned at the accuracy, reliability and ability of such a person to represent them fairly in this House.

Another point that annoys me from time to time in this State is the media's treatment of what we often refer to as 'good news' stories. In other words, when someone does something well you never see the media pick up that story. For some years now, a Baseball Friendship Series has been conducted at Glenelg and Port Adelaide. The South Australian Baseball Association, in conjunction with the Glenelg and Port Adelaide Baseball Clubs, has been conducting a series of pre-season trials and games at those two locations, mainly centring on Glenelg.

A few weeks ago 12 American college baseball teams came out to Adelaide and, with five Australian teams, held a carnival and a very intensive training camp, where the players played two games of baseball per day for two weeks, culminating in a point score of who was best, who was runner up, and so forth, and at least the Australian Sports Institute team came second to one of the American college teams. The American college teams are getting ready for the major baseball league, and this is a step towards professionalism in baseball.

You could not wish for a better group of young people who are intensely competing for baseball honours. These people paid their own way, and on this occasion some 300 American tourists came to Adelaide and stayed at the Grand Hotel, in Glenelg. Can you imagine in the middle of winter having a 95 per cent occupancy of any hotel, let alone the Grand Hotel, which is first class? These people were absolutely thrilled by the way in which they were looked after by the local people. Some of the college students who could not afford the accommodation were boarded out.

Most of the visiting players paid all their own expenses, and some of their parents came with them. Next year it looks as though 24 teams want to come here, as well as several teams from Korea but, as in the case of everything that is

good, other States want to steal those ideas from us, and we are now battling to keep that competition in South Australia.

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

Mr CAUDELL (Mitchell): Yesterday at 11 a.m. a delegation of representatives from the Seaview Downs, Darlington, Warradale, Ballara Park and Mitchell Park Kindergartens visited my electorate office, making a total 30 mothers who, along with their children, came to speak to me and to leave a petition. Four of the representatives came into my office and expressed concerns about student/teacher ratios, the replacement of teachers by early childhood workers, the number of teacher placements based on past attendances and cuts to early childhood special programs.

In relation to those issues I gave certain undertakings to the parents who came into my office and later addressed a rally outside my electorate office. In addressing that rally, I mentioned that the student/teacher ratio of 1/11 for kindergartens in my electorate, excluding Mitchell Park, had resulted from a decision by the Minister and was part of the budget process. I undertook on their behalf to speak to the Minister for Education and Children's Services and place their concerns before him so that they could be addressed. However, I mentioned to the parents who were assembled that I would continue to lobby for them to ensure that there are no further changes to that student/teacher ratio.

In relation to the replacement of teachers by early childhood workers, I mentioned to the parents that this had been a voluntary undertaking; that, if a kindergarten management group wished to replace teachers with early childhood workers, that could be done on a voluntary basis. However, I mentioned also that I was against this situation being on a voluntary basis; that I did not believe that it was in the best interests of early childhood education for teachers to be replaced by early childhood workers; and that I supported their stance in ensuring that there are qualified teachers at the kindergartens. I said I believed that, for the benefit of early childhood education, we must have qualified teachers at kindergartens, that I supported them 100 per cent, that I would be advising the Minister accordingly and that I would continue to lobby to ensure that that was changed so that the voluntary process was no longer applicable.

I advised the parents concerned that the decision concerning the number of teacher placements based on past attendances was based on a 1989 enterprise bargaining arrangement between the previous Labor Government and the South Australian Institute of Teachers. That was a decision based on enterprise bargaining. All bad decisions made by the previous Government in the 1989-90 era have been addressed, and this decision is also being addressed by the Minister. I said that I would lobby the Minister to see whether that issue, which was part of enterprise bargaining, could be changed. I found it strange that we were assessing the number of teachers required for a kindergarten based on a past occurrence rather than something that might happen in the future. I indicated that they had my support and that I would lobby the Minister.

I also gave them a commitment that I would monitor any future budgets to ensure that the special programs for early childhood education that had been set in place in the budget would be maintained for the benefit of the children in the area. I recognise the importance of early childhood education. I indicated that I would also be arranging for a delegation of parents from kindergartens in my electorate to meet with the Minister for Education so that they could put their concerns directly to him. I have already mentioned to the Minister that a letter is on its way to him requesting such a meeting. I just want to acknowledge my commitment to early childhood education.

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

Mrs GERAGHTY (Torrens): I am sorry I did not hear all of the honourable member's contribution, because I wish to continue in that vein. I would like to raise the issue of the needs of the Lincoln Borthwick playgroup and put on record some of my concerns. The House should be aware of the situation the Government is creating and the impact that its decisions are having on a fine preschool service that is provided to the community. The staffing level at Lincoln Borthwick kindergarten is a crucial element in the early childhood development that takes place there. It is such an important issue that a parent deputation from the kindergarten saw the Minister on Tuesday 15 November, and I would like to clarify their position.

What is at issue is the enrolment for term 1 in 1995. Parents understood that staffing was based on previous attendance, but 69 children are already enrolled at the centre for sessional kindergarten in 1995. Furthermore, the average daily attendance for this term is 50.8 children. This number of children justifies three full-time staff members, but the staff has been reduced from 2.5 to two staff members. The kindergarten has been advised that there are strategies to cope with this situation and three of the suggestions were to direct children to other centres, offer fewer than four sessions and close the books for future enrolments.

Along with the 69 families who have children attending the kindergarten, I have dismissed these options, particularly the first two. As to the first option, most of the families are local so, as a matter of convenience, Lincoln Borthwick is the best placement for their children. More importantly, parents are correct to view the options as an infringement on their right to send their children to the centre of their choice. I remind the House that the Government continually talks about free choice. However, when people take the opportunity to exercise their free choice they find that there are restrictions. Secondly, if the kindergarten offered four sessions, it would diminish the effective role of the kindergarten. Thirdly, to close the books at this kindergarten denies other parents the opportunity to utilise this fine resource.

The question comes back to staffing levels at the kindergarten. In order to offer this important childhood service, the staffing situation simply must be reviewed. It must be reviewed now because the need is immediate. The review should not be left until March 1995, which is term 2. The Minister was specific when he saw the parent delegation: his position was that there would be no change and no amount of discussion would sway him. In light of the *7.30 Report* of 22 November to which I referred earlier, there are serious concerns that require addressing. First, the Minister in his response to a question about the East Torrens and Blackwood kindergartens stated that the staffing levels would be reinstated. This raises important questions about the basis for the decision. According to next year's figures, East Torrens and Blackwood kindergartens have 48 to 50 and 53 children attending respectively.

Lincoln Borthwick has 50.8 children attending now, and the enrolment for 1995 is 69. Lincoln Borthwick kindergarten is a stable, safe and important development arena. It is also

an extremely caring environment and its primary role is education. It is not a day care centre. Many children have passed through the facility. In closing, I remind the Government that it is no good saying that this policy was commenced by the previous Government. Only a week or so ago the Minister for Health said that the Government has discarded policies that the previous Government implemented. I urge the Minister to review this case and treat all kindergartens fairly. The Minister should consider the fact that Lincoln Borthwick has the required number of enrolments for next year.

Mr ASHENDEN (Wright): I firmly believe in State Governments not interfering with local government, but I am heartily fed up with the overtly political stance being taken by the Mayor and senior executives of Tea Tree Gully council and feel that it is high time that they were taken to task. Over the past few weeks the South Australian Liberal Government has been attacked for no apparent reason by the Mayor and senior council employees while at the same time, and despite what the Federal Government has done to State and local government funding, they have gone out of their way to be obsequious to the Federal Government and quite sycophantic about the local Federal member.

I will now outline just a few examples of the overtly political actions of Tea Tree Gully council in its attacks on the South Australian Government. First, on the front page of the *Leader Messenger* of 28 September was the headline 'Council hits at misuse of tax'. I might say that this attack was obviously well planned and well set up, because there is a photograph of the Mayor and Chief Executive in front of a service station price-board. The article states:

> '. . . every time motorists fill up with petrol they are unknowingly subsidising the State's welfare recipients', says an angry Tea Tree Gully council. The council says a tax on petrol introduced two years ago has been flagrantly misused this financial year by the State Government. Instead of going towards joint local and State Government programs—such as stormwater drainage, community buses and libraries—it is funding the State Government rates rebates scheme for pensioners.

In other words, the council is saying it is okay for the State Government to raise taxes through petrol and to give this revenue to local government, but it is not okay for the State Government to raise taxes through petrol and then provide support to some of the most needy in our community—our pensioners. The article continues:

> 'I think the public should be informed the State Government are no longer funding pensioner concessions—

I would like to know who is, if we are not—

> the motorists of South Australia are', said Tea Tree Gully Chief Executive Officer, Brian Carr.

Of all people, I would have thought the Chief Executive Officer would be well aware that the previous Labor Government and the present Federal Labor Government have been merciless in the way they have ripped taxation dollars out of the pockets of South Australian motorists, but there is not a word of criticism from the Chief Executive Officer on this. The Chief Executive Officer and the Mayor make no mention of the fact that the Federal Labor Government has substantially reduced its level of funding to both State and local government.

Had the Federal Government met its responsibility and continued to fund at a proper level there would not be the pressure on either State or local government to raise funds for their essential programs. But not a word of criticism has been levelled at the Federal Government for causing the problems facing the Tea Tree Gully council and the South Australian Government—it is all supposedly this Government's fault. The article then goes on to state:

> In 1992 the State Labor Government increased the price of petrol by up to 3¢ a litre to finance a new State/local government reform fund.

That was okay by the Mayor and the Chief Executive Officer: they did not mind a State Labor Government taxing petrol to assist local government but, when the present Government uses some of that income to assist both our needy pensioners and local government, for some reason they have decided to be critical. The article then states:

> . . . in Tea Tree Gully 4 500 people are eligible for rates rebates, which totals $740 000.

The Mayor and Chief Executive of the Tea Tree Gully council, far from being thankful to the South Australian Government for paying that $740 000 to make up for their lost rates, are critical of the State Government for assisting to pay a debt which is rightly local government's. Then, on the same front page, the council goes on to criticise the Government by saying:

> Some main roads in the Tea Tree Gully area have no kerbs, gutters or footpaths—and the council is fed up.

Despite its acknowledgment that it is responsible for building these things, the council says that 'it is pointless to do so until the State upgrades some arterial roads'. For the life of me, I cannot see what State Government arterial roads have to do with the Tea Tree Gully council's failing to meet its obligations to kerb, gutter and footpath its own streets. I am also sick and tired—as are my colleagues, the members for Newland and Florey—of receiving complaints from residents who drive through the Golden Grove development about the council's waste of water through its inefficient and ineffective method of irrigating median strips and roadside verges.

As I move through the area, frequently the roads are flooded because of the incorrect irrigation procedures of that council. It is wasting ratepayers' money and a vital resource while at the same time criticising the State Government. It is high time the council got its house in order and, instead of criticising the State Government, set about ensuring its own nest is clean. It ill behoves the council to try to hide its own incompetence and inefficiencies by quite unjustifiably attacking the State Government.

SOUTH AUSTRALIAN WATER CORPORATION BILL

The Legislative Council intimated that it did not insist on its amendment No. 1 to which the House of Assembly had disagreed; and that it had agreed to the House of Assembly's alternative amendment without amendment.

LAND AGENTS BILL, LAND VALUERS BILL AND CONVEYANCERS BILL

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

In making that recommendation I will acquaint the Committee with the changes that have been made in the legislation. There has been a meeting of minds between the two Houses about what is an acceptable form of legislation governing land agents and conveyancers. The conference dealt with the three Bills *en bloc* as the principles involved were common to all. There were some disagreements with the Upper House in terms of what it believed was an appropriate form of regulation and licensing in this industry.

The conference managed to resolve those issues of difference and difficulty, and I believe that the result, if agreed by the Committee, provides a reasonable compromise on the issues. The key issues covered by the amendments were as follows: first, the issue of whether the Commercial Tribunal should survive or whether there should be a change in the relationship whereby the District Court hears matters relating to land agents, valuers and conveyancers. Under the agreement a new division of the District Court, namely, the Administrative and Disciplinary Division, will deal with these matters, and it will be constituted by a judge and, in some circumstances, by a judge sitting with lay assessors.

I ask the Committee to note amendments Nos 2, 4 and 5. That issue was satisfactorily resolved. The tribunal will be an appropriate means of dispensing issues of conflict, discipline and licensing. We have resolved these issues to the extent that we believe that the District Court can handle them in the same way as did the Commercial Tribunal without having a separate authority for that purpose. The second issue related to whether or not sales representatives should be registered. There has been agreement on this matter. The Upper House was of the view that sales representatives should be registered and we, in the Lower House, were of the firm view that this was inappropriate given the fact that the relationship between employer and employee is established in many other areas of legislation.

It has been agreed that there shall be no registration of sales representatives but there shall be negative licensing. In other words, a sales representative must meet certain criteria and can be suspended or prevented from acting as a sales representative by the court in certain circumstances. I refer members to amendments Nos 11, 19 and 20. In this way we protect the consumers. Those people who are not of sufficient qualification, expertise, or do not act properly will be dealt with under disciplinary provisions or by reference to the District Court, and particularly the Administrative and Disciplinary Division of that court. Therefore, if they are suspended from operation they will not be able to operate in the industry. I believe that the result is appropriate and we do not have the ongoing problem of resources being tied up in a licensing system that is largely irrelevant.

The third issue related to the delegation by the Commissioner for Consumer Affairs. Whilst we argued very vigorously about a more open delegation in the legislation, the other House was of a mind that there should be a limitation on the delegations that the Commissioner for Consumer Affairs could impart to any public servant or any outside body. It has been agreed that there be limits on delegations but that there be no power in the Parliament to disallow an agreement relating to these delegations. The delegation principle has been established under the legislation. However, once an agreement is struck, there will be no right to reverse that agreement. I refer members to the House of Assembly's amendment No. 3 for limits on delegations.

The fourth issue was whether the money from the agent's indemnity fund should be capable of being expended on educational activities or whether they should be prescribed. Agreement has been reached on that matter. Whilst the House of Assembly did not believe it was appropriate to have these matters prescribed, the conference compromised and allowed the prescription to be inserted and, therefore, there will be some element of control over the expenditure of moneys on particular educational activities. The issue of professional indemnity was also covered. There were two points of view: the House of Assembly argued quite stridently that an agent's indemnity was not appropriate for a whole range of reasons, and I will not outline those to the Committee; they were fully canvassed during the debate at the time.

The other place was of a different view. It believed that consumers somehow had greater protection because of professional indemnity. There were a number of complications with that proposition. The final agreement was that it should not be compulsory for land agents to hold professional indemnity, although in the realisation that 80 per cent of those in the industry had professional indemnity for their own purposes. I refer members to amendment No. 12. The other amendments are consequential on those five issues. Those being resolved, the rest of the amendments relating to land agents flow as a result.

In respect of the Land Valuers Bill, the five key issues outlined in the Bill have relevance. Those issues have been resolved, and the answers to those issues in the form of legislative changes have been incorporated into the amendments that we are now considering. They are really the same issues as arose with the land agents, in particular items 1 and 3, the jurisdictional issues relating to the District Court and delegation. They were resolved consistently with the Land Agents Bill. The delegation provision is slightly different from the others, because there is no registration of valuers. Therefore, some slight change was involved there.

Finally, the issues in respect of the Conveyancers Bill were similar to those canvassed under the Land Agents Bill. The jurisdictional issue, whether the District Court or the Commercial Tribunal should preside, was resolved in the same way as in the Land Agents Bill. The delegations by the Commissioner for Consumer Affairs were equally resolved. Then we had the agents' indemnity fund, which related to the expenditure of money on educational pursuits.

I ask the Committee to accept the amendments *en bloc*. They have been the subject of considerable debate within the conference and I believe we have had a satisfactory resolution of those matters. The Bills are a workable solution. They are not necessarily what the Government started with when it presented the Bills to the House of Assembly. However, we believe that the final result will lead to less regulation of the industry but will certainly not reduce the amount of responsibility that the industry must bear. In many ways, the level of responsibility of the industry to act in its own and consumers' best interests will be increased. I commend the amendments put forward by the conference.

Mr ATKINSON (Spence): I concur.

Motion carried.

STATE LOTTERIES (SCRATCH TICKETS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 19 (clause 4)—Leave out '18' and insert '16'.

No. 2. Page 2, lines 20 to 22 (clause 4)—Leave out subsection (3).

No. 3. Page 3, lines 2 and 3 (clause 4)—Leave out 'that person and the minor are each' and insert 'the person is'.

No. 4. Page 3, line 4 (clause 4)—After 'Penalty:' insert '$200'.

No. 5. Page 3, lines 5 and 6 (clause 4)—Leave out paragraphs (a) and (b).

No. 6. Page 3, line 7 (clause 4)—Leave out '18' and insert '16'.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be agreed to.

In speaking to this amendment, I would acquaint the Committee with the changes that are proposed by the Legislative Council. This is a matter of conscience, so there is some difficulty in the extent to which I can represent anybody's particular view. As members will be aware, when the Bill left this place, there was an age limitation of 18 under which no person was allowed to be involved in the purchase of lottery products. The Legislative Council determined that 18 was inappropriate and inserted 16 years. Further amendments, which I will deal with when we come to them, related to the penalties that should be imposed on persons below the age of 16 should they go to a lottery agent and purchase lottery products.

I cannot speak on behalf of all members in this place, and it is not my intention to do so, but clearly a majority in the House of Assembly believed that the age should be 18 and that, if young people were to flout the law by involving themselves in the purchase of these tickets, a penalty should be imposed. The penalty is minor, but it allows for the police and people who have an interest in stopping this activity to pursue the matter. If there is no penalty, there will be no follow up.

I was particularly pleased that the level of penalty was such that we would not have police resources tied up day after day checking to see whether people under the age of 18 were purchasing lottery tickets. However, the penalty was such that, if there were a recurrent offender or a person who was addicted to this process, the police would feel bound to intercede because there was a monetary penalty to involve the police in the process. From that point of view, I believe that the House of Assembly as a whole agreed with the proposition that, if a young person got into the habit of buying tickets and would under this legislation place a newsagent or seller of lottery products at risk, a penalty should be imposed. Without a penalty there will virtually be no follow up. We have seen that with the tobacco legislation. It is not worth worrying about it unless someone reports the matter to the police and they can prove that that person at the time was purchasing that product and that person was under age.

I believe that there is a responsibility on us to provide some element of penalty so that it is worth while for the matter to be followed up. Otherwise we will see the same situation arising in relation to scratch tickets as we have found with tobacco. For example, the poor old tobacconist or shopkeeper who wears it may mistake the age of the person, but the child or person under 18 in relation to cigarettes suffers no penalty. There is no incentive for the law to be enforced. It was obviously the wish of the Parliament that the law should be enforced and that we should actively discourage young people from involving themselves in the purchase of lottery products. There is evidence to the effect that, if we can get people out of the gambling habit at a young age, we may reduce the addiction as they move into adult life.

A straw vote, which does not indicate personal preference from my side of politics, suggested that, whilst the issue of 18 or 16 years was not of significance in terms of their feelings about the Bill, the other side of the coin was that they believed there should be some penalty so that there could be follow up and enforcement of the legislation that we are putting forward.

The Upper House would have to be well aware that we need the legislation to pass, because it is impossible to go into this. I have already indicated to the Leader of the Legislative Council that conferencing on issues of conscience is particularly difficult and that, if we are to get into a long debate about penalties, that part of the Bill will have to be taken out and debated on its merits until some agreement is reached, rather than holding up the passage of the whole legislation. In moving that I agree to amendment No. 1, I am not necessarily representing the views of all members of the parliamentary Liberal Party, but I am simply putting forward the idea that most members feel that 16 years is an appropriate age at which to enforce the restrictions on purchase of lottery tickets.

Mr QUIRKE: I agree with the comments of the Deputy Premier on this issue. In essence, there are two matters before us in respect of this legislation. The first is the question whether the threshold age should be 16 or 18 years, and we had a lengthy debate on that issue in this House. If I remember rightly, the vote was 18 to 17, so it was a tight vote on that question. Whilst I supported setting the age at 18 (and I have supported that age limit throughout), I indicated at that time and I have done so publicly that I would not be too peeved if the age was reduced to 16. In fact, I have always held the view that a minimum age was necessary for this range of product; whether that be 18—which is my obvious preference—or whether it be 16, I will accept the parliamentary process. It did not come as any surprise to me that the majority of members in the other place were in favour of setting the age at 16.

I think that many members here have discussed this issue with their colleagues in the other place, and I am quite relaxed about that position. I am a little more concerned about laws without penalty. The Deputy Premier referred to cigarette legislation, and we could talk about that further. Members of the other place have raised objections with me. They want to take out the penalty because, if a minor or person under 16 years of age is caught buying these products and they are prosecuted under the Act, the parents will have to pay the $50. They went on to say that that was one of the worst atrocities they could think of.

I am absolutely puzzled by that because, in regard to all the various liquor Acts that are debated in this establishment, a rather interesting position would be produced for the two persons from my side of politics who raised that question in the other place. If the argument is that no monetary fine should be attached to the activities of a person under 18 or 16, I can live with that; that is fine. So, when the Liquor Licensing Act is debated in this place, I will move the necessary amendments to strike out all the penalties for minors, and they are in excess of $50.

Likewise, in this House some four years ago or so we agreed to a monetary penalty for not wearing a bicycle helmet. I must say that, when my boy goes out on his bike, he religiously puts on his helmet and does not need the threat of that penalty; he probably does not even know about it. But, if he or other people are caught without their helmets, then the law must apply. That is the way it goes and, yes, I probably will have to pay the $35 fine. I will probably have to borrow the money from him to do it, but at the end of the day I will have to pay that fine. A whole range of legislation

comes through this place which affects persons under the age of 18 (in this instance, under the age of 16), and monetary penalties apply. If the argument that has been put to me is that they are not appropriate in this instance, then they are not appropriate in any other instance, either.

If the argument is that parents have to pay the penalty, that argument applies to every monetary penalty that is debated in the parliamentary process, whatever it is. When the Liquor Licensing Act comes before this place or, dare I say, when some of the other Acts of Parliament associated with equal opportunities and a number of other things like that are debated, and as they provide for monetary penalties, that issue should be considered. Some of my colleagues in the other place were quite happy to slap draconian penalties into that sort of legislation.

If we ever get to debate racial vilification legislation in this Chamber, I am sure the same members will be quite happy to see draconian financial penalties apply in that instance: they will not be too concerned about parents on that point. I think it is a thin guise for opposition to this measure and, in essence, a few members at the other end are trying it on. I have no problem supporting the 16 year age limit. I would have a lot of problems and I would be embarrassed if we passed a law in the parliamentary process that had no penalty attached to it, however small it was.

I conclude by saying that I have no problem with the member for Lee's moving that there be a $50 penalty. It started out at a much higher figure than that, which was a consistent figure. If a young person goes into a TAB agency or a gaming establishment of one kind or another, the penalty is not $50: indeed, it is a great deal more than that. The argument that the parents would have to pay applies equally to that. I do not think the $50 penalty is too excessive. I think it puts the responsibility quite clearly on the shoulders of the individual, and as a consequence of that I agree with the motion moved by the Deputy Premier.

Motion carried.

Amendments Nos 2 to 5:

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

That amendments Nos 2 to 5 be disagreed to.

These amendments relate to the removal of the penalty. We have debated that issue. Either we agree with the provision and are intent on seeing that it is enforced and adhered to or we might as well not waste the time of the Parliament by passing ridiculous laws that we have no intention of following up. It is the wish of my side of politics that the matter of penalty should be recanvassed with the Upper House, because we are of a mind that a penalty should be imposed. It is only a very small penalty, as everybody here would accept; therefore, we would ask for the reinsertion of the penalties that previously prevailed and, indeed, of the offence itself.

Mr QUIRKE: I concur in those remarks.

Motion carried.

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

That amendment No. 6 be agreed to.

This is consequential on the first amendment.

Motion carried.

WHEAT MARKETING (BARLEY AND OATS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 November. Page 1188.)

Mr CLARKE (Leader of the Opposition): I rise to support the Bill as proposed by the Minister, subject to the approval by this House of the amendment that has been circularised by the Minister which amends section 3 of the principal Act. Basically, the amendment meets the one objection we did have to the Bill as tabled in the House originally. My colleague the Hon. Ron Roberts in another place, the shadow Minister with respect to this matter, has had extensive discussions on this matter with the South Australian Farmers Federation and with their solicitors, who have also checked this legislation—

The Hon. D.S. Baker: And with me.

Mr CLARKE:—and, of course, very extensive discussions with the Minister on this matter, and he has advised me that it certainly has the approval of our Caucus. Subject to the agreement of this House to the amendment put forward by the Minister, we are therefore only too happy to accede to the Government's Bill.

In closing, I point out again that our Party is very vigorous in scrutinising legislation that comes before this House, particularly in areas involving members of the public in the bush, because we have had to assume the mantle of protector of country based people, rural industries, small businessmen and small businesswomen, as well as the general work force.

Mr Ashenden interjecting:

Mr CLARKE: Not only with a smile but with a great deal of conviction. I have much pleasure in supporting the Bill with the amendment as indicated.

Mr VENNING (Custance): I rise to support the Bill, involving the marketing of barley. It may seem to be a contradiction, but I assure members that it is not. This Bill amends the current Wheat Marketing Act to allow it to trade in domestic barley, that is, barley traded within Australia. This Bill has been inevitable because Victoria, our sister State with which we share the Australian Barley Board, has already amended its Act to allow the Australian Wheat Board to trade in barley. We are seeing a large differential in pricing at the moment. With farmers reaping their barley now, the differential varies from a high of $190 per tonne in Victoria delivered to Portland, to as low as $135 a tonne in the Mid North of South Australia. This follows on from a very difficult season last year, when barley prices fell to unprecedented low prices, as low as $50 a tonne, of which you, Sir, would be well aware, and it is way below the cost of production. That was brought on by a massive world overproduction in feed grains. It has been very difficult trading for the Australian barley grower in the past two years.

This year is a complete reversal of last year. As we all know, much of Australia is drought stricken, including much of South Australia. However, parts of South Australia have been spared somewhat and have barley for sale. Therefore it is a seller's market; high prices are being paid and many traders have entered the market, along with the Australian Barley Board and various traders, both big and small. Some are fronts for large international companies, while others are saying they are but they are not. Prices are very good, generally, but it is a risk business. The sorgum prices only need to fall, especially if Queensland growers get a crop, and many have sown that crop with the scattered rain they have had, and if they are able to reap a crop of sorgum, feed prices in Australia, particularly as barley prices, will come down very dramatically. The domestic price will come down to that low level, because all this is taking place within Australia. The overseas price for barley is much below this, about $135

to $140 a tonne. These massive prices of up to $250 a tonne are all within Australia because of the massive demand.

Our eastern States, mainly drought affected, have many feed lots, which are huge users of feed grains. People are paying prices of up to $250 a tonne in their State, so after deducting freight costs, and so on, that could be as high as $190 in the southern States. This price of $250 is very close to the import parity price, that is, the price at which you can import this grain from overseas. That is therefore the ceiling price. You could really say that that price would not generally be exceeded.

The export price for feed barley is far below that, and that is what it would come to if the bullish domestic markets fell, as there is a strong possibility of happening. So, it is risk business and many could burn their fingers, and I predict that some will. If traders do not hedge and guarantee and cover their exposures, there could be prospects of growers not being paid. That has happened previously. Dare I remind the Parliament of what happened to Gulf Industries? Many growers lost heavily when that company fell over and was not able to pay its suppliers. It could happen again. That greatly worries me. With all the traders about, some from interstate, it is quite anomalous that South Australia is the only State to have excluded Australia's largest grain trader, the Australian Wheat Board, which is a gilt edge risk for farmers, because that organisation will always pay. With its huge resources, there is no risk whatsoever. It pays, and always pays on time. Also, the Australian Barley Board is gilt edge, being guaranteed by the South Australian Government. I know that most members are aware of that.

Mr Atkinson: Are you sure that is gilt edge?

Mr VENNING: It is gilt edge, because this Government is backing it. Not too many members would realise this, and I raise it very guardedly: our Government is also guaranteeing the trading in Victoria. Did members realise that? That is the case. At the moment, it is the Victorian growers who are benefiting from the very competitive trade existing between the Wheat and Barley Boards over there, resulting in generally better prices than the South Australian grower is receiving. Who is guaranteeing that market? This Government is. It is quite anomalous that that should be the case.

This Bill should have been introduced here three months ago. I know that the Minister wanted to do that. It is a very emotive issue out there. I was amazed when I raised this matter and issued a press release and it appeared on the front page of the *Stock Journal*. I thought I was a sure thing to get whipped with that, particularly by some of the more traditional barley growers on Yorke Peninsula. I had seven telephone calls, and only one whimpered a little. If that had happened 12 months ago, one would have been run out of the State. But growers now realise the situation confronting us, and this Bill is inevitable. It is certainly on time. I would have liked to see it here three months ago so that the growers could benefit more from it, because most growers now have committed their grain.

The Australian Barley Board is gilt edged and has never caused the Government any hassle at all in the whole 56 years of its trading. It has always paid up. It has always met its commitments with the Government, and the Government has had no hassle. The Australian Barley Board has had 56 years of successful trading and not once did it ever fall foul of its commitment. The Australian Barley Board has served the barley grower and the State very well indeed over those years. That was under a regulated market.

The Australian Barley Board was good business for the Government. It helped the board, hence the growers, and even earned the taxpayers of South Australia some extra dollars on the side. But, Mr Deputy Speaker, as you and I both know, the market—that is all grains in Australia—domestically has been deregulated. I put on the record here—and I am on the record elsewhere—that I opposed that action five years ago. I was opposed to it and am still opposed to it, because time has shown that it has not done the rank and file farmer any good. In fact, all it has done is played into the hands of the huge traders.

Many of these multi-national traders individually trade in more grain than Australia grows. I was not in favour of deregulation then and I am still not. I do not care what my Federal colleagues, Labor or Liberal, say about that. Time proves many things, and I do not think we have done the Australian industry any good at all, because farmers themselves are not marketeers. I am afraid we are seeing that traders today are generally making more money than the growers are making, and that is a pretty sad state of affairs.

For 30 years this State had the Wheat Stabilisation Act, which members know all about and which served us very well indeed. Everybody was happy—the farmers and the bankers. As farmers we might not know what our yield was but we knew what the price per tonne was. Now we have no idea. Who would have believed that in 12 months the price of feed barley has gone from a little over $50 a tonne to prices exceeding $190? How can you run a business like that? I do not think we in this House will be able to do anything about that situation, because it is now a *fait accompli*, and we now have a fully deregulated market in all grains here in Australia. It has happened, and we have to accept that.

This Bill now becomes more inevitable, because the Australian Barley Board, trading as it does in a risky marketplace with a Government guarantee, could not go for all that much longer as it was. A large organisation like the Australian Wheat Board, with its massive reserves, must be allowed to trade alongside. I would like to see the two sit together in a joint venture or partnership so that we can get the best of both worlds.

Growers are generally confused: they are not marketeers and we would all know that. Now we are returning to the world of the unknown, with a plethora of traders offering multiple options and prices, and it is confusing to say the least. Markets make banking very difficult, particularly when one goes to borrow money to buy a farm, plant and equipment, or whatever, and has to anticipate income. People will do that, but they always take the lowest option, the lowest price, and it makes it very difficult.

I have always been and am still a strong supporter of the Australian Barley Board. I hope it continues to be a strong organisation. Even after this Bill is implemented, all barley traders, including the Australian Wheat Board, have to get a permit from the Australian Barley Board. Anyone selling barley in Australia must obtain a permit from the Australian Barley Board. That does many things: for example, it keeps our market under control; it keeps it somewhat organised; and it also ensures the collection of our barley research levies, which the Minister would know is very important. Indeed, we do not want people circumventing their responsibility to pay their share of the levies which are so important, particularly in barley right now, because we need in this State a new malting barley. We do not want to see anybody skipping out on their responsibility. So, by getting a permit from the Barley Board we do keep a check and a handle on that matter.

I do not believe the Australian Wheat Board will seek to trade in malting barley, although I know from various people there is some fear about that possibility. What we are talking about is domestic feed barley and, as I believe a licence is required to do that, I have some doubt as to whether people could obtain that licence. I am sure that, if all parties wanted it, it could be facilitated, but at this stage I do not think that will happen. I do not believe an effort will be made to trade in export feed barley, either. I understand the Commonwealth Government could grant that power, but it does not wish to proceed in that direction at this time.

I believe that when we get back to a normal year, which hopefully will be next year, we will see it all settle down with the Australian Barley Board re-establishing its role as a major marketer of barley in South Australia. I have always believed that we should have only one grain organisation in Australia with single desk export selling—selling all grains. We have tried this for many years, we have tried it with all other States, but they do not wish to cooperate, especially in trying to achieve an all Australian Barley Board. It has been tried and it has been fruitless. If we are able to do a deal between the Australian Wheat Board and the Australian Barley Board we could achieve the same thing, and I believe that would be a real plus for us all.

With the expertise of the Australian Barley Board and the huge resources of the Australian Wheat Board, both here and overseas, it would be a real plus to have them together. Also it keeps the exposure in relation to barley trading in the commercial rather than the Government arena, about which at present there is some risk. It is not the most desired situation. If we are to be a completely deregulated market—and we are but I wish we were not—this Bill is inevitable.

Times are difficult for our farmers and I have stuck my neck out on this issue expecting it to be well and truly kicked in, but it has not been. I have been very pleased with the acceptance the measure has had, and I commend the Minister and the Government for picking it up and running with it, tying it up as quickly as we have. My only regret is that we did not do this three months ago, when I am sure all farmers would have benefited immeasurably by having the Wheat Board trading here in this State for feed barley. Most of the barley in the State is being classed as feed—even the malting grains—because of the very high level—up to 70 per cent—of screenings. It is sad to see good malting quality barley being downgraded to feed because of the screening count, but with the prices as they are certainly it is not bad compensation to see feed barley making up to $190 a tonne.

The Australian Barley Board has been legally allowed to trade in wheat, while I would question why the Australian Wheat Board was not allowed to trade in barley. I know the Barley Board has not done so but it could have been, and now we are doing the same with the Wheat Board in allowing it to trade in barley. The bottom line must be the best possible return for our grain growers and to ensure that they are paid. As a member of Parliament and a grain grower—and I must declare that interest, not knowing how a conflict of interest comes in—I am convinced that this difficult and very controversial issue must be addressed now. It is too late, but better late than never. I have must pleasure in supporting this Bill.

Mrs PENFOLD (Flinders): I rise to support the Bill, which removes an anomaly in the trading of grain in South Australia. The Australian Wheat Board deals in everything in South Australia except barley and oats. The Wheat Board deals in wheat, legumes and canola. The Wheat Marketing Act was renewed in 1989 in South Australia and Victoria, where there were marketing boards. A clause was inserted in the Bills which prevented the Australian Wheat Board from dealing in barley and oats in these States.

When the new Barley Marketing Act was passed last year, the domestic feed market was deregulated to a certain degree, in that any trader, except the Wheat Board, could get a permit to trade barley. The Australian Wheat Board was locked out while even the most doubtful of dealers could get a permit. This created an anomaly in the marketing of feed barley, which this legislation addresses. The Australian Barley Board still holds a monopoly of the export of barley from South Australia, and this will not be altered. Malting barley is treated separately from feed barley. Farmers who produce malting barley can deal with the Australian Barley Board or direct with maltsters, and that will not change.

This legislation corrects an anomaly which prevents the Australian Wheat Board from entering the feed market, whereas anyone else is given the right to trade. The difficulty is that, if a barley grower does not want to trade with the Barley Board, he or she cannot trade with the Wheat Board. Both boards have achieved a high level of regard in the industry because farmers have confidence that they will get paid for their grain. There are private traders with whom farmers can deal with some confidence, but there are also pitfalls in private trading. There was an instance in the Mid North a few years ago when a legume buyer went bankrupt, and farmers did not receive full payment for deliveries.

Farming today is too difficult to take such unnecessary risks. I support the Bill because it will allow farmers to trade with the confidence that they will be paid. It will also remove the anomaly I have previously mentioned, and that will put some competition into the marketing of feed barley. Competition usually is to the benefit of the producer and consumer, not only through pricing structures but also, and more importantly, through quality and accurate sales descriptions. Competition will not threaten good traders, such as the Australian Wheat Board and the Australian Barley Board. The Australian Farmers Federation supports the removal of this anomaly, and so do I.

Mr MEIER (Goyder): As the member representing the electorate of Goyder, which includes Yorke Peninsula, I would say that probably the majority of barley on average is grown in my electorate. I have some concerns with this Bill, and I will endeavour to highlight those in due course. From speaking with my constituents on a regular basis, it has become clear to me that farmers recognise that the Australian Barley Board has brought order into the marketing system over a period of many years, and that has been both welcomed and necessary. It is very interesting to note that we have had massive fluctuations both in yields and prices over the years, and perhaps the past two or three years highlight that fact. Last year we had very high yields—record yields in many cases—but we also had record low prices. In the year before that, initially we had very high yields, but then, if the rain did not destroy the barley, it at least brought it down to the lowest feed grade that would be accepted by the Barley Board.

From speaking with many of my constituents, I know that they were very worried that they would not be able to sell their barley when it had been rain damaged, and it was a credit to the Australian Barley Board that it was prepared to take it. We have seen some of the implications of that

decision, in that it has been somewhat difficult to sell, although I would not blame the Barley Board in the first instance for that because I know that at least one sale to an overseas buyer which would have taken a huge percentage of that weather damaged grain fell through. The Federal Government dilly-dallied and could not decide whether the financial backing of that country was appropriate for us to sell our barley to it and, by the time the Federal Government made a decision, that country had gone to another country to buy its grain.

The Barley Board has provided the stability that was missing in earlier years. When I lived in Maitland my neighbour, Mr Erwin Heinrich, spoke with me on several occasions about the early days before the Barley Board ever existed; he detailed examples of how the free traders would come in and how many people received offers for their grain on one day and then the next day it would virtually drop to nothing. The growers were played off one against the other, and it appeared to me that the only people who benefited in the long run were the traders. As a result of those activities and the fact that the barley growers were taken for a ride by the traders many years ago, the initial seeds were sown (if I can use that pun) which eventually led to the Barley Board being formed.

It is worthwhile to consider for a moment the whole aspect of orderly marketing and, in particular, the pooling. Certainly the pooling system is designed to ensure that growers receive the same return per tonne for the grade or quality of the grain delivered. To achieve this, the sales of all grain from a particular grade are aggregated and the expenses associated with marketing that grain are deducted. The balance is divided by the total income received in that grade, to arrive at the grower's total return per tonne. The Australian Barley Board usually pays a first advance and two subsequent payments, and the calculations are those which would apply to a final payment. For the first advance and to a smaller extent the second, payment is based on estimates. The return is, as stated earlier, based on an average of the sales price over a season. Under pooling no grower gets the highest price and no grower gets the lowest price; they all get the average, and that is the whole basis of pooling.

The Barley Board has been cash trading legumes for some five years, and it is interesting to note that the pool return based on average prices exceeds the average daily cash prices paid. However, some growers will receive higher cash prices while others will receive lower cash prices. I have been given those statistics and, even though the member for Custance shakes his head, I think that I will be proved right on this issue. I am concerned that we are going to a situation where the pooling system will still seek to apply through the Barley Board but, at the same time, growers will be trying to hedge their bets, one against the other.

It is interesting to look at some of the information which has been put out and which has endeavoured to indicate that change needs to occur. It was reported that the Wheat Board was able to acquire barley in Victoria at $190 per tonne, delivered at Portland. However, it appears that that suggestion was not accurate. In fact, the Australian Wheat Board's price was based on Melbourne and not Portland. That statement also failed to mention that the Australian Barley Board was offering the same price at Portland, Geelong and Melbourne.

In fact, the Barley Board was offering an equal price at more venues than the Wheat Board at that time. The fact that $190 was being offered in Victoria and that a considerably lower price was being offered in South Australia was due to the charges necessary to transport South Australian barley to the Eastern States, and they included the South Australian Cooperative Bulk Handling storage charges, sea freight and port charges, and possibly road or rail freight charges. Additionally, we need to consider that in Victoria much of the grain sold can be taken direct from farm to customer, avoiding the high infrastructure costs which we cannot avoid for most of the grain delivered in South Australia.

I am concerned that the Bill is being brought in halfway through harvest, and I have checked with others about that. Depending on the warm weather, things can move rapidly. It is interesting to note that some of the early or pre-season buyers are no longer active, whereas the Australian Barley Board continues and will continue to accept barley delivered to it. It is all very well to have competition, but to what extent do competitors apply the same principles? I am not talking about private traders coming into the market—I am talking about the Wheat Board. Before dealing with the Wheat Board's activities, the House should be reminded that the new Barley Marketing Act empowered the Australian Barley Board to provide a full range of market services to growers.

As a result, the Barley Board has responded to the challenges of the marketplace and offered growers multiple options for marketing their barley, including cash price, pool, special variety pools for specific varieties and warehousing coupled with a cash advance. Obviously, these are significant changes in a short time. Are we weighing up all the possible effects and implications of deciding to deregulate the sale of barley by allowing the Wheat Board to enter the market at this stage? We have had deregulation for some time and the Barley Board apparently has never shied away from giving permits to free traders. That is fine, and it is fully accepted.

I have grave reservations that the Wheat Board, because it has a much bigger capital base built up over many years, is in a position to easily undercut the Barley Board—right now, if it wanted to—to grab a significant market share. Of course, farmers would benefit from that in the immediate future. However, the Barley Board was given the right to build up capital reserves only when the Bill went through last year or the year before. It had a bad season last year and it has not been able to build up its capital reserves. Again, it is interesting that the Bill should come in at a stage when the Barley Board is perhaps at a disadvantage in relation to the Wheat Board, which has capital reserves. That situation needs to be weighed up as well.

What is the long-term scenario? There is no doubt that the Wheat Board will take the opportunity to enter the barley marketing and purchasing area as strongly as it can to try to get its share of customers. That all goes to make good competition, and I have no problem there. However, will that be to the disadvantage of the Barley Board, whereby the Wheat Board will undercut the Barley Board because it has reserves whereas the Barley Board does not? Will it become not only the dominant player in the market but, in time, the only recognised player in the market?

Perhaps in a few years everything that the member for Custance and other rural members were arguing will go out the window if the Barley Board is suddenly replaced by the Wheat Board, even though it may go under a different name. Is that the principal aim? I hope not: in fact, I would say that it is not our principal aim, because we would then have one major marketing authority and one major purchasing authority, and that would not prove a thing. It would be able to determine the prices as it saw fit. Further, the Barley Board is set up in such a way that it is a non-profit organisation run

basically by farmers. That is surely a situation we should encourage, and we should give the board all the assistance that can be extended.

I am conscious of the time available, and I have already mentioned that other traders can trade in barley and obtain a permit to do so. Since 1 November 1994 the Barley Board has waived the permit fee so as not to put an impediment in the way of growers wishing to maximise their income in the current drought situation. Farmers cannot say, 'The Barley Board has been stopping us from getting our maximum price.' Certainly, one cannot argue against competition, but the Australian Wheat Board, as I indicated, has significant market power and a capital base which would enable it, if it wished, to buy market share. However, the Barley Board does not have that capital base.

My view, and I am sure many constituents will agree, is that both boards should use commonsense and cooperate with each other. The Barley Board has no problem selling barley to the Wheat Board at market rates if it needs that commodity, and surely there could be a reciprocal arrangement in that respect. The Barley Board has indicated that it is not interested in trading in wheat at this stage. Why should the Barley Board trade in wheat, even though it certainly can do so, given that it is a specialist in the buying and selling of barley? The Minister was recently in China. In discussions with the Minister or people associated with that delegation I learned of concern in earlier years about the difficulty in selling grain in China, because various people were the supposed importers.

Apparently the situation has improved in China and there are now one or two big buyers in certain areas that people can go through without having to worry about whether or not the trader is reputable. We are saying: why have speciality in the purchase of barley or wheat; why not open up the lot; and why not have all the products there? The market has expanded in past years, and I will not deny that, but barley is the key source of income for my electorate and I want to ensure that, not only for this year but in future years, my farmers get the best possible price or deal, whether the season is poor or good and whether the price is high or low. It worries me that we are debating the Bill when prices have more than doubled compared to last year.

Understandably, because of the drought interstate and the urgency for feed barley, prices are high and traders have been out in the marketplace. Obviously, the Wheat Board is doing what it can to gain access to that trade because it believes it can offer a higher price. Surely, if members have been following the GATT talks over the past few years, they will know that there is no magical way to sell barley at a higher price compared to someone else. We are not talking of export barley now, but I use that to set the scenario. Do members believe that the Wheat Board will get a better price for barley than the Barley Board? If so, they are talking pie in the sky stuff. There is a price and in extreme conditions there can be a higher price for certain pockets, but overall it levels out.

That is the other concern: will we see the Wheat Board come in and take limited quantities, or will we see it come in and take large quantities to try to get a significant market share? It concerns me and, again, I am hoping that the Minister has taken all those factors into consideration. I am pleased to see that the Minister has circulated an amendment that requires the Wheat Board to perform its powers and functions in relation to barley within the meaning of the Barley Marketing Act. Without that amendment, the Wheat Board could go outside the terms and conditions of the legislation. So, at least that issue will be addressed.

Members say that Victoria has gone this way. Let us not forget that Victoria is a very small player in this whole field. The amount of barley it produces is relatively small compared with South Australia's total barley production. In fact, Ardrossan's barley input is similar to the total input of Victoria. I express caution, and I will ask further questions in Committee. I wonder why this Bill has been introduced in the middle of harvest, when it may confuse growers more than assist them. I therefore ask members to exercise caution in their support of this Bill.

Mr LEWIS (Ridley): Whilst I share the same kinds of anxieties as the member for Goyder has expressed in connection with this proposition, I am nonetheless of the view that what has been done in the past is not necessarily all covered by the legislation anyway and that what will be done in the future is better and more honestly covered by the proposition we have before us at this time. There is no question that we are living in a world where competition is increasingly significant as the means by which we ensure that the best possible deals are being done for those people who rely on, if you like, marketing what was considered a homogenous commodity in the past and is now more frequently and more carefully segregated into its component parts, thereby enhancing satisfaction and price.

It reminds me of the ad for Castrol Oil, where the fellow says, 'Oils ain't oils.' I do not want to get into trouble with these people who talk about catching Ministers by the toe, woodpiles, and stuff like that, but quite clearly that ad points out that there are differences between oils. I am saying to the House—and this legislation is saying to the House and the wider community—that in future we will look very closely at the way in which we segregate and sell our barley crop, our oat crop, indeed any of our cereals, wheat included. We will identify the characteristics of each batch of the grain and match it to the market that requires it.

I can foresee circumstances in the future, for instance, where higher levels of protein in barley will mean that it will fetch a premium which would perhaps, in that context, be greater than the premium paid for other barley which has very high levels of starch and is sought for malting. There is no reason at all why, just because it is called barley, it necessarily has to be sold at a lower price if it is high in protein and low in starch than that which is conversely high in starch and lower in protein and better suited to malting. Feed barley is an important part of the world feed market—there is no question about that—and oats accordingly.

I eat oats for breakfast, and that does not necessarily make me a racehorse. I know I have to get through this debate in fairly short order, but the fact remains that oats are not simply homogeneous by description: some are suited to processing for purposes of human consumption; others are suited to processing for animal consumption, and for other purposes. They are easily identified and segregated at the point of delivery from the farm. Indeed, more sensibly, farmers ought to be encouraged in future to sell their grains by sample, in the same way as is now possible, for instance, in wool and in many of our livestock markets to identify fat score and other characteristics such as mean weight of the line, and then offer that line on computer, guaranteeing the description, with stated acceptable variation.

So, to allow more players into the market is to encourage greater definition in the commodity being traded, and to

encourage greater competition for that more accurately defined commodity. That is where the benefits flow to the buyer, so that buyers will be able to bid more for any given lot, knowing that they will be getting precisely what has been described to them, and growers then will be rewarded for the efforts they make to produce the kind of quality which, on average, they believe year-to-year they are most likely to get greatest profit from per hectare, greatest profit or whatever other yardstick or combination of yardsticks they want to use to measure their commercial decisions.

Marketing is the most important part of ensuring that we go down that pathway and participate in that entire process of more accurately aiming our product at the markets for which it is best suited, thereby enhancing personal income at a microeconomic level and national income at the macro level, and greatest benefit overall for our agricultural industries and the communities that depend on them. I commend the Minister for his courage. I commend the organisations he has consulted for the sensible way in which they have recognised and accepted the need for change. I too, along with other members on this side of the Chamber—and I think, indeed, in a bipartisan way—then can say, 'God speed' or, put another way, 'Praise the Lord and pass the ammunition.'

The Hon. D.S. BAKER (Minister for Primary Industries): First, I must declare an interest in this subject, being a not very noteworthy barley grower. I will be brief, but we should get some facts on the record. Two years ago, from memory, the Australian Barley Board became a two-State barley board when South Australia and then Victoria passed complementary legislation so that the board could operate for the purchase and marketing of both malting barley and feed grain. It is also fact that last March the Victorian Government passed a Bill to amend the Wheat Marketing Act to allow the Australian Wheat Board to trade in feed barley within the State of Victoria. Previous to that, the Australian Wheat Board had the power to trade in barley in all States of Australia except Victoria and South Australia.

We then had the ridiculous anomaly whereby the Wheat Board could trade in feed barley—and later I will refer to the Wheat Board's trading in malting barley for export—with all States except South Australia. However, those farmers who lived close to the border could whip across and trade under section 92. In fact, we could trade with the Wheat Board if need be.

As the member for Custance explained, it is ludicrous that under the Act—and it is an anomaly—the South Australian Government guarantees all the purchases of the Australian Barley Board, whether they be in Victoria or South Australia. In other words, the Victorian Government does not share the guarantee. That matter was highlighted not only by the Auditor-General but when we had the State audit.

A ridiculous situation has arisen this year, which may or may not be a unique year. The first advance payment for feed barley in South Australia, guaranteed by South Australian taxpayers, is $145 per tonne. However, because of the competition in Victoria where the Wheat Board is freely buying feed barley, if a grower sends barley to Portland, which is 25 miles over the border, he will get $190 per tonne. The ludicrous situation which has been occurring in past weeks is that taxpayers and growers in South Australia are bankrolling or providing the guarantee for the Australian Barley Board, so the Victorians, who do not share in the guarantee, are getting $45 per tonne more for their barley than we are getting in this State. Therefore, something had to be done quickly.

I understand the vested interests, especially within the Barley Board. I thank Crown Law for its opinion. I will not read into *Hansard* the Crown Law opinion, which is consistent with what has gone on in Victoria, but I will read a letter from Clinton Condon to Bill McGrath when the Act was changed in Victoria. Briefly, it states that under the Australian Wheat Board legislation, which is overriding legislation, it is provided that, if the Wheat Board obtains a permit from the Barley Board, it can then trade export malting barley under the Act. I shall be very happy to release and explain to anyone the Crown Law opinion and the Victorian Crown Law opinion on this Act. Really, all this is a bit of a sham. The amendment standing in my name does nothing other than ask the Australian Wheat Board to trade under the Barley Marketing Act 1993 when dealing with barley in South Australia. It does not have to do that. It happens only because of a gentlemen's agreement.

I will cite the letter from Clinton Condon, with whom I had a telephone conversation this morning in which he guaranteed that the Wheat Board will carry on as per the letter that it has sent to the Victorian Government and that there will be no attempt to sell export barley. The letter states:

> Dear Minister, I refer to recent discussions between your senior adviser and the AWB's general legal counsel concerning the proposed amendments to the Victorian Wheat Marketing Act to enable the AWB to market stockfeed barley for domestic consumption in Victoria.
>
> I note your request to obtain the AWB's written confirmation of its position in relation to export of barley from Victoria.
>
> Consistent with the current philosophy developed by the industry enshrined in the Barley Marketing Act (Victoria) 1993, which provides the retention by the Australian Barley Board through its compulsory delivery power of control over the export of barley from Victoria, the AWB will comply with that legislation and continue to purchase from the Australian Barley Board any export barley transactions involving barley produced in Victoria.

Certain vested interests are saying that the Wheat Board does not have those powers. However, we know full well that if it were tested in the courts it would not be the same. I am happy to move the amendment in my name, which is the same in wording as the provision in the Victorian Act. However, it is not right to say that the South Australian barley growers are getting the same deal as barley growers in Victoria. They are not getting the same deal as barley growers in Victoria for one very good reason: there is additional competition from the Wheat Board in Victoria, which is trading barley all over the rest of Australia, especially New South Wales and Queensland. It is time that this charade was finished, so we should get this through very quickly.

The Treasury is concerned that we guarantee and underwrite the purchase of the barley crop in this State, but we are assured, from the meeting that I had with the Barley Board less than a week ago, that it will have purchased enough barley this year to fulfil the contracts for which it has forward commitments. Therefore, the Government guarantee is in place.

It is fair to say that, because of concerns expressed by the Audit Commission and the Auditor-General, we will continually be looking at that guarantee. It is outmoded in this day and age when a State Government has to guarantee a barley crop—of course, there will be ongoing discussions with the Barley Board—and it is even more outmoded that the taxpayers of South Australia should have to act as guarantors for barley that is grown in Victoria.

Mr Atkinson interjecting:

The Hon. D.S. BAKER: I am sorry. It has always been my practice when introducing minor amendments not only to negotiate and highlight them with the backbench rural committee but to brief the Deputy Leader of the Opposition in this House and the shadow Minister in another place, and they are both happy with what we are doing, as are, I might say—

Mr Atkinson: On behalf of all the barley growers.

The Hon. D.S. BAKER: That's right. In fact, I assure the Deputy Leader that I am always happy to help him in any way that he likes. Indeed, I encourage one of his colleagues to stand in my electorate every time there is an election, and that offer is still open. This represents a cleaning up of the Act. The fears that have been expressed are unfounded because of the agreements between the Barley Board and the Wheat Board. It is part of the deregulation process that is going to sweep across Australia, because there are many other players in the market trading in stockfeed. Once again, I think it gets us into line with what our counterparts in Victoria can do under the two-State barley agreement.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr MEIER: When will this legislation be proclaimed?

The Hon. D.S. BAKER: As soon as possible.

Mr MEIER: Are we talking of a matter of days, if it passes this Parliament this week, or a week or so?

The Hon. D.S. BAKER: It is fair to say that it will be as soon as practicable after it has passed both Houses of Parliament and after assent. There will be no holding up on our part.

Clause passed.

Clause 2—'Interpretation.'

Mr MEIER: Does the Minister believe that the $190 per tonne quoted by so many members as being the going price—the Minister quoted that price with respect to Portland, but I believe it was Melbourne, and that was matched by the Barley Board, too—is the price that South Australian growers, in particular Yorke Peninsula growers, can expect shortly after the Bill is proclaimed?

The Hon. D.S. BAKER: If they are interested in marketing their product, they can now work out the figures. They can get $145 a tonne delivered to their closest silo, but if they want to freight to Portland the price is $190 a tonne. If they take the freight differential off that, there may be a saving to them of $20 or $30 a tonne. It is up to the grower. In fairness to the Barley Board, when it has to set a pool price in South Australia it sets a pool price from the West Coast to Mount Gambier, taking into consideration the freight and everything else involved in marketing a product. In Victoria, where there is competition from the Wheat Board and other grain purchasers to ship it over the border to New South Wales, where there is a bad drought, or up to Queensland, it is a different pool. All we are doing is allowing that equal competition to take place in South Australia, without people having to take advantage of section 92 and transporting their grain to the border.

In discussions I have had, the Barley Board accepts that any growers within 150 kilometres of the border would be foolish to deliver in South Australia, because of the cost impediment. It accepts that there are anomalies in this pool system. With this deregulation we are gradually getting back to reflecting the distance from the marketing centre or wherever the market is, instead of having the one pool price around South Australia or in the two States. I think that is a healthy sign. I do not think it is really sensible setting a pool price and then, because of the anomaly, saying, 'Well, it's all right for you guys; you can send it across the border under section 92.' This just opens it up a little more and puts a little more competition in the market this year. No-one is saying that it might not change in future years. I cannot see a down side for the grain grower in having extra competition in the market, and I cannot and will never understand why farmers do not want competition in the market.

Mr MEIER: The Minister did not give a 'Yes' or 'No' answer to the question whether the growers could expect the equivalent of $190, adjusted on today's prices, on Yorke Peninsula or elsewhere. He indicated that the relative distance factors might apply, but they apply now. I question that; I guess we will find out in due course whether the growers will benefit as the Minister indicated in his second reading speech. I certainly acknowledge that the growers in the South-East are in a different situation from that of the growers on Yorke Peninsula. What discussions were held with the Australian Barley Board prior to bringing in this legislation, and what was its view on opening up the Wheat Marketing Act to allow the Wheat Board to purchase barley?

The Hon. D.S. BAKER: Let me just explain about the price differential. It does not matter to which silo you deliver barley in South Australia, but it is approximately $145 a tonne—do not hold me to the exact dollars. I have declared an interest, so we will take the local silo at Millicent as an example. It happens to cost $12 a tonne to get the grain from Millicent to Portland. If a farmer delivers his grain to Millicent he gets $145 a tonne for it, but if he pays $12 a tonne in freight to the local carrier and delivers to Portland he will get $190 a tonne. The reason he is getting that $190 a tonne is that, first, it is an export port; and, secondly, the competition for grain from the Australian Wheat Board in that State has forced the price to that level. That was one issue. The other involved consultation with the Barley Board. I have just had a very enjoyable trip to China with the Chairman and the Chief Executive Officer of the Barley Board.

Mr Quirke interjecting:

The Hon. D.S. BAKER: No; they were probably further forward than I was. However, one of the reasons we went to China was to talk directly to the Cereal Food organisation, the national representatives of which have just been in South Australia talking about selling malting barley to China. They have also been talking to the grain purchasers in Shandong Province, which is our sister State, because it will be deregulated. I know the CEO and have known the Chairman for many years. There is no question that they do not want this to come in; they have a vested interest. I do not blame them for that, and I understand it, but I would have to say that, from all the discussions we have had, they realise that it has already happened. They realise that it is a nonsense for South Australia to be the only State where the Wheat Board cannot purchase stock feed or feed barley, and they realise that it has to change. At the end of the day, all people who are defending a vested interest have to see logic.

From the discussions we have since had with the Barley Board and its solicitors, I know that the board has come to that conclusion, and that is why we have worded the amendment exactly in line with the Victorian Act. All we are doing is bringing South Australia into line with what has already happened in Victoria so that growers in this State have exactly the same competition as occurs in Victoria. The

Barley Board acknowledges that; it might have liked the protection for a few more years, as all people who are protecting their position would like, but we happen to be in the days of deregulation and we happen to be trying to get all of us involved in the rural community to be world competitive so that we can trade on the open market, because that is where our future lies. It does not matter whether you are a Government department, the Barley Board or the Wheat Board, which fought very hard not to deregulate wheat being traded within Australia. All that has happened, and it was not the end of the world as we know it; in fact, business has been conducted very well. The Barley Board would acknowledge that it had to happen, although it would prefer that it did not.

Mr VENNING: I support the Minister in almost all his comments, particularly those about this anomaly of $190 a tonne in the South-East. I have heard all sorts of stories about why that is so and why it cannot be so on this side of the border. The Minister has shown quite clearly that, of course, the growers will load up their barley in Millicent and pay the $12 freight. Of course they will do it in the Mid North of South Australia. Prices were as low as $135 a tonne in the Mid North. People deny that; certain people have written to me and said that it was never that low. I have proof positive: I saw it with my own eyes, on the board outside the local office. It was $135 or $139, depending on what the person concerned had. Farmers were paying $30 a tonne freight from the Mid North (Port Pirie) to get their grain over the Victorian border. How ridiculous is that? They were still a long way in front; at $145 a tonne, if they added $30 it came to $175, so they were still $20 better off, and that was happening.

I wonder about the argument that barley is dearer over there because it is closest to the markets: that is rubbish. The Wheat Board is now establishing regional or local pools so that if you are near the railway line in the north of our State that will create a pool, because all that grain will go up the railway line through Broken Hill to New South Wales—the closest point of exit for the grain. Of course, the grain should be dearer there; the grain should be attracted there with a premium price. That is what the Wheat Board is doing and what the Barley Board should also have done. In New South Wales north of Sydney the price is $250 to $260 a tonne. It costs about $50 to $60 to get it there. You do not have to be very bright to work out what the price could or should be in the Mid North, without all the risks involved.

So, I will not accept the stories that have been going about saying you can justify $190 on the Victorian side of the border but you cannot justify it here. Admittedly, the sea charges at the ports of our prime and greater barley growing areas of the Yorke Peninsula, including Wallaroo, Port Giles and Ardrossan, are very high, and I concede that the costs are higher, and maybe $165 or $170 was the mean price for which most farmers in the Mid North of our State sold, after they were advised to do so. I gave advice that, if they could get $165, they should grab the cash price, which they have done. They were fortunate that they did, because the price has now fallen, as the Minister has said, to about $145. So, they are laughing.

The situation this year is unique because it is a seller's market. This is where I disagree with the Minister, when he said that farmers should always think that competition in the market is a great idea. It is this year, because it is a seller's market, but usually it is a buyer's market, when the shoe is on the other foot, and farmers are easy prey for professional, multinational marketeers who come here, buy up their stocks cheap, create a low price, and that is it. Farmers are in no position individually to deal with that. This year farmers have had to maximise their opportunity because it certainly has been a seller's market, and most have done so. When we heard the Minister a little while ago say that the Barley Board has bought enough barley to pay out the contracts, it must have bought a lot of cheap barley. All I can say is—

The Hon. D.S. Baker: I didn't say that.

Mr VENNING: Well, it must have bought barley to pay out contracts entered into earlier in the year at lower prices. I only hope all growers shared that load and not just some who have blind loyalty to the Australian Barley Board. I know that many growers this year have broken away and taken cash prices, because that has been the best deal, at this time.

I agree with a lot of what the member for Goyder has said, but the honourable member must agree in this instance that the more traders, the better, particularly traders who we know will be able to pay the correct money and pay on time. Up until now, the Australian Barley Board has been the only trader in feed barley that we could guarantee would pay on time. If we let in the Wheat Board, we will have two.

I accept that this is a bold and radical move. I was expecting a real avalanche of telephone calls from the Yorke Peninsula, but it did not happen, so I just wonder about this. I know that the member for Goyder is making Custance's last stand, you could say, for the traditional barley grower. We heard so much nonsense 12 months ago, when we were discussing issues such as election versus selection. This issue is far more important than that and is far more reaching in its impact on the industry. As the member for Goyder said, it will change the future way we market all grains in this State. I can understand and accept the position he is taking but I hope he understands that what we are doing is inevitable and that the Minister is right.

Mr MEIER: Why is the Minister bringing in this legislation halfway through the harvest? Has he had discussions with the industry to see if there are any negative effects that could occur? Personally, I can see the potential problem of growers suddenly being offered higher prices, if the argument we have had continues after the Bill has been proclaimed. Therefore, I hope that we are not creating unrest or dissatisfaction among the growers who will say, 'Good grief, if we only knew this Bill was coming through, we would have held off and not sold our grain earlier.' Why is the Minister bringing in this Bill in the middle of the harvest?

The Hon. D.S. BAKER: One of the discussions I have had with the Barley Board since the amendment to the Victorian Act went through is about an anomaly that was affecting an exporter in South Australia. The Wheat Board would not allow an exporter of bagged wheat to purchase from growers, process and bag it and then sell, at the desk price, which is the export price. They were forcing this person to purchase at the export price and then bag it and try to compete on the world market. Of course, he could not compete. It was a South Australian business that in my opinion and in the opinion of the Government was being put at risk because of an anomaly.

So, I had discussions with the Wheat Board immediately after the Act was changed in Victoria, and said, 'If we can work through this anomaly to make sure this person's livelihood and the jobs he has are looked after, we will do that.' That took a little longer than we thought, and to its credit, the Wheat Board has now said that this person can purchase under permit from a grower and then bag it and export it at the desk price and therefore be world competitive

and maintain not only his business, which has been going for many years in other grains as well as wheat, but also the employment that he has. That has taken some time. We had to work through with Treasury some uncertainties that were there and we had to have a discussion with the Barley Board.

Really, it matters not when you bring it in. The honourable member talks about the unrest. I do not know a grower in South Australia or in Australia who is not happy if he cannot get a better price. This has been mooted. It was a most ridiculous anomaly, which has existed since May last year. It was well publicised that something would have to happen, and even the grower who never read the *Stock Journal* would have had to know that South Australia would be severely disadvantaged if we did not make this amendment to the Act. I do not think it matters when you bring it in. If you have a ridiculous anomaly, it must be corrected. If not, ultimately, you will disadvantage the growers in this State.

Mr VENNING: When does the Minister believe the Wheat Board will be able to trade in barley, and when does he think it will? In fact, could it trade right now, write a contract at the very minute, subject to the law being passed?

The Hon. D.S. BAKER: I guess it could. If a grower wants to transport it to the border under section 92, they can do whatever they like. I would have thought that commonsense would prevail. I have spoken with Clinton Condon and the Barley Board. With the undoubted support of the Opposition, this legislation will pass in the next couple of days, be assented to, and then it will be able to happen. I am told by the Barley Board that its forward contracts are filled, so they are not at risk. For those people who bring up the anomaly that some people might get more, there are pools that have been opened and closed by the Wheat and Barley Boards in Australia in previous years; they opened at one price and a week later it was another price. That is part of the normal trading.

We have to be a little positive about this. We are trying to get more money for the barley growers in South Australia. We are trying to increase the competition so they have the chance to get it. What happens this week or next week really is not the issue. It is what happens in future years.

Mr Clarke interjecting:

The Hon. D.S. BAKER: They quite rightly have a constituency to look after, and I am happy to respond to their questions.

Clause passed.

New clause 3—'Interpretation.'

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

Page 1, line 15—Insert the following new clause:

Further amendment of section 3—Interpretation

3. Section 3 of the principal Act is further amended by inserting after subsection (2) the following subsection:

(3) In performing powers and functions in relation to barley within the meaning of the Barley Marketing Act 1993, the Board is subject to that Act.

All this really does is insert the same clause that is in Victoria to give comfort to the Farmers Federation and the Barley Board, and it is covered by the letter from Bill McGrath of the Australian Wheat Board. I received a similar gentleman's agreement or undertaking from Clinton Condon in discussions I had with him this morning. It really says that the Wheat Board will operate under the Barley Marketing Act 1993, which gives comfort to those people who think that the Wheat Board will come in and open slather export malting barley or grain. I have to point out that, if they wanted to get a permit from the Barley Board, they could do that right now but, because of this agreement and the commonsense that has taken place in the relationship with the Barley Board and the Wheat Board, I am confident that that will not happen.

Mr CLARKE: The Opposition supports the Minister's amendment. It is in accord with the agreement that we understood the Minister would be moving, and I referred to it in my second reading speech. Obviously, unlike some barley growers on Yorke Peninsula and some members of his own Party, the Opposition is pleased to say that on this issue on this occasion we have confidence in the Minister.

Mr MEIER: I, too, support the amendment.

An honourable member: Do you have confidence in the Minister?

Mr MEIER: I certainly have confidence in the Minister—there is no question about that at all. He is doing a great job. I simply have reservations about aspects of the Bill. I have no problems with the amendment. In fact, given that the clear intention of the Bill, as identified in the second reading explanation, is to level the playing field by allowing the Australian Wheat Board to compete in the South Australian market for barley and oats on the same terms as other participants in the market, it certainly would not have been appropriate to give the Australian Wheat Board the power to trade in barley and oats outside the scheme established under the Barley Marketing Act 1993. I am very pleased that the Minister has decided to make this amendment to his Bill.

New clause inserted.

Title passed.

Bill read a third time and passed.

PUBLIC FINANCE AND AUDIT (LOCAL GOVERNMENT CONTROLLING AUTHORITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 1062.)

Ms HURLEY (Napier): The Bill seeks to bring into the Public Finance and Audit Act those public bodies established by two or more local government authorities. This allows the Auditor-General to investigate the affairs of such bodies at the request of the Treasurer. In general, I support the ability and desirability of local government authorities to conduct their own business and to be accountable for their own actions. Local government, by and large, does not need the State Government looking over its shoulder, much less directing its actions. However, it is sometimes appropriate that an independent arbiter, such as the Auditor-General, should be available to examine the affairs of an authority.

For instance, the Centennial Park Cemetery Trust has been the subject of ongoing concerns in the community and the State about its operation and operating procedures. The Unley and Mitcham councils are involved in the function of the trust. Recently two Unley council members have resigned from the board of the trust in the face of criticisms about conflict of interest. An independent audit of the board could allow the matter to be resolved and give board members of the trust an opportunity to clear the air over this issue.

While we are on the subject, I would like to mention that it would be appropriate to have stronger guidelines on conflict of interest provisions for council members. Local government is now dealing with a much broader range of issues and is responsible for increasingly larger sums of money. Therefore, it is becoming more and more important that there be no allegations of conflict of interest in council

dealings. Indeed, on this matter I have great faith in local government's ability to bring these issues under control and would urge the Local Government Association to address these concerns expeditiously for the benefit of councillors and ratepayers. The accountability of local government controlling authorities to ratepayers and the general public is important for the maintenance of confidence and good general management, and on that basis the Opposition supports the Bill.

Mrs ROSENBERG (Kaurna): I rise to support the Bill. The amendments define a publicly funded body to extend into and to include authorities under the Local Government Act 1934. Section 32 of the current Public Finance and Audit Act 1987 allows the Auditor-General to examine local government affairs for controlling authorities that are set up by one council. Councils establish such authorities for a wide variety of reasons. For instance, a council may own and operate a golf club, and an independent authority may be set up to manage such a club. Often such a committee would consist of members of the golf club, possibly the manager of the golf club and sometimes a councillor representative. It is my experience as a former local government councillor that the councillor in whose ward the development occurs is often chosen; and sometimes a new councillor is given the responsibility by older and much wiser councillors who do not wish to have their time taken up by such a position.

Thus, under the circumstances, the contact directly with the council and the financial effects that this has on council budgets are examined only minimally and usually only at budget or audit time. This is particularly important since under section 199 a council may delegate to the authority that it has set up the power to receive and expend revenue. Naturally, therefore, the problems of liability for debt can be enforced against the council and, even more importantly, liability against a member of the authority can lie against the council. Section 199 of the Local Government Act 1934 requires that a report must be presented to the council annually; that is, only once a year. This report is then incorporated into the council's annual report. Controlling authorities can be set up between two or more councils, but section 32 of the Public Finance and Audit Act 1987 has not been extended to cover these authorities. This Bill will address that anomaly.

The changes that councils have made and the initiatives they are taking currently in terms of asset sharing, contract sharing over several councils and resource sharing will continue to grow as councils see the advantage of doing so. This means that the potential for joint authorities between two or more councils will increase. With that being the case, it is essential that section 32 is adjusted to allow each council to have adequate reporting back to the council and the ability for these authorities to be audited and subject to the same examination and accountability as a single council authority. This amendment will give the participating councils and the ratepayers they represent more security. I support the Bill.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I thank the Opposition for its support of the Bill. It does not really matter whether the original drafting was a matter of an anomaly or an omission. The fact is that under the Local Government Act the Government could be faced with the possibility of having to look at an authority which has been set up by more than one council. As has been identified in the debate by all those who have taken part, under the drafting of the legislation, when an authority is created, having been formed by two councils, it is not possible for the Minister of the day to undertake some sort of an inquiry if the need arises.

I agree with the honourable member opposite who said that local government does not need the State Government looking over its shoulder. That is quite right, but there are occasions when the State Government, through the Local Government Act, may be required to act in the public interest and, if the occasion were to arise, it would not be possible. The Government will be reviewing the Local Government Act in the New Year, but it is possible to use the mechanism provided by this legislation to allow the Auditor-General to act at the request of the Treasurer if we need to gain access to one of these authorities. It is important to note that some controlling authorities are commercial in nature. Where public instrumentalities are involved, the need for commercial confidentiality has to be balanced against the need for access to enough information to ensure efficient and economic management.

By the very nature of the agency and its staff, the Auditor-General's Department can be expected to understand the demands of commerce and to deal with these matters with appropriate discretion. I would have full confidence in asking the Auditor-General to undertake an investigation on my part. The Opposition identified the Centennial Park Cemetery Trust and referred to some publicity that has been given to it in the local newspaper. I would like this legislation to be considered as broader than just the Centennial Park Cemetery Trust, because there are many other such bodies that have been formed jointly by more than one council, and it is important that the statutes of the State have access to investigative powers. It does not necessarily imply that we are implementing this legislation because of the Centennial Park Cemetery Trust. Circumstances may force an investigation in that area, but at this time I want to place on public record that I am not about to investigate the Centennial Park Cemetery Trust. However, if circumstances ever arose whereby an investigation was warranted, the Minister must have the power of investigation.

I also pick up the point about the conflict of interest guidelines. That matter is of concern to the Government. I believe that on two or three occasions the local media has referred to my concern about conflict of interest, and it was through my concern that two members of the Centennial Park Cemetery Trust were invited to step aside. However, that matter will be considered when the Local Government Act is reviewed early in the New Year. I thank the Opposition for its support of the Bill and the member for Kaurna for her contribution, and I urge the support of the House.

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

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

The Hon. W.A. MATTHEW (Minister for Correctional Services): I have to report that the managers for the two Houses conferred together but that no agreement was reached.

LOCAL GOVERNMENT (1995 ELECTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 1154.)

Ms HURLEY (Napier): I have previously spoken about the increasing range of activity being undertaken by councils and the increasing amounts of money being put in the hands of local government to undertake those activities. The continuing progression of the role of local government demands an efficient and effective structure. Local government in most cases has responded well to the challenges of increased representation and restructuring in its own activities and work force. However, it has been apparent that there is a need for more wide-ranging moves, involving either the amalgamation of councils or the grouping into regional units.

The Opposition agrees that this concept will produce significant benefits, but again it recognises the problems involved in continuing with advanced amalgamation proposals when elections are taking place, particularly if there is a significant change in the membership of the council involved after those elections. Therefore, given the tight restrictions involved in this Bill, that is, the delay of elections for 12 months only and the requirement that amalgamation proposals be well advanced, the Opposition supports the Bill. The Opposition has considered this issue very carefully; it views very seriously the delay of democratic elections, and I was pleased to hear the Minister make a similar statement in his second reading explanation. However, the Opposition believes that, for this period, where amalgamation proceedings are at an advanced stage, it is appropriate to delay the current round of elections until May 1995 at the latest.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I thank the honourable member for her contribution and her support of the Bill. I think it will be a very useful piece of legislation, although I do not see it being used greatly. Certainly no active amalgamation proposals are currently before the Local Government Association, although we are aware of some in the wings. I am prepared to make a recommendation to the Government in respect of those councils that have already made a move and can demonstrate that they are sincere and genuine, and if they can show that the public has had access to the amalgamation documents and they understand the amalgamation proposal. I thank the honourable member for her support and urge the House to do likewise.

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

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

NATIONAL ENVIRONMENT PROTECTION COUNCIL (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 989.)

Mr CLARKE (Deputy Leader of the Opposition): It is with pleasure that I advise the House that the Opposition supports the intent of the Bill and is happy to assist the Government to have the Bill pass, both here and in another place. The Minister spoke to me just before the Bill was called on for debate and assured me that the amendments merely seek to emulate the corresponding legislation in the Federal sphere. Based on those assurances, neither the Opposition nor I have any hesitation in supporting the Bill. Clause 3 defines the object of the Act and provides:

> The object of this Act is to ensure that, by means of the establishment and operation of the National Environment Protection Council—
>
> (a) people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia;

These are laudable sentiments. Given that South Australia is on the receiving end of so much pollution with respect to the Murray River, I trust that the other States, which cause so much of the pollution of Murray River water, particularly Queensland, New South Wales and Victoria, in so far as they still refuse for parochial political reasons in those States, take the necessary steps to ensure that there are proper environmental standards with respect to the amount of irrigation work undertaken in those waterways and catchment areas of the Darling and Murray River systems.

Unless the States and the Commonwealth take their responsibilities seriously, South Australia will be in enormous difficulty in the future. Only recently I heard that at the Murray mouth water has not flowed for 80 days. I appreciate that that is due to the drought that has afflicted much of Australia but, despite the establishment of the River Murray Commission many years ago, there are still many problems with the pollution of the Murray River and related waterways. First, the Federal Government does not have the constitutional power to impose standards on the upriver States. Secondly, I refer to the absolute weak-kneed callousness of many other State Governments of all political persuasions—

Mr Atkinson: Are you sure that is what you meant to say?

Mr CLARKE: They are somewhat callous with respect to the treatment of their South Australian cousins when it comes to ensuring that there are proper and strict controls with respect to the quality of the water that comes down the Murray River. Whilst we support the Bill's being passed, and the objects read well, there are a number of laudable functions and powers that are conferred on this new council. But first and foremost, all Governments concerned, including the national Government, must have the political will to ensure that those laudable objectives are carried out.

Mrs ROSENBERG (Kaurna): Mr Speaker—

Mr Atkinson interjecting:

Mrs ROSENBERG: You are not one of mine. This Bill amends the Environment Protection Act 1993. It draws together environmental protection control throughout Australia under the control of one body and is sensible legislation for that reason. On the surface, it seems a natural projection to have national standards of environmental control: it makes no sense to have the environment under a range of controls throughout Australia. However, the important rider that I would add is the need for solid and widespread community consultation before controls are put in place. That is one reason why an EPA is so pleasing, because it contains a charter of full consultation, particularly involving Government departments.

The other important issue of overall control throughout Australia will also give more constant control for the development industry. I am particularly opposed to the Federal Government's imposing Federal standards over State

law. This will never be helpful for people worried about environmental protection or people wishing to develop. No-one on either side has any confidence and the attempt by groups to play the Federal Government against State Governments is not useful. This applies equally whether the development is classed as housing or resort development or whether it is for industry development.

The Bill is a continuance of the intergovernmental agreement signed in 1992 which was the first cautious step in the direction of a national standard agreement. The steps taken aim to give a cooperative national approach to the environment and a definition of all levels of government. It seeks to reduce disputes between State and Federal authorities. Through the establishment of the ministerial council representing all States, except Western Australia at this stage, national environment protection levels to guarantee the issues that I have previously mentioned will be provided. This may sound repetitive, but I emphasise that it is essential that solid consultation take place to ensure that all States are represented equally and that the true wishes of the community are heard. I was pleased to hear the Deputy Leader of the Opposition comment about the Murray River, because the river is extremely important, and he is correct that much will depend on the political will of all States and the Commonwealth to communicate solidly with their communities to find out what they really want and then to have the will to agree when they come together in the ministerial council.

The National Environment Protection Council will cover air and water quality, noise levels, site contamination, hazardous wastes, motor vehicle emissions, recycling and so on. One matter that comes to mind from that long list because of recent media hype concerns hazardous waste. We have heard much in the media and from members opposite about the transfer and storage of low level radioactive material through New South Wales and South Australia to be finally stored in South Australia. Quite apart from the fact that the previous Government agreed to that project and the Opposition now seems to have changed its mind, it is a typical example of the Federal Government's having made an environmental decision, such as about the Lucas Heights site, and has imposed upon the State authority, that is, South Australia, the Federal Government's standard without regard to South Australia's standards and wishes.

Such overriding has to be overcome quickly if this type of council is to come to agreement. I hope this type of agreement can be a step to overcoming situations where the Federal Government uses standover tactics in regard to the States. It is pleasing that our Minister for the Environment and Natural Resources has said that the Bill's intent is that measures must be developed by the public consultation process, taking into account regional differences. This is particularly significant for smaller States such as South Australia and Tasmania, because we cannot be expected with the resources available to smaller States to match the recycling efforts and so on that can easily go on in States with greater resources.

The process decided on will also have to take into account the most effective measures to address environmental issues: to stop everything and do nothing is not always the best option. I have long advocated that conservation and development issues can frequently proceed hand in hand. It is long overdue that such matters be debated without the usual emotion attached to such discussion. As is the position now in South Australia in regard to the EIS process, the Bill requires public submissions when an impact statement is required.

As to the make up of the ministerial council, it is chaired by the Commonwealth without a casting vote and is treated equally as one of the State representatives. It might seem like a subtlety, but I believe it is extremely important that the Commonwealth be treated equally as though it were a State. If there is to be a true partnership between the Commonwealth and the States, we must be equal partners both in appearance and in fact. My only concern relates to schedule 4: the measure agreed to by the council may be disallowed by either House of the Commonwealth. This smacks of having the cake and eating it too. I would be interested to hear what the Minister has to say about this schedule. There must be a reporting process to each Parliament on an annual basis and that will increase the accountability of the council to the Parliament and, in turn, to the people of Australia. I support the Bill.

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I thank members for their support. It is obviously a measure that the Deputy Leader feels strongly about, and I commend him on the recognition he has given to issues relating to the Murray River. The honourable member might be interested to know that on Friday this week the Murray-Darling Ministerial Council will be meeting in South Australia. A number of issues on the agenda relate to ensuring appropriate environmental flow of the river and, of course, to recognising the importance of our looking towards trading in water between States, which is a very sensitive area.

I must say that I have enjoyed immensely my responsibility as lead Minister in South Australia for the Murray-Darling Ministerial Council over the past 12 months but, while enjoying that responsibility, I recognise the huge challenge. While it is recognised that South Australia will receive its appropriate allocation of water next year, there will be significant problems in that regard unless we have further rains or something to remedy the situation because, as the honourable member said, we are already facing problems with the lack of flow at the mouth of the river. There is no doubt that there will be significant problems with blue-green algae, and a number of those issues will be dealt with only if we can ensure that there is an appropriate environmental flow in the river. The point that the honourable member makes about the need to have the political will to make it work is appropriate.

I would also like to thank the member for Kaurna for her comments and for her enthusiastic support for the legislation. As members would be aware, this Bill forms part of a legislative scheme that involves the enactment of the Commonwealth National Environment Protection Bill 1994 and a complementary Bill by each of the participating States, the Northern Territory and the Australian Capital Territory.

The legislative scheme was agreed to at a meeting of the Council of Australian Governments on 25 February this year. The participating jurisdictions will be the Commonwealth and those States and Territories that enact complementary legislation in the form of this Bill. As the member for Kaurna says, the only State that has determined at this stage that it will not participate is Western Australia. I have taken the opportunity to discuss this matter with my colleague in Western Australia on a number of occasions, and I understand the reasons why Western Australia is cautious at this stage,

but all the participating States will look forward to working closely with Western Australia in any case.

The House might be also interested to know that we have been able, as a result of the last meeting of ANZEC—which comprises the Environment Ministers from Australia and New Zealand—to attract the NEPC secretariat to South Australia, and I am very pleased about that. It will be good to have that secretariat in this State; it will provide us with the opportunity to work closely with the secretariat. I thank the members who have participated in this debate.

Bill read a second time.

In Committee.

Clauses 1 to 16 passed.

Clause 17—'Council to prepare draft of proposed measure and impact statement.'

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

Page 9, line 8—Leave out 'section 16, 16.(2)(2)(b)' and substitute 'section 16(2)(b)'.

This amendment rectifies a printing error, so I would not imagine it would be opposed.

Amendment carried; clause as amended passed.

Clauses 18 and 19 passed.

Clause 20—'Variation or revocation of measures.'

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

Page 10, line 33—Leave out 'section 16, 16.(2)(2)(b)' and substitute 'section 16(2)(b)'.

This amendment is consequential. It amends another printing error.

Amendment carried; clause as amended passed.

Clause 21—'National environment protection measures to be Commonwealth disallowable instruments.'

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

Page 11, after line 6—Insert the following subclause:

(3) In this section—

'national environment protection measure' includes a variation or revocation of such a measure.

I am sure members would realise that this legislation mirrors the Commonwealth legislation, and that is why it is being enacted. The Federal Environment Minister, Senator Faulkner, moved a similar amendment on 25 August this year. His reasons for moving the amendment appear in the Commonwealth *Hansard*. I do not think it is necessary to go into a lot of detail, but I remind the Committee that it brings the legislation into line with Commonwealth legislation.

Amendment carried.

The Hon. D.C. WOTTON: The member for Kaurna referred to clause 4, but really clause 21 deals with the disallowance by either House of the Commonwealth Parliament. The Government has given a lot of thought to this issue, and the matter was discussed at length at the ANZEC meeting. We believe that it is appropriate that this clause should be in the legislation. The *quid pro quo* is that Commonwealth activities in this State will be bound by South Australian legislation. That is the nature of the national scheme. We recognise that all decisions of the council require a two-thirds majority and, as the member for Kaurna pointed out, the Federal Environment Minister, who chairs the council, does not have a casting vote. We believe it is appropriate that the clause should be in the legislation.

Clause as amended passed.

Remaining clauses (22 to 63), schedules 1 and 2, preamble and title passed.

Bill read a third time and passed.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1—After line 11 insert new clause as follows:-

Amendment of s.42B—Stamp duty on application for motor vehicle registration

lA. Section 42B of the principal Act is amended—

(a) by striking out from subsection (la)(b) ', subject to subsection (lb),';

(b) by striking out subsections (lb) and (lc);

(c) by striking out from subsection (2) 'or (lb)';

(d) by striking out from subsection (7) 'section' and substituting 'Act'.

No. 2. Page 2—After line 12 insert new clause as follows:

'Substitution of s.71CB

3A. Section 71CB of the principal Act is repealed and the following section is substituted:

Exemption from duty in respect of certain transfers between spouses or former spouses

71CB. (1) In this section—

'matrimonial home' means—

(a) in relation to spouses—their principal place of residence of which both or either of them is owner;

(b) in relation to former spouses—their last principal place of residence of which both or either of them was owner, but does not include premises that form part of industrial or commercial premises;

'spouses' includes persons who have cohabited continuously as *de facto* husband and wife for at least five years.

(2) Subject to subsection (3), an instrument of which the sole effect is to transfer—

(a) an interest in the matrimonial home; or

(b) registration of a motor vehicle,

between parties who are spouses or former spouses is exempt from stamp duty.

(3) An instrument described in subsection (2) between parties who are former spouses is only exempt from stamp duty if the Commissioner is satisfied that the instrument has been executed as a result of the irretrievable breakdown of the parties' marriage or *de facto* relationship.

(4) Where an instrument was not exempt from stamp duty under this section by reason only that the Commissioner was not satisfied that the instrument had been executed as a result of the irretrievable breakdown of the parties' marriage or *de facto* relationship, the party by whom stamp duty was paid on the instrument is entitled to a refund of the duty if the Commissioner is subsequently satisfied that the instrument had been executed as a result of the irretrievable breakdown of the parties' marriage or *de facto* relationship.

(5) The Commissioner may require a party to an instrument in respect of which an exemption is claimed under this section to provide such evidence (verified, if the Commissioner so requires, by statutory declaration) as the Commissioner may require for the purpose of determining whether the instrument is exempt from duty under this section.

(6) This section applies in relation to instruments executed after its commencement.

No. 3. Page 4—After line 27 insert new clause as follows:

Amendment of s.93—Acquisitions to which this Part does not apply

6A. Section 93 of the principal Act is amended by striking out from subsection (l)(d) '59B' and substituting '90V'.

No. 4. Page 5—After line 9 insert new clause as follows:

Amendment of schedule 2

7A. Schedule 2 of the principal Act is amended by inserting after item 21 of the clause headed 'GENERAL EXEMPTIONS FROM ALL STAMP DUTIES' the following item:

22. Conveyance or transfer of American Depositary Shares or of American Depositary Receipts that relate to American Depositary Shares that causes or results in a change in the beneficial ownership of an estate or interest in marketable securities of a South Australian registered company.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

These are Government amendments which were canvassed in another place. There are two issues involved. The first relates to the matter that I undertook to examine in relation to *de facto* partners and whether they should receive the same treatment under the law as married couples in respect of stamp duty on the passing of property between one and the other in the event of marriage breakdown. That matter was examined, as I undertook that it would be. The Government believes that there was in principle a good reason to change the Act because the law recognises a continuous *de facto* relationship for a period of at least five years in the same vein as married couples. In most elements of the law there are still some exceptions, but basically both Federal and State laws now recognise *de facto* relationships.

The issue was pursued and the result is that amendments were introduced in another place with the effect that, in the event of the breakdown of a *de facto* relationship of at least five years duration, on the passing of property, namely, land or motor vehicles, there should be an exemption from stamp duty. That is not a budget neutral situation. The Taxation Commissioner has estimated that at least $200 000 will not be collected in any given case involving this area. I suggest it is unusual for the Treasurer to forgo revenue, but the principle here is quite clear. This area has not been resolved.

We recognise that some relationships stand the test of time even better than those where the people concerned have a band on the hand from a wedding ceremony. The issue is not about the length of relationships, because we are dealing with an amendment which relates to relationships which break up. The Government's view is that it is overdue for this part of the law to be brought up to date and equity demands that the change should be made. We now have a set of amendments relating to exemption from duty in respect of transfers between spouses, and the definition of 'spouse' includes a *de facto* relationship. We are pleased to take this initiative and put the law on a more even basis in this regard. I understand that it was fully supported in another place.

The second amendment, which we also moved in another place, was the subject of very quick scrutiny because we found we had difficulty involving the Stamp Duties Act. The Act never applied duty on what we call ADRs—American depository receipts. ADRs are arrangements under which shares in an Australian company are issued to a nominee company which holds them on behalf of a depository company in the United States. The depository company will issue American depository shares, evidenced by certificates in the form of ADRs, to investors in the United States, who then trade those instruments on the US securities market. Trading in ADRs is an important part of the operations of major Australian-based companies with operations in the United States which need to access the capital markets of that country.

Clearly, the South Australian Stamp Duties Act has never sought to tax such transactions between two US residents. Therefore, to put the matter beyond doubt, our amendment will provide for an exemption from stamp duty for such transactions. They have never been taxed in the past but, because of other changes that were made, they then came within the taxation net. We do not have too many companies with their head offices registered in Adelaide, and we do not want to lose any more than we have lost to date. It is quite clear that some of them trade on the American securities market, and their shares trade on that market. When they change hands under our law we are required to invoice them for the stamp duty on that transaction. In no other jurisdiction in Australia are they silly enough to allow that to happen, because then they would see all their companies registered in the Cayman Islands and various other tax havens. The changes that have taken place in stamp duties have brought about this anomaly, so the second amendment relates to placing a general exemption from all stamp duties on American depository shares.

Mr Clarke interjecting:

The Hon. S.J. BAKER: One of the American companies told us. I will not mention the company, but if the honourable member knew the size of the company he would understand that we need to make this change very quickly. Both these amendments make a great deal of sense—as do all our amendments, of course. They fix up the Act not only in respect of *de facto* relationships but also in the practicalities of the American depository shares. These amendments Nos 1 to 4 achieve the results I have just outlined.

Mr QUIRKE: The story associated with these measures started in this Chamber some time ago, and concern in the Opposition Party room over the treatment of *de facto* relationships was one of the issues that I raised with the Deputy Premier during the first consideration of this Bill. I am pleased to see that both sides of politics put their heads together on this issue. The Opposition had some amendments on file, and I think it is to the credit of the Deputy Premier that his amendments were probably stronger than those which we intended to move. So, in the other place we have supported the amendments that the Government moved to its own legislation. The Opposition supports those and the other amendments which the Deputy Premier has moved tonight. I do not think there is any need to canvass again all the arguments advanced for these and other measures when they came through this Chamber some four or five weeks ago.

Motion carried.

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 978.

Mr ATKINSON (Spence): The Opposition supports the Bill, with reservations, having read it carefully and pondered the Minister's second reading explanation. The Bill makes two changes; it authorises hook right turns by buses at special intersections and it authorises shared zones that may be used by pedestrians, motor vehicles and cyclists. The Minister seems to have converted what I have known for two years as the box turn of the cyclist to the hook turn of the bus driver; I understand that they are the same thing. Whereas our road laws require a driver turning right to stay as close to the centre of the road as possible while executing the turn, new section 70(b) introduces an exception that requires a bus driver turning right to keep his bus in the left lane, stop as the traffic with him flows forward and right through the intersection, wait until the other vehicles have completed the turn and traffic in the other direction has stopped, and then move to the right, hugging the left side of the notional corner. Awkward positioning of bus stops near some intersections has necessitated this kind of turn. At the corner of King William Street and North Terrace, drivers of buses that have travelled north

along King William Street find it hard to get from their stops on the left hand side to the middle of the carriageway to make the standard right turn into North Terrace.

Mr Venning: What about Bartels Road?

Mr ATKINSON: The member for Custance is thinking of Barton Road.

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

Mr ATKINSON: This change to the law authorises what bus drivers have been doing for some time now. I am confused by the Minister's explanation of this change when he notes that traffic police will no longer be able to police this intersection. He states:

> Buses will no longer have the protection of police directions for their turn and will not be able to turn into North Terrace from the left boundary of the intersection.

I had thought that the point of this amendment was to authorise this kind of turn at this intersection so that bus drivers could execute it without police supervision. Why are bus drivers no longer to be permitted hook right turns at the King William Street and North Terrace intersection at the very time we are changing the law to authorise the turn? I notice that permission for a hook right turn is to be conferred by regulation specifying the class of vehicles that may execute these turns. Will permission be extended to vehicles other than TransAdelaide buses? What about the private coach lines that are about to bid for TransAdelaide routes? I had thought that cyclists already had permission for these turns.

I notice also that clause 7(3) restricts the hook right turn to those traffic-light-controlled intersections with a special B-light for buses. Does this mean that TransAdelaide drivers may execute a hook right turn wherever the B-light is displayed? If not, how are we to know at what lights bus drivers may execute a hook right turn? Moreover, I notice that, after it is explained what a hook right turn is, clause 7 provides that a driver of a prescribed class must not, when authorised to execute a hook right turn, execute the turn in any other way. Can the Minister advise the House how many B-lights are installed and the names of the intersections at which these turns must be executed?

Turning to another aspect of the Bill, the Opposition has reservations about the provision for shared zones. I am told by the Minister that these shared zones are lengths of roadway that may be used by pedestrians, motorists and cyclists together, without there being defined signs for each, such as footpaths for pedestrians and roads for motorists and cyclists. These shared zones are to be like malls that may be used by all. I have ridden my bicycle along the shared zone in the Salisbury shopping precinct. The Bill is to give legislative effect to what is already done at Salisbury.

Mr Quirke: I hope they don't make it compulsory.

Mr ATKINSON: Yes; these are questions we may ask the Minister in Committee. The Minister is prepared, as always. The Minister says that although these shared zones may seem dangerous when one first considers them, they are designed in such a way as to slow traffic and make it difficult for a motor vehicle to travel at more than 10 km/h. The Minister says that the shared zones are to meander and be cluttered with street furniture and bollards. The speed limit will be 10 km/h. The gate to the shared zones will be defined by a raised section of carriageway and by signs. Vehicles are to give way to pedestrians but pedestrians must not unnecessarily hinder vehicles. The Opposition is worried that small children may not be seen by drivers moving slowly through a shared zone.

We think the proposed shared zones ought to be authorised by regulation rather than by mere notice in the *Government Gazette*. Authorising shared zones by regulation would give Parliament an opportunity to consider the merits of each shared zone. I notice that there is only one application for a shared zone other than the Salisbury mall. When I attended a dinner hosted by the National Road Trauma Advisory Council recently and raised the question of how shared zones had operated interstate, I was assured there were no problems.

I was interested to read that the Australian Democrats want to ban all vehicles from the central business district, except taxis and public transport, and allow commercial vehicles to enter the CBD only at certain times of the day. This reminded me of a suggestion by Hunter S. Thompson, the American author of *Fear and Loathing on the Campaign Trail*, when he was running for election as Sheriff of Boulder, Colorado. Thompson promised that, if elected, in order to calm traffic and the people in the city centre, he would have all the streets torn up and mescaline planted. The Australian Democrats would probably prefer hemp! Thompson carried voters in the city but was defeated when returns from Republican booths in the suburbs arrived. With those remarks and reservations, the Opposition supports the Bill and will monitor how these changes work.

The Hon. S.J. BAKER (Deputy Premier): I thank the honourable member for his considered comments on the Bill. As he would recognise, there have been some grave difficulties with the movement of our buses, particularly when those buses are close to an intersection. This measure allows buses to make a right hand turn, albeit from a position which is not currently allowed by law, and to cross traffic lanes in a way that sometimes has to be undertaken in order to get around a corner. It is a matter that has been the subject of some discussion. We would all recognise that in Melbourne virtually all right hand turns are made from the inside lane. I have nearly struck one or two cars when I have been driving through Melbourne, because I did not realise that they have to pull into the inside lane and wait for clearance before making a right hand turn.

So the issue of how we progress traffic when we have these dilemmas has been the subject of considerable discussion and consideration over a long period. The Government's proposal will allow buses to make a right hand turn without the drama and trauma that is currently associated with such a procedure. It will also reduce the need for police presence on certain corners, as members would appreciate. If motorists can cope with this procedure in Melbourne without turning lights, B-lights and so on, I am sure that South Australians will also manage with all the paraphernalia that will be at their disposal as a result of the changes to be put in place.

The shared zones are a type of traffic management device not previously used in this State. As the honourable member pointed out, they will allow for joint use in areas where there are no separate footpaths and vehicle speeds are constrained by the meandering nature of the vehicle path. I notice from the responses to questions asked in another place that speed restrictions will be placed on these areas. Typically, 10 km/h may well be the limit that will apply in these zones, which means that the movement of people and vehicles can occur without dedicating one particular area to the exclusive use of either cars or pedestrians. I thank the honourable member for

his response. This is a constructive effort to solve two particular problems. There are many more that have to be solved, but at least this is another step forward in our traffic management process and I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr ATKINSON: In the literature issued by the Transport Department last year, the hook right turn was referred to as the 'boxed right turn', and that literature canvassed a boxed right turn being permitted for cyclists at intersections. Why the change in terminology, and is the hook right turn something of which cyclists can take advantage?

The Hon. S.J. BAKER: As we pointed out, and as was pointed out in the second reading explanation, the hook right turn has associated with it the 'B' for bus sign, as the honourable member would recollect. Therefore, it is a specific instrument to be used by buses. We are only dealing with a specific class here. I have not been informed whether there will be extensions into other areas. We are simply dealing with the buses that need to get around a corner. It does not take the issue any further. Cyclists already have a path which is well defined—they pedal along with the traffic and hope like hell they do not get hit!

I suggest that where these special arrangements are put in place, and the areas are canvassed in the second reading explanation, it may well be possible for cyclists who coordinate themselves properly to be able to get around at the same time as a bus. I would have thought that was a fairly sensible suggestion. Cyclists do suffer a significant dilemma and most of them, as the honourable member would appreciate, either walk their bicycles across the road, which is the safest way of doing it, or do like a number of other people and take their chances and go from the outside lane, turn right and then get into the inside lane, trying not to get knocked down in the process.

I am not aware that that issue has been discussed in a policy sense with respect to how we overcome that problem, and I am not aware that any progress has been made on that issue in other States. So, in answer to the honourable member's question, it is related to buses. That is the only vehicle that is being canvassed under this amendment. If the member has some suggestions on bicycles or other forms of transport, the Government would be pleased to hear from him.

Mr ATKINSON: I raise the question merely because last year literature from the Minister of Transport foreshadowed this right for cyclists. The Minister's second reading explanation states:

> Buses will no longer have the protection of police directions for their turn and will not be able to turn into North Terrace from the left boundary of the intersection.

I would have thought that what this Bill seeks to do is to legitimise what buses have been doing at the North Terrace/King William Street intersection for some time. Yet, from the Minister's second reading explanation, it seems that police will no longer be on point duty at this intersection and that buses will lose the right to make a hook right turn at this intersection at the very time that we are legitimising the procedure. Is this right being taken away from buses at this intersection because it does not have a B-light?

The Hon. S.J. BAKER: There will be no police presence in the middle of the intersection to stop all the traffic—including those vehicles going through on the yellow light and those that are just about to enter the intersection with a green light—to allow a bus to make a turn. We would expect basically the same manoeuvre whereby the buses will keep to the left-hand lane where they have come to a stop, and then they will continue in the same direction until they position themselves for a 90 degree turn. That turn will be controlled by the B-light. The B-light will come on at some stage and all the other lights will be on red. In other words, only the bus will move through the intersection, and there will be no control by the police.

Mr Atkinson: There isn't one now.

The Hon. S.J. BAKER: There is not one now, but there will be.

Mr ATKINSON: Will the ability to make a hook right turn be extended to buses other than TransAdelaide buses?

The Hon. S.J. BAKER: We believe that the facility will be available to buses of all types. The immediate regulation will govern TransAdelaide buses. As the member will appreciate, the buses with the greatest amount of difficulty are those that have stops immediately prior to an intersection. Those buses do not have a chance to position themselves so they can swing out across the traffic. Most of the private buses that operate today have different set-down points, which give them that flexibility. With the change in the transport arrangements in Adelaide, with contracting and various other operators coming into the system, we would expect that the B sign will apply to all buses. However, the first regulatory change will obviously affect TransAdelaide buses.

Clause passed.

Clause 4—'Establishment of shared zones.'

Mr ATKINSON: I notice that the Minister may by notice in the *Gazette* 'designate a road or part of a road as a shared zone'. Given that the shared zones may be a matter of some public controversy, would it not be better if these roads were designated by regulations and able to be discussed in the House?

The Hon. S.J. BAKER: The member makes a particular point. Before one can make the changes necessary for a shared road, all agencies affected will have to be consulted because there are some changes that will have to take place with the dynamics of the road system in order to accommodate this type of change. I take the member's point. I believe the Minister decided that, once the Government made a decision and everybody had been consulted and there was a general belief that it should happen, it should proceed as quickly as possible. The problem with the regulations, as the member would understand, is that there is a period before they are allowed to come in under normal circumstances, and there is also the right to disallow them.

If the system does not work as well as it should, I am sure amendments will be drafted to make sure they come in by regulation. This is an area where I expect commonsense to prevail, and in the least offensive places where there are no inherent dangers we will have particular circumstances. The member can probably relate to some of those circumstances perhaps in his own area today where these things can be accommodated with little fuss, because that is almost the sort of thing that is happening at the moment. I do take the member's point that it is perhaps better to do it by regulation. However, the Government has decided to do it through the *Gazette*.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—'Hook right turns by drivers of prescribed vehicles.'

Mr ATKINSON: Subclause (3) provides:

> The driver of a vehicle of a prescribed class must not, when authorised to execute a hook right turn, execute a right turn in any other way.

A bus going to Athelstone and proceeding north along King William Street on a Sunday would have no difficulty getting from its stop on the left-hand side of King William Street and into North Terrace because the traffic would be light. It seems to me that perhaps subclause (3) is rather heavy handed, in that it compels a driver to do a hook right turn even when there is no necessity for it.

The Hon. S.J. BAKER: The member has got a very good point.

Mr ATKINSON: How will Adelaide motorists know at which intersections bus drivers may execute a hook right turn? Does it mean that at every intersection with a B-light a bus could be expected to undertake a hook right turn? I notice the Minister nodding his head, but if one comes down Barton Road—as I often do—and comes to the lights at the corner of Barton Road and the north-west ring route there is a B-light. When the B-light is on, a bus may go straight ahead into Hawker Street. However, if motorists are to take notice of what the Deputy Premier has said, they should anticipate that at every intersection with a B-light a hook right turn may be executed and, therefore, a bus is likely to swing left and then right in front of them.

The Hon. S.J. BAKER: I was actually nodding in amusement, Mr Chairman; I was not nodding in agreement. The honourable member is quite right; if you go in a southerly direction down King William Road, you will hit the intersection with Greenhill Road and, as happens at the intersection of Unley Road and Greenhill Road, when the B-light goes on the traffic stops, the bus gets across the intersection and everyone is happy. Obviously the issue of what signals are sent in that process will be sorted out so that there is no conflict between the direction in which those particular buses are headed. Some advice will be provided to me in terms of the B-lights, and I can pass that on to the honourable member, but I understand that designated intersections will simply be for the hook right turn. In other areas, I presume that there will be some existence of the current system. The honourable member is quite right; I will obtain information on whether there is going to be any change in colours or whether any special arrangements will be put in place to accommodate the two propositions.

Mr ATKINSON: It seems to me that motorists will have to buy all the bus timetables for metropolitan Adelaide to find out which way a bus is going to go at a B-light, but I welcome the Deputy Premier's offer to help motorists in that respect by somehow designating what is going to happen at the B-lights.

The Hon. S.J. BAKER: The honourable member should be mindful of the fact that when the B-light goes on everyone else is supposed to stop. Therefore it does not matter which way the bus is going to go; the bus could do a U-turn, reverse or do anything it likes, but the fact is that all other traffic is stopped. So it should be irrelevant for the rest of the people on the road exactly what that bus does. I do not think the honourable member has much of a point to make, quite frankly.

Clause passed.

Clauses 8 and 9 passed.

Clause 10—'Evidence.'

Mr ATKINSON: I note that the explanation for clause 10 states:

> This clause amends section 175 of the principal Act, which is an evidentiary provision. This amendment provides that in proceedings for an offence against the Road Traffic Act 1961, an allegation in a complaint that a road or part of a road was within a shared zone is proof of that matter in the absence of proof to the contrary.

It seems to me that, if there is a legal dispute between the police and a pedestrian, a cyclist or a motorist about whether a particular area was a shared zone, the private individual has to go back through all the *Government Gazettes* to establish that the area of road was not a shared road. Would it not be simpler for the prosecuting authority to tender the relevant entry in the *Government Gazette* establishing that the zone was a shared zone? After all, it seems to me that the prosecuting authorities would keep back copies of the *Government Gazette* and would be in a much better position to establish that the zone was a shared zone than the private individual would be to rule out the possibility.

The Hon. S.J. BAKER: I suggest that the honourable member, who prides himself on some understanding of the law, refer back to the evidentiary provisions contained under section 175 of the Act. He will say they were pretty stupid too. Basically, they establish fact. It is an evidentiary provision; it is 'a road is a road' sort of explanation. Under regulations, these shared areas will have to be properly designated. Therefore, the issue will be: was that a shared carriageway or area? And there will be no dispute about whether or not it was shared. What should flow from the law on that point is another issue. It is purely an evidentiary provision that establishes fact: it is not the final disposition of the case.

Under the regulations, those areas will have to be properly designated with street signs of whatever sort the Department of Road Transport deems appropriate. So, we do not want pedestrians being run down or cyclists falling off their bikes because people are unaware that it is a shared piece of road. Obviously, in everyone's interest it has to be clearly designated and, when and if it comes to an offence, the evidentiary provision in the Bill simply says what is the position.

Mr ATKINSON: The Deputy Premier does not quite understand that my point is jurisprudential. When there are so many controversies about the legal status of roads in South Australia—among them the recent clearways decision of the Supreme Court and the Barton Road controversy—why is the burden of proof put on the private citizen to establish the legal status of the road? I would have thought that the burden of proof should lie on the Government, that is, the prosecuting authority. It seems to me that the prosecuting authority is in a much better position to prove the legal status of the road than is the private citizen.

All the prosecuting authority has to do is find in the collection of *Government Gazettes* the relevant edition of the *Government Gazette* that gazettes the shared zone. By contrast, the private individual charged with an offence has to go back through the *Government Gazette* to 1836 to try to rule out the possibility that there is a shared zone. So, my point is: why is the burden of proof on the private citizen and not on the prosecuting authority and the Department of Transport which, you would have thought, would be in the best position to know? The Deputy Premier may say that this provision has been in the Road Traffic Act for a long time. Section 175, the parent provision, has been there for a long time, but tonight he is amending it to embrace shared zones, and I am asking him to go back and think about why such an

oppressive evidentiary provision was put in the Act in the first place. It certainly cramps the style of friends of mine, such as Mr Gordon Howie.

The Hon. S.J. BAKER: I do not think Mr Gordon Howie is particularly interested in this provision, quite frankly.

Mr Atkinson: That is wrong, because he briefed the Hon. Jamie Irwin on it.

The Hon. S.J. BAKER: As I have said to the honourable member, it is simply an establishment of fact; it is basic principle. If the honourable member thinks this provision is bad, he should look at section 175 of the original Act, which provides in part:

> That any place was a road or carriageway or was on a road or carriageway;
> . . . is proof of the matters so alleged in the absence of proof to the contrary.

It establishes a point of fact. I do not know whether, in this debate, we want to overturn the Road Traffic Act, which has been continually amended for the past 100 or so years. It has been the most amended Act ever to be put before the Parliament. I remember trying to consolidate these Acts and put them on a computer in about 1975, so I would share the problems that I had with the honourable member concerned. In terms of offences, it was absolutely impossible to keep up with the changes to the Road Traffic Act. So, I put the Road Traffic Act in the 'too hard' section against the computer designation. The facts of life are that this has been established in the law—and probably it was in the common law before it was actually ever written into the—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The honourable member says that it wasn't. He seems to be uncertain about the provision, but he is certain that it was not in the common law. I do not intend to traverse the history of the Road Traffic Act or why it contains evidentiary provisions, but I point out that, as far as I am aware, they have existed since time immemorial in terms of legislation and, as far as I am concerned, this House is going to accept that.

Mr ATKINSON: If section 175 of the Road Traffic Act had been in the common law, there would have been no need to promulgate that section. The Deputy Premier does not understand my point. He says that section 175 is about establishing fact. I do not disagree that it is about establishing fact: my objection is to the way in which it establishes fact.

If a prosecuting authority is to try to establish an offence, it should be put to its proof, whether on the balance of probabilities or beyond reasonable doubt, to establish all elements of its case. The problem with this provision is that it throws that burden on the defendant, and the Deputy Premier ought to reflect, certainly as a liberal, on whether that is a liberal approach to the law.

The Hon. S.J. BAKER: The honourable member draws a particularly long bow. He knows that his suggestion—that if it was in the common law, it would not need to be here—is rubbish. I have made speeches in this House about how the common law gets bastardised by the legal and parliamentary process because we try to interpret what the common law was doing and then put it into an Act and let the lawyers run free. I have made a number of contributions on what is common law, the purity of common law and how it has been distressingly disturbed by the advent of the written law.

If the honourable member thinks just a little further beyond this sort of minor addition to the existing evidentiary provisions, would he like the whole court system, when someone has committed an offence on a road, to discuss whether it is a road? The whole situation is bizarre. We start with a concrete base and we build on it. We are saying that this is a concrete base. To do what the honourable member suggests would keep lawyers employed and we would probably have to triple the number of graduates from the Adelaide and Flinders law schools. What the honourable member has put forward is not a practicality.

Clause passed.

Clause 11 and title passed.

Bill read a third time and passed.

ELECTORAL (DUTY TO VOTE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 811.)

The SPEAKER: I understand that the member for Taylor is the lead speaker on the Bill. I draw members' attention to the fact that this is her maiden speech and I ask members to extend the normal courtesies to the member for Taylor. As this is her maiden speech, the Chair will give the member for Taylor considerable latitude in her comments on the Bill. The member for Taylor.

Ms WHITE (Taylor): Thank you, Mr Speaker. I oppose the Bill, which is an attempt to erode the responsibility of citizens to shape the way our society is governed. In its second reading explanation, the Government based its argument on two premises. First, its view is that the right to vote also implies the right not to vote and that current legislation does not grant this other right. However, we know that, after attendance at a polling booth has been recorded, citizens are free to exercise either of those rights at their own choosing.

The second argument advanced implies that, by adopting a principle which is different from that of the majority of other countries, Australia necessarily makes the wrong decision. That mind set is disappointing and is indicative of the sort of thinking that has operated throughout our history against those Australians whose worthy innovations have been devalued simply because they did not originate elsewhere. It is indicative of the intellectual and social cringe to which we Australians played servant over so many years, being so eager to accept the technologies and social customs of foreign countries without the confidence to value our own innovations.

But the core rationale behind this move by the Government has little to do with the rights of citizens and the trends of other Governments. The real philosophy behind this proposal is that some—the well educated, the well travelled or the well heeled—are more capable than others of enlisting their civic duty to make the right voting decision. Under such a philosophy, the rest are best to be discouraged. Nowhere could be seen more the desire of the present Government to discourage voter turn out amongst the working class than in the recent Taylor by-election.

This Bill, introduced in the final weeks of that by-election campaign and coming as it did on the tail of debate only months prior on the same issue, obviously was a political stunt by a Government willing to use the business of Parliament in an attempt to avert a voter backlash in Taylor. Afraid to show up at the first by-election after its first term budget had been handed down, this Government was not prepared to face the new Opposition Leader or the Labor

Opposition's candidate and, more importantly, was not prepared to face the people of Taylor. With what result? Despite the large personal vote factor for the well liked and well respected Lynn Arnold, the former member for Taylor and former Premier and member of 15 year's parliamentary standing, despite the swing away from Labor in the recent ballot under similar circumstances in the former Victorian Premier Joan Kirner's seat, Labor in Taylor recorded a massive 17.5 per cent swing to it on the primary vote alone. That is four times the size of the swing away from Labor in Taylor at the last general election.

In other words, a substantially large block of electors who had never voted Labor before decided to vote Labor in the Taylor by-election. What was the source of this great voter dissatisfaction with the Government that had been so overwhelmingly propelled into office? Put simply, it was due to broken promises—broken promises by a Party which said one thing before December but at the first opportunity did another, and a Party which promised to increase spending on health, education and policing but instead slashed the services and took away community health facilities and school card entitlements.

Repeatedly, on doorsteps, in shopping centres, in schools and on trains and on buses, the people of Taylor complained to me about this Government and condemned its cuts to services on which they rely. Was the Government listening? No. Despite its repeated assertions whilst in opposition that it would look after the sick, the poor, the young and the aged, and that it cared for the people of Salisbury and Port Adelaide and for the growers at Virginia, when it came to the crunch the Government did not care. It did not even show up.

Avoid the test, as well it might, the Government cannot escape the tide of voter discontent which has resulted in progressively larger swings to Labor in recent by-elections. The tide of voter discontent is indeed something which Labor has felt and has been shaken by in the past. Last December's hefty kick, delivered by an electorate that clearly felt the previous Government had failed a test of office, has changed the Labor Party. The result of the Taylor by-election is recognition of those changes within the Labor Party and of the changes it is making to its structure and way of operation, as well as an indication of the renewed emphasis placed on awareness and participation by the parliamentary Party and all wings of our Party at the grass roots level. It was indeed heart-warming to see this grass roots support, upon which our Party has always relied, once again surface during the by-election campaign.

I wish to take this opportunity to offer my sincere gratitude to all those sub-branch members, friends, Young Labor members, shop owners and unions, and I make particular mention of several members of the Shop Distributive and Allied Employees' Association, who came out in strength to work towards our election in Taylor. To all my Caucus colleagues who came out repeatedly to door knock with me, and to all those new Labor supporters who so generously volunteered their time I say,'Thank you.' It gives me much pride to stand here among my colleagues in the Labor corner of this House. They share with me the belief that, although the encouragement of individual achievement and aspirations lays the pathway for society's advancement, we do not truly progress as a community while there are some for which social justice and equity are not the reality.

Within the electorate of Taylor there are so many whose opportunities of employment are limited, for whom a tertiary education is never contemplated, and for whom daily life consists of a series of crises centred around problems of finding money from inadequate household budgets for rent, food, transport and bills. I want to stress to members opposite, and to dispel for them the belief which many of them do hold, that lack of money does not equate to lack of intelligence, integrity or work ethic. Particularly in the northern suburbs, the impact of unskilled job losses has been fierce, and it has manifest itself in a range of economic and social problems, placing enormous pressures on those community services that have to cope with those problems.

Of course, recently announced Government cut backs to such services in the Salisbury, Elizabeth and Port Adelaide regions are stretching the ability of local organisations and agencies, many of which rely heavily on volunteer labour to address the needs of those communities. The mistake the Government makes is its failure to appreciate fully the function and preventative medical role these services achieve. The long-term structural effects of such moves to devalue those services will be hard enough felt, but evidence of the short-term degradation of the quality of life of constituents is being seen already.

Similarly, the cuts to school card entitlements are being harshly felt. I listen intently to the arguments this Government puts forward in justifying its position on school card, for example. It is an argument based on the cost of service provision. What I have not heard from the Government is any argument which justifies or even acknowledges the effect of this move on children in schools in regions such as Taylor. I have not heard any argument from the members opposite that shows an understanding that a library book for a child in the Salisbury North Primary School, for example, who might come from a household where there are no books, has a different effect from a library book on the shelves of an eastern suburbs school library; or that a swimming lesson for a child at Port Adelaide Primary School is a different opportunity than for a child whose parents will afford that swimming lesson in any case if the school does not provide it.

In the electorate of Taylor, there are many in need; many who are socially disadvantaged, but against this context works a network of public schools providing innovative educational and training programs which are very much at the forefront of the very best our State system has to offer. Together with this, local councils are committed to tackling the long-term problems of these communities. Government and private agencies are focused on addressing the very complex needs of a society under stress, and leaders of the community continue to throw their efforts towards these same goals. Innovation is indeed a term which should be linked with the electorate of Taylor.

Part of Salisbury includes the Defence Science and Technology Organisation, the largest defence research complex in the southern hemisphere, and acknowledged internationally for the quality of its scientific and engineering output. Surrounding the DSTO, several companies of international standing have been built up around the defence and electronics industries in South Australia. In turn, this is linked with The Levels campus of the University of South Australia, where the recent Signal Processing Research Institute is the conduit for cooperative research centres in the space research and telecommunications industries, all with links into the multifunction polis research at Technology Park, which has the potential to lead the world in environmental, educational and information technological spheres.

All the ingredients are there to provide for healthy, economic, social and environmental development in the region covered by the Taylor electorate. But they alone are not enough, for it takes leadership by men and women of vision to create the synthesis between skills and ideas of those with the educational and technological abilities required in order to advance a growing economy, and the motives of the social democracy which encapsulates the hopes and aspirations of all South Australians. The challenge of leadership to Governments in the 90s is to achieve this within a framework of social justice and equity, thereby retaining the deepest and oldest of Australian values. My aim, in entering this Parliament at a time of industrial transformation and huge social need, is to use my skills gained over my career as an engineer, as a working woman and as a community activist to deliver high quality service to the people of Taylor and South Australia. It is what the public expects and it is what they demand.

The DEPUTY SPEAKER: The Chair offers congratulations to the honourable member on her maiden speech. The member for Mitchell.

Mr CAUDELL (Mitchell): I would like to take this opportunity to wish the member for Taylor all the best, and I look forward to her second speech. Mr Deputy Speaker, the transformation of the House is amazing once an honourable member's maiden speech is over. The member for Taylor mentioned that the matter of broken promises was the reason for her victory in the electorate of Taylor. Here we have a promise on the table about which the ALP can make a decision. The ALP can stand up and be counted, as the member for Taylor has just said, and say, 'Well, that's a promise the Liberal Party put up before the last election and we'll support it because it is a promise.' One thing this House cannot stand is hypocrisy, and I am sure that the Labor Party does not stand for hypocrisy.

Mr Clarke interjecting:

Mr CAUDELL: It is amazing. I listen to the member for Ross Smith and he reminds me of the southern end of a northbound camel. There are no doubts associated with the member for Ross Smith. I am sure that the Labor Party—

Mr QUIRKE: I rise on a point of order, Sir. Can the Chair rule whether the rear end of a camel is unparliamentary?

The DEPUTY SPEAKER: I have never seen a camel as a sitting member. I am sure that the expression—

Mr QUIRKE: The allegation is that the member for Ross Smith is the rear end of a camel.

The DEPUTY SPEAKER: The expression in itself is not parliamentary. I am quite sure that it was tendered more in humour than anything else. At least that is the way the Chair took it. The member for Mitchell.

Mr CAUDELL: As I was saying, this Bill seeks to amend section 85, subsections (3) to (10). Those subsections are basically associated with the follow-up procedures with respect to electors who do not vote during an election. Those subsections deal with the offence of not voting at an election without a valid reason and having to show cause; a person having 21 days to reply to the first letter forwarded out; and the completion of the form and stating reasons why a person has failed to vote. Due to incapacity, they allow for another person to complete that form and forward it to the Electoral Commissioner.

The subsections also deal with the penalties associated with a person failing to vote and the basic accepted reasons. Looking at the basic accepted reasons, one wonders about the need for the bureaucracy and red tape associated with the Act. The basic accepted reasons are a person being ineligible to vote and being absent from the State. Obviously a person from Mount Gambier, having skipped over the border to Portland, would have a valid reason for not voting. They deal with conscientious objections and other proper reasons. They also deal with the prosecution and time limit associated with enacting that prosecution and the formalities. Subsections (1) and (2) deal with the duty to vote. It is important that we bear in mind that this amendment to the Act will still ensure that the duty and right to vote are maintained.

Let us look at some of the figures for the 1989 and 1993 State elections and the reasons why this section of the Act needs to be amended. In the 1993 State election there were 64 744 non-voters, of whom 33 746 were forwarded 'Please explain' letters. In 9 814 of those cases, expiation notices were forwarded and 5 849 went to the summons stage. That means that 25 per cent of the total who did not vote in the 1993 State election went to the expiation notice and summons stage. One wonders why, when 75 per cent had an acceptable reason for not voting, we have legislation to enforce and collect money from the other 25 per cent.

In 1993 the cost to the State Electoral Commissioner of enforcing the Act was $271 246. Taking into account court costs and the Crown Solicitor's costs, the cost ballooned out to $557 000 for chasing up the people who failed to exercise their right to vote. Of that $557 000 we anticipate collecting the grand sum of $50 000—a small speck in the ocean compared with the total cost of chasing up that money.

In the 1989 State election there were 52 450 non-voters, of whom 34 262 were forwarded 'Please explain' letters. That led to 9 228 receiving expiation notices and 4 828 receiving summonses. That means that approximately 27 per cent of non-voters carried on to the stage of expiation notices and summonses. The cost to the State was $121 614, directly attributed to the State Electoral Office. Recovery from that $121 000 was a total of $30 000. We lost $91 000 chasing up 27 per cent of those who did not vote. One wonders about the economics of proceeding against people who have no intention of voting or of paying the fine. This makes very bad business management and bad politics.

Mr Atkinson interjecting:

Mr CAUDELL: The member for Spence says that we are not in business. It is obvious that we were not in business when the Opposition was in Government. The previous Government was definitely not a business. Indeed, one wonders whether it was ever at home during the period when it was supposed to be in Government. Looking at the breakdown of the costs associated with the $557 000 that it will cost to enforce the follow-up of the 1993 election, computer processing was $5 000, printing and stationery was $24 830—

Mr Clarke interjecting:

Mr CAUDELL: You're heading north, lad, and all we can see is your southern end. Postage will cost $19 632; preparation and service of summonses $125 730; salaries $96 054; Crown Solicitor $17 800; and court costs $268 000.

Mr Atkinson interjecting:

Mr CAUDELL: The member for Spence says that it is money well spent. We have spent $557 000 to collect $50 000. Obviously the member for Spence is no punter because he does not realise the odds. The odds are such that that is not money well spent; it is money thrown down the

drain. For the benefit of the member for Spence, $500 000 could build 10 Housing Trust homes and provide 10 families with a chance to come off the waiting list. The sum of $500 000 could supply a few extra kindergarten teachers. The member for Spence is all froth and bubble and has no intention of making sure that this State gets back onto its feet. He has no intention of ensuring a reduction of the waiting list or the employment of more kindergarten teachers and schoolteachers and providing better facilities for the schools. The member for Spence has no intention in that regard. As far as he is concerned, it is better to pour money down the drain. Thank goodness that the member for Spence sits in that little end of the world where he will have no influence over what is going to happen in this State for a very long time. He has had his chance, and he blew it.

We will get on with ensuring proper financial management within this State. We now have the opportunity to provide proper financial management. For the benefit of Opposition members, I point out that people in South Australia will look at these figures and wonder why the Government is continually throwing money down the drain seeking to enforce the law against people who have no intention of voting or of paying the penalties. As I said, for the 1989 election we spent $121 614 in costs, before court and the Crown Solicitor's expenses, and we collected only $30 450. This is a cost that this State does not require. It is a cost that we could transfer into goods and services on a regular basis for the electorate. As I said, everyone has a duty to vote, but this State has no duty to throw money down the drain chasing those who have no intention of voting or of paying the penalties. Let us see whether the Labor Party is prepared to stand up, be counted and support the amendments to this Act, based on the fact that it was an election promise. As we have heard from the member for Taylor so eloquently here tonight—

Mr Clarke interjecting:

Mr CAUDELL: The member for Ross Smith has the opportunity to ensure that the promise is kept; let us see how good he is with regard to his word. We really have no reason to throw good money after bad and chase up those who have no intention of voting or paying. Let us see whether the Labor Party is prepared to support sensible management; I sometimes wonder whether that will ever be the case. The right to vote is a precious right and it should be enshrined in legislation. That right is enshrined in clauses 1 and 2 of the legislation, which clauses allow for the right and duty to vote.

One sometimes wonders why the Labor Party, which makes the loudest noise over this issue, throws up the red herrings and opposes it. One has only to look at what is happening now and what has happened in the past. Previously, the people in safe seats have not spent their time or their resources in their seat looking after their constituents. Most of their time has been spent looking after people in marginal seats and forgetting about their own constituents. This legislation will ensure that members in safe seats are required to work their seats to ensure that people turn up to vote, rather than spending their time in a seat other than the one to which they are elected. This amendment is associated with the people's right to vote and the protection of that right to vote, but it will also ensure that we do not continue to throw money needlessly down the drain chasing people who have no intention of voting and no intention of paying their fine.

Mr LEWIS (Ridley): It strikes me that we most certainly need to take a look at ourselves if we believe that, against their will or from our point of view ignoring their will, people should be compelled to participate in the process of deciding who represents them when for whatever personal reasons they may have they choose another course of action. It is not up to us to question the integrity with which they arrive at that point of view; it is not up to us to judge them in that regard. It is surely a democracy—in particular, a representative democracy. A representative democracy means that all citizens who wish to participate in the process, delegate their authority to a representative to exercise that power in places where the laws which govern their lives are to be made. I dare say that our friends in the Labor Party would never dream of making participation in a poll at local government level a compulsory duty. Why therefore should the ALP and Democrats insist that it be a compulsory duty for this Parliament?

I know that in the minds of most Labor Party members the States are seen as an anachronism, irrelevant to the present and the future, and they would rather see the States disappear, since that would enable them to hand out the jobs among their mates in the Federal domain. That would mean that there was an even less representative democracy, because the capacity of any one citizen to represent us is inversely proportional to the number of citizens whom that representative is said to represent. In other words, if each member in this place were to be responsible for the representation of 10 000 electors, the chances of those electors being able to talk to any one of us would be 10 times greater than if we each represented 100 000 people. The Federal electorates at present have populations of over 80 000, and admittedly the populations in our electorates are a bit over 20 000. The likelihood of a citizen seeing a Federal member of Parliament is therefore four times less than the likelihood of their being able to see one of us, all other things being equal.

It follows that the greater the number of opportunities for decision making in an integrated way, where power is devolved to different levels of Government in society, then the more representative and functional the democracy will be and the more functional it will be seen to be. That leads me to make the point I wish to make, based on the understanding of those two points. It is not the responsibility of any of us; indeed (in my judgment) it is not our prerogative to require other citizens to decide whether they wish to vote for us or any other candidate who may choose to contest the election. Therefore, it should not be compulsory to attend the poll.

My views on that point were different 15 years ago. In those circumstances it was possible for electors who knew that somebody had died recently or was unlikely to go to the poll could go to a polling booth themselves, claim to be that person, have their name struck off in the polling booth somewhere in the electorate distant from the one they were more likely to attend whenever elections were held, and get away with voting in that person's name, as well as voting elsewhere in their own. It has been done, and I know that members of the Labor Party did it. I have spoken to them when they have admitted it. I acknowledge that it was bar talk, but at the time I spoke to them they were card-carrying members of the Labor Party and believed it was something of a lark.

I was appalled at that and thought that the best protection against that kind of abuse of voting in someone else's name was to require every citizen to attend the poll. The Democrats have indulged themselves in that sort of behaviour in the United States when I have been there on previous occasions at a time when there has been an election campaign. One of the slogans I remember—around the Party; not out in the

public domain—was 'Vote early and vote often'. Compared with those days, we now have far more sophisticated means of checking off the roll, and accordingly it is much easier to detect those kinds of abuses, given that we can have a local area network of the computerised roll in each of the polling booths.

That means that it is not in the least bit difficult to determine whether someone has already voted and pick up another person attempting to vote in their name or, conversely, detect that someone has voted in another person's name already, when they in turn present themselves to vote. The local area network of computers in each of the polling places could be linked by landline. The moment a person has voted, it will appear on the computer record for that electorate in all other polling booths right across the State or nation, if we desire it. Therefore, citizens claiming to be someone they are not are unlikely to get away with it. It is therefore possible for us to more easily ensure the integrity of the poll if we remove the compulsion to attend on the day.

Mr Atkinson interjecting:

Mr LEWIS: It does not matter. The risk is that the abuse will be quickly discovered.

Mr Atkinson interjecting:

Mr LEWIS: That is the point I am making. They will then be able to prove they are whom they claim to be, and the fact that someone else voted in another booth (or perhaps the same booth if it is a big one) in their name will be revealed. Those instances in which double voting has occurred will immediately be known, and that will enable us, as a society, to challenge the result in a Court of Disputed Returns if the numbers of such votes cast in such instances exceed the margin by which any member is declared elected.

Mr Atkinson interjecting:

Mr LEWIS: You cannot. It is far more difficult to check and, indeed, checks of that kind are not undertaken. The member for Spence knows that. Returning officers do not sit down with all the copies of the electoral roll from each of the places attended by a polling clerk and check through them to see that there are no duplicate votes. We do not do that. However, in the future, where the rolls will be computerised, it will be possible to do that.

Mr Atkinson interjecting:

Mr LEWIS: But only if a candidate or representative scrutineer of a candidate suspects that such abuses have occurred, and evidence has to be provided to the Returning Officer and the State Electoral Commissioner that such an abuse has occurred before any examination is made to discover the extent of it. Returning to my argument, it is therefore without any concern at all that I now publicly and strongly advocate voluntary attendance at the poll to participate in the vote to decide who ought to represent us. The other reason I have, equally as strong as the reasons I have just given, is that anyone who does not feel sufficiently clear in their mind as to whether or not they ought to vote, or which candidate to vote for in the poll, ought not to be compelled to attend the poll and in doing so cast a vote which is ill-informed, and compel the rest of us to cop the consequences of their inane indifference to the responsibilities which the majority of citizens otherwise accept and discharge properly.

It is an abuse and an improper practice when someone casts a vote, not having any particular insight or understanding of why they are voting the way they are, and not having any desire to have participated in the process in the first instance. That degree of compulsion is the kind of thing that I think frankly comes more from where Hitler stood than from where I stand. All members in this place ought to bear that in mind. For that reason, knowing that it is technologically possible for us to conduct a poll that is clean and fair, it is now possible for us also to extend the opportunity to participate without it being compulsory in deciding who shall represent us.

There is one other aspect of the measure which I like, and it has some relationship to the first group of points I made, and that is that under the new circumstances where voting is voluntary it will be easier for us to detect those people who vote in the name of those who are dead. That has happened, and the member for Spence would know that it has happened. In fact, I discovered instances of where that happened during the Norwood by-election in 1980. In fact, I was appalled at what I discovered. However, the number of instances were in no way sufficient to enable us to determine whether or not it would have changed the result.

I think both the Labor Party and the Democrats who otherwise oppose conscription should be ashamed of themselves if they think it is fair to rely on the process of compulsion to ensure their continued presence in this place and, in the case of the Labor Party, the prospect of ever being able to regain Government. I do not think a decision on this matter ought to have anything to do with the prospect of winning office or not. It ought to be based quite simply on the benefits that accrue from having a democracy in which it is both voluntary and without penalty to vote or not. I do not believe that it will change the conduct of elections. I do believe it will ensure that we get the representatives which the majority of people who think about and care about the process really want, both in this House and the other place.

Mr ATKINSON (Spence): The Bill before us amends Division VI of Part IX of the Electoral Act by removing subsections (3) to (10) of section 85 which is currently headed 'Compulsory Voting' but which if this Bill is carried will be headed 'Duty to Vote'. Subsection (1) provides:

> Subject to subsection (2), it is the duty of every elector to record his vote at each election in a district for which he is enrolled.

Subsection (2) provides:

> An elector who leaves the ballot paper unmarked but who otherwise observes the formalities of voting is not in breach of the duty imposed by subsection (1).

From there on, all the enforcement provisions of the section are deleted so that the duty mentioned in subsection (1) has no meaning whatever. There is no duty where there is no sanction. So, the Bill before us is a waste of time. We had this debate in a previous session. The matter was fully canvassed. Here we are again debating the same topic.

I will begin by rebutting some of the arguments put by the members for Ridley and Mitchell. The member for Ridley argued that, if we had voluntary voting together with a computerised system of recording who has voted, voting on behalf of other people, or multiple voting, would be prevented. I would argue that that is not correct. Compulsory voting actually helps keep the ballot clean because, if one goes to vote on behalf of another person, one can be certain that at some time during the day the person on behalf of whom one purported to vote will front at the polling booth to vote. Therefore, if one tries to vote on behalf of another person, that person will already have voted and the fraud will be detected, or later in the day that person will attempt to vote and the fraud will be detected. If voluntary voting were introduced, there would be a number of constituents whom

sitting members could already identify and who would be very unlikely to vote. For instance, people who are on the postal vote list would, under voluntary voting, be unlikely to make the effort to vote, and so a sitting member could arrange for people to vote on their behalf.

The DEPUTY SPEAKER: The honourable member is really lining up with the member for Ridley in suggesting that a sitting member would be guilty of such impropriety, and that is against Standing Orders.

Mr ATKINSON: Sir, I would not do that. I was just seeking to canvass—

The DEPUTY SPEAKER: I had intended to draw that matter to the member for Ridley's attention, but the moment had passed.

Mr ATKINSON: I was seeking to explicate the member for Ridley's suggestion, but I would never suggest that any member of the House would do as the member for Ridley suggests. So, with your advice, Mr Deputy Speaker, I turn away from that matter and turn to the arguments of the member for Mitchell. He seemed to say that in 1989 the State Electoral Department spent $120 000 chasing up non-voters for a return by way of fines of $30 000—I believe they were the figures the member for Mitchell quoted. He then said that, with the money that would have been saved by its not chasing up that vote, we could have built 10 Housing Trust homes.

Mr Caudell: I was talking about the 1993 figures, not 1989.

Mr ATKINSON: The member for Mitchell says that there was a greater disparity between the amount spent trying to recover fines and the value of the fines collected in 1993 and that with this money we could have built 10 Housing Trust homes. I argue that the money spent in enforcing compulsory voting was money well spent. If members follow the reasoning of the member for Mitchell, one could build many more Housing Trust houses by abolishing both Houses of Parliament and by abolishing representative democracy altogether. No doubt, if we sold off Parliament and abolished representative Government in South Australia, we could probably build a number of schools or we could even build and fund a hospital. However, the Parliamentary Labor Party does not propose to abolish parliamentary democracy and to sell off the Parliament in order to build Housing Trust houses or to pay—

Mr Lewis: That is not true. The Labor Party plans to get rid of this Parliament.

Mr ATKINSON: The parliamentary Labor Party values compulsory voting. We believe it is worth the price. I turn to the question of the status of the States within the Federation. It is my belief, if voluntary—

Members interjecting:

Mr ATKINSON: I will tell the Deputy Premier, the member for Elder and the raucous member for Reynell what the point of it is. If voting for the Commonwealth Parliament were compulsory and voting for the State Parliament were voluntary, as is voting for local government elections, there would be a considerable loss of status for the State Parliament. Indeed, one of the Liberal members of Parliament who, in 1942, supported the introduction of compulsory voting said at the time it was important to introduce compulsory voting in order to give State elections the same status in the minds of the population as Commonwealth elections.

Indeed, the voting turnout in State elections in South Australia by 1942 had fallen as low as 50 per cent. I believe that, if the Liberal Government succeeded in making this Bill law, the turnout in South Australian elections would be even lower. It would fall to about the turnout of local government elections and there would be a considerable loss of status for the State of South Australia within the Federation.

Time after time we have motions moved by members opposite and speeches from members opposite to the effect that South Australia is losing its status within the Federal bargain and that the Prime Minister, Mr Keating, is trying to introduce a unitary state—trying to abolish the States. If the member for Elder does not believe it, I suggest he have a look at the Notice Paper. However, at the same time, the Liberal Government is supporting a Bill that would result in a considerable loss of status for South Australia within the Federation. It is a Bill that would advance arguments that Australia does not need States, that it would be better moving towards a form of regional government.

Another reason to oppose this motion came out during the Estimates Committees, when the State Electoral Department was before the Estimates Committee. It is this: compulsory voting helps the accuracy of the roll. In response to a question from me about when the greatest number of corrections to the electoral roll came through on the accumulated monthly roll, the head of the Electoral Department in this State said that it was after State and Federal elections. People are compelled to vote in State and Federal elections, so they duly report at the polling booth. When they report at the polling booth, they attempt to vote in respect of their new address, but they find out that they are enrolled under a different address—their previous address. After they obtain the vote, they fill in an enrolment form which alters their address for enrolment to their correct address and, therefore, the largest number of changes to the electoral roll, changes which improve the accuracy of the roll, occur because of compulsory voting and occur in the month or two after a State or Federal election.

Mr Lewis interjecting:

Mr ATKINSON: I will come back to that interjection from the member for Ridley. I suggest that the member for Elder and the member for Reynell have a look at the accumulated monthly roll which comes into their office each month—and which I use for doorknocking on my bicycle—and check to see when the greatest number of corrections to the roll comes through. The Australian Electoral Commission spends millions of dollars on a habitation review every three years to check that people live at the address they have given on the electoral roll, yet the biggest number of corrections come through as a result of compulsory voting in State and Federal elections. If we had voluntary voting, the roll would fall into a state of disrepair and the kind of fraud which the member for Ridley was deploring in his contribution would be rife. I now turn to the question of the kind of people who will not vote if voluntary voting becomes law.

Mr Lewis: A Labor voter.

Mr ATKINSON: The member for Ridley is half right. This Bill will hurt the Democrats more than it will hurt the Liberal Party and the Labor Party. We all know what kind of people vote Democrat—or at least those of us know who stand at polling booths and hand out how-to-vote cards. The kind of people who vote Democrat are the people who turn up to the polling booth and tell the how-to-vote card distributors that they are not interested in voting, that they are there only because they are compelled to be there and that they are not particularly sure for whom they want to vote. When they find out that there is a third Party, which is neither Labor nor Liberal, handing out how-to-vote cards on the polling booth, they take that how-to-vote card. Indeed, where another third Party stands in competition with the Australian Democrats for

the third Party vote, the Democrat vote is slashed, and we have seen that occur in the Elizabeth by-election and in—

An honourable member interjecting:

Mr ATKINSON: I thought the honourable member was going to take a point of order. We have seen that occur in the Elizabeth by-election, where the Democrats stood and other third Parties were on offer, and the Democrat vote was slashed, despite the Democrats having the donkey vote. So, the Democrats will suffer most from an end to compulsory voting. The Labor Party can weather it, and I can tell the member for Ridley that, if there is voluntary voting, the Labor Party's proportion of the vote will go up in the electorate of Spence, because many Liberal Party supporters will not vote as they know that their vote will not be an effective one because there is little possibility of a Liberal Party member being elected for the State District of Spence.

Mr Lewis interjecting:

Mr ATKINSON: It is interesting that the member for Ridley mentions the Upper House, because for a number of years the Liberal Party did not run a candidate for the electorate of Spence, and the Labor Party was required to run a dummy candidate for Spence against its endorsed candidate in order to turn out the vote for the Legislative Council.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Ridley and the member for Mitchell were heard in silence.

Mr ATKINSON: Mr Deputy Speaker, could you give me some protection from the member for Playford. As sitting members, we all know that a certain kind of constituent—often a vexatious constituent—will not vote if there is voluntary voting. We all know that there are certain types of cases that come into our office—and I call them 'stretcher cases'—and they are people who need help month after month, week after week from their local member of Parliament and who, no matter what you do for them, will not end up going to the polling booth if there is voluntary voting. The truth is that those people are in need of help from their local member of Parliament but, if there is a system of voluntary voting, they will not get it, because their local member of Parliament knows that they will not vote. So it will lead to the effective disfranchisement of a whole class of people.

Since I last spoke on this matter earlier this year, I have come across a very good American article entitled 'Voters in the Crosshairs—How Technology and the Market are Destroying Politics', and sections of the article are pertinent to this debate. It states:

> The new technology has given those with more resources access to even greater voice. As a result, many elections have become for most citizens exercises in choosing between two power blocs representing similar, if not identical, resource-rich interests.
>
> During the nineteenth century, political Parties 'gathered' votes by using marches, rallies, patronage and a partisan press to mobilise known supporters; in 1896 turnout outside the South reached a peak of 86 per cent.

It goes on to say:

> Polling enabled politicians to learn voter opinions without attending to constituency leaders or the voters themselves. It became possible to 'know' the electorate without having a relationship with it.

It goes on to show how, under voluntary voting in America, campaign expenditures have climbed by massive amounts to the point where it was about $200 million in 1964 and $2.7 billion in 1988 because of targeting and sophisticated campaigning. The article continues:

> Targeting is a process of excluding people who are not 'profitable' to work, so that resources are adequate to reach prime voters with enough intensity to win them. Targeting provides an ultimate 'lift' to the voter contact process, allowing maximum concentration of resources to a minimum universe. Voter registration, for example, is rarely considered [in America] because newly registered voters are less likely to turn out than established voters.
>
> Information on each of these subgroups is matched with polling data, and the campaign messages are developed to deliver what Matt Reese calls 'different—and compelling—truths' to those various segments. Instead of a single campaign with a single theme that unifies the candidate's supporters, parallel campaigns emerge, each articulating themes narrow enough to appeal to the peculiar characteristics of each sub-constituency. In a recent California Assembly campaign, for example, married Catholic home owners learned that the candidate supported family values, while single Jewish women under age 40 found the candidate had been consistently pro-choice.

It continues:

> New campaign methods undermine and bias voter turnout by failing to communicate with all but the most likely voters.

An honourable member interjecting:

Mr ATKINSON: The member for Elder wants to know what the relevance of this is; the relevance is that voter turnout in America under voluntary voting is so low that large segments of the electorates are completely ignored in the campaign. That is the relevance of it. Labor supports compulsory voting because under compulsory voting the political Parties have to appeal to the whole electorate.

The Hon. S.J. BAKER (Deputy Premier): I move:

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

Motion carried.

Mr BRINDAL (Unley): It is not often that this House is treated to the sort of drivel that we have just heard from the member for Spence. Given the choice between the program *Mother and Son* and the contribution of the member for Spence, I would advise all members that *Mother and Son* is preferable. It does indeed—

Mr Quirke interjecting:

Mr BRINDAL: The member for Playford has been absent from this Chamber on other important duties and he is a welcome sight; it is always nice to have someone who is a bit jovial in this place.

An honourable member interjecting:

The DEPUTY SPEAKER: The member for Unley was drawing the pictures; the member for Playford was painting them in.

Mr BRINDAL: That is true, Sir. The contribution by the member for Spence, so much as I heard, is largely without intellectual merit and fails to address the true motivations behind this Bill. Surely this is a most important measure to come before this House. I actually acknowledge that all members in this House, including the members of the Opposition, do not see it as a light matter: it is a serious matter about which there are bound to be profound differences, although not necessarily differences across strict Party lines. I have to admit that some aspects of voluntary voting worry me. I have to admit that, in the event, I am not quite sure how it will turn out. There is a school of wisdom—

An honourable member interjecting:

Mr BRINDAL: Perhaps it is not wisdom, and this is the point: perhaps it is not wise. It basically says that voluntary voting, in this country, might favour one political Party over another. Given the composition of the voters of the natural

constituency, if you like, for particular political Parties, some people believe that such a measure might in fact be an advantage to one group and not to another. That is worth putting in argument, but I do not think it is worth giving much time to, because it is unproven and unprovable. For instance, if you were to take my own Party, there are those who would tell you that more Liberal voters are going to keep coming out to vote because they are responsible. There is a picture painted of a typical Liberal voter, with which I am sure the Opposition will not agree but with which people on this side hold fairly seriously to be true, and that suggests that those people would be more likely to attend the polling booth if voting were voluntary.

However, I do not believe that that is necessarily the case. I do not believe that those who I think have traditionally voted Liberal will necessarily feel more compelled to fulfil their civil duty and exercise a vote than those who have traditionally voted Labor. If that is what is behind the thinking or motivation of anyone in this Chamber, then we should rethink. I do not think any of those things are provable, have been proved or can be proved until we embark on this experiment.

It is a rather brave experiment because we have a system in Australia—rightly or wrongly—that has created one of the most stable Governments on the face of the earth. Australia's record as, first, a group of sovereign States and now a group of States under the Commonwealth is rather remarkable as to the period of stability of Government that we have enjoyed. It is both a credit to the Westminster system from which we are direct inheritors and a credit to the nature of the Australian people that our Government has been so stable for so long. It must be admitted that part of the stability of the Government in Australia is attributable to the fact that adults have been compelled to vote, and to depart from what is tried, proven and tested is a brave experiment and in some measure radical.

The Government is to be commended for having, first, the vision which it put to the people and, secondly, the boldness to effect such an experiment. Whether or not it works, as I said, remains to be seen. However, and this is where we return to the nub of the debate, surely the first test of any democracy is that people have an absolute right to exercise or not exercise their vote. How can we say that we live in a democracy and believe in freedom of choice when the first thing we do is compel people to attend the polling booth? We have not even had the fortitude to compel them to vote because, as members opposite know, at present there is no compulsory voting. The law provides that people are compelled to turn up and have their names struck from a roll.

Mr Foley: What's your problem?

Mr BRINDAL: My problem is simply that in a democracy the first freedom should be the freedom as an adult to exercise a vote. I see absolutely no sense in compelling someone to go from home to a place reasonably convenient and have their name crossed off the list. What sort of law is it that says, 'On election day you shall go to the nearest polling booth—usually a school—to have your name crossed off a list, but you don't have to vote.' I would say that if members opposite are genuine about compulsory voting they should move an amendment to compel people to vote—not to compel them to turn up and have their name crossed off a list—but to compel them to exercise their civic duty and compel them to vote.

If the Opposition is not willing to say, 'We believe that at the heart of the Australian democratic way of life is compulsion to vote', they should not be opposing this Bill. Why oppose a Bill which simply removes the onus on people to go and have their name crossed off a list? If Opposition members believe that compulsory voting is an absolute cornerstone of Australian democracy, let them move an amendment forcing the people of South Australia to exercise a vote. If they move that amendment, they will have some credibility but, unless they are willing to do that, they are guilty of hollow rhetoric, because all they are arguing—in truth and in fact—is that, 'We are compelled to turn up and vote; that gets the people to the polling booth and that's good enough for us.'

In developing his logic the member for Spence did some unusual debating tricks. He claimed that voluntary voting does not work in America. I am sure that the people of the United States would be interested to hear and read those remarks. All of us get a constant diatribe of Americans from the United States telling us that they are the custodians of peace, of every moral virtue and of most religious virtues as well, and they are the custodians of liberty, freedom and democracy.

Members interjecting:

Mr BRINDAL: They do. Many Americans will tell you quite proudly that they are all those things. What is more, they believe it. I am not saying whether they are right or wrong: I am saying that that is the diatribe that we receive constantly on our television. That is what they believe, but the member for Spence says, 'They might believe that about their society, but they are wrong. It is an abject failure because they have voluntary voting.' All I am saying to the House is, 'You tell the citizens of the United States that their democracy is a failure because there is voluntary voting. Tell them that they get the wrong people all the time because they are not all compelled to turn out.'

I think the people of the United States would tell those in this Chamber who wanted to say that that in their opinion the members who speak for the United States are quite wrong. I think that argument of the member for Spence is not only somewhat insulting but also somewhat offensive to most citizens of the United States. The member for Spence went on to say that politicians in the United States undermine and bias voter turnout. I remember a good biblical text and, given my propensity to look at prostitution at present, it is apposite: a woman was caught in adultery and the crowd were about to stone her. Someone said, 'What should we do?' Jesus said, 'What is the law?' The answer was, 'The law is that she should be stoned.' Jesus simply said, 'Let he who is perfect cast the first stone.'

I say that because in the collegiate fashion it is insulting for the member for Spence to say that sort of thing about undermining or biasing voter turnout. There would not be many members in this House, even given the fact that we compel people to attend the polling booth, who have not tried to bias voter turnout. I doubt that there is one member opposite or on this side who could actually say, 'I did not try and bias the electors either in favour of myself or in favour of my political Party.'

It happens to be a part of democracy; it happens to be something at which the member for Playford is good and at which the member for Ross Smith is proving himself quite skilled. I have read his newsletters, and they are very good but, if he is to look at me and say, 'But I am not trying to bias my voters to vote for me at the next election', I do not believe he is half as honest as I think he is. The honourable member puts out newsletters. He puts out—

Mr Foley interjecting:

Mr BRINDAL: It is not waffle. If the member for Hart had been here longer than two minutes; if he had been a little longer outside the cloisters of inner Government sanctums; if he had let a bit more light in—

The Hon. M.D. Rann interjecting:

Mr BRINDAL: The Leader of the Opposition says 'Ay?' I am merely explaining that, as the political apparatchik who was used to running around in the dark and beavering away at the very heart of the furnace that was the Government in this State, if he had got out a bit more among the people to try to understand how ordinary politicians operate, as opposed to those who have no political office but wielded very real power under the last Government and who were never elected or ever accountable—

An honourable member interjecting:

Mr BRINDAL: Some were, but they eventually learnt the first lesson, and that lesson is that we who are elected must answer to the people. Those who sat in the back room and sent their political leaders to the chopping block did not quite get up to the mark themselves when it came to having their heads chopped off. So if people—

Mr Foley interjecting:

Mr BRINDAL: The member for Hart says, 'We are here now.' It may well be that, at the next election the honourable member's head will be chopped off, and that is the penalty for everyone who seeks—

The Hon. M.D. Rann: Do you want to take any money on it?

Mr BRINDAL: No, I do not, because the member for Hart might well prove to be a very good member, and I hope, for the sake of his electors and for the sake of this Parliament, that he does prove to be a very good and effective member. There are also a few political realities about the way we draw lines in this State, and those political realities—especially when the honourable member is surrounded on three sides by water—would seem to suggest that no-one but a fool would bet on his immediate demise, unless it be from one of the factions in his own Party. The member for Playford can tell us that in politics there is only one thing that counts: numbers; you must always have your numbers right.

Members interjecting:

Mr BRINDAL: Because even the member for Hart—

Mr Clarke: The member for Coles is standing behind you.

Mr BRINDAL: That may well be true. I hope the member for Coles is standing behind me, because it means I am one point ahead in the line. It does not matter—

Members interjecting:

Mr BRINDAL: In case members opposite have not realised, it does not matter who is at the back of the queue in politics but who is at the front of the queue. But we are lucky—

The Hon. M.D. Rann interjecting:

Mr BRINDAL: We have a collegiate team. It does not matter whether I am in front; it does not matter whether the members for Lee or Coles are in front, because we are all pulling on the same rope in the same direction, and we are—

Members interjecting:

Mr BRINDAL: That is not true. I said, 'We are all pulling on the same rope.' Who is on the other end of that rope will be for the Opposition to determine, but it is nobody on this side. We are busy getting on with the job of Government.

An honourable member interjecting:

Mr BRINDAL: The best levity I have heard tonight is from the member for Playford saying, 'And knifing each other.' With the butchers' picnic we can see opposite in this Chamber, I would suggest that the member for Playford is hardly in a position to talk about who is sharpening knives.

Mr Clarke interjecting:

Mr BRINDAL: Who were you talking about?

Mr Clarke interjecting:

Mr BRINDAL: I do not know any honourable member of this Chamber by that name. I fail to know what it has to do with this debate. The matter is serious and it is a matter of some profound differences involving the way we look at democracy and the nature of democracy. I happen to be worried about what the Government proposes. I support it—

Mr Foley interjecting:

Mr BRINDAL: Yes, I am worried about it because I do not know in practice whether it will enhance the democracy of which we are part. There is an old saying, and it is true: if you have something that works, why fix it?

The Hon. M.D. Rann: If it ain't broke, you don't fix it.

Mr BRINDAL: Exactly; if it ain't broke, don't fix it, to quote the vernacular of the Leader of the Opposition. Therefore, I am worried because we have a good system—

Mr Foley: Why are you doing it?

Mr BRINDAL: Because, if the member for Hart had listened, basically I believe the first right of people in a democracy is freedom of choice. The first and essential right in a true democracy is the freedom of choice as to whether or not to vote. If we give people freedom of choice and it proves to be an abject failure, I will come into this Chamber in a future Parliament—if I am a member—and vote to return to the present system. I would hope that if this Government, having tried this method, finds that it is a mistake—and not because it loses Government—it will decide that it is a mistake and return to a system.

Government is about doing what is right, what is proper and what, in the opinion of the Government of the day, is the best thing for the people; and, if it proves to be wrong, having the courage to admit and correct its mistakes. Therefore, philosophically, while I have worries about how it will turn out in practice, it is the right direction in which to go and it is worth a try. I would hope members opposite would support this measure rather than canning it or trying to tie me in knots.

Mr CLARKE (Deputy Leader of the Opposition): I will not take all of my 20 minutes, because our lead speaker, the member for Spence, has canvassed most of the issues very well. I might say that it is always a pleasure to follow the member for Unley in any debate because, no matter how appalling your own speech may be, compared to that given by the member for Unley it stands out like a beacon of great knowledge.

The reality is that, stripped bare of all the gobbledegook the member for Mitchell spoke about earlier tonight, the whole reason behind this Bill is very simple: the Government is absolutely terrified that at the next election it will be called to account for its broken promises and there will be a wholesale massacre of its respective backbenchers. The reality is that there are seven seats which are given: we have got them. Members opposite in those first seven seats, ranging from Lee to Peake, are merely transitory figures who occupy the Government benches for the next three years.

The next thrust relates to the several seats beyond that. The next election will be very close indeed. It will come

down to a handful of votes in just a couple of seats. The Government is determined to try to turn around the electoral system to ensure that enough of its numbers survive so that it is still the Government come 1997. That is what this Bill is all about—stripped bare of any of the so-called philosophical basis about which the Deputy Premier has spoken. Members may recall, that when the Deputy Premier spoke on the scratch tickets issue and said, 'What a nonsense that an amendment passed by the Legislative Council should have—

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker. I believe it is quite improper to refer to previous debates in this Chamber.

The DEPUTY SPEAKER: The member is quite correct. It is inappropriate to refer to debates in the current session.

Mr CLARKE: I appreciate that the Deputy Premier does not want to have his arguments exposed for their falsity. I simply point out that we have had debates in the past where Government members have spoken quite passionately about passing laws when there is nothing to enforce them, such as a penalty. The Government is seeking simply to remove the penalty provisions of the compulsory voting laws. As I said earlier, it boils down to garnering those extra few votes that they think they need to survive at the 1997 election. They know that several of their number are already goners. It is just a question whether they can retain a couple of the next six which we will need to win at the next election.

I can understand the member for Unley being quite passionate in his defence of the Government's position, because he fits very neatly into the category of those seats that we have to win to make No 24 so that we can form a Government. The Government will seek to use every trick in the book to try to maximise the vote of the member for Unley. That is a very difficult task for the Government, but it will do whatever it can. Hence, the reason why the drums are beating within his own camp about replacing him as the preselected Liberal candidate for Unley. They realise that he has enormous difficulties in attracting a sufficiently high personal vote to retain that seat in 1997.

An honourable member: He needs a bypass.

Mr CLARKE: Exactly, as does the member for Mitchell. The member for Mitchell is the classic member whose seat will return to the Labor Party. The 9.3 per cent is not even a blip on the landscape. The size of the swing that we will receive in seats like Mitchell will mean that he will disappear under an avalanche of votes. Not even with voluntary voting can the member for Mitchell sustain the avalanche of votes that will go against him. The shop assistants, small retailers, small butchers—

Mr Foley: Cat owners.

Mr CLARKE: Yes, the cat owners, as we will no doubt hear in future debates. In addition, all those public servants who live within his electorate and the Housing Trust tenants, all of whom are suffering so much under this Government, will turn with a vengeance. The Government might try by hook or by crook to retain office by this sort of playing around with the electoral system, but it will not be enough for it to succeed in at least seven to 10 seats. The vital issue is those last three or four seats where the result will be determined by fewer than 200 votes. Therefore, the Government is hoping that voluntary voting will save the day for it.

I will briefly refer to the United States. The member for Spence has referred to it in some detail, but I want to expand it a little further. I have heard some interjections by Liberal members to the effect, 'We are not necessarily going the way of the United States. It is more likely perhaps that we will go the way of New Zealand, Germany and Sweden with involuntary systems where there is between 80 per cent and 90 per cent voter turn out.' That is always possible, but the facts would tend to fly in the face of that eventuality occurring. Given our society and the way we have tended to adopt many of the traits of the United States, particularly over the past 20 to 30 years, we are more likely to go down their path regarding representative democracy. In the United States there is less than 40 per cent voter turn out in mid-term congressional elections, and even for Presidential elections there is only between 50 per cent and 55 per cent voter turn out. That is more likely to occur in Australia than the Swedish model which attracts 90 per cent voter turn out. It is regrettable, but it is a fact of life.

We have only to look at voting patterns in South Australia prior to compulsory voting in 1942 where it got as low as 50 per cent. Local government elections have been lucky to get as high as 20 per cent in the most bitterly and hard fought contests. In the main, they are down to about 10 per cent. In the city of Adelaide, many business people cannot even be bothered to vote for the Lord Mayor or for their ward councillors. They are supposed to be business people, and the city council has a great deal of power over planning applications and such things. Therefore, one would have thought that business people in the city of Adelaide would want to exercise their right to try to elect pro-business or pro-development councillors and the Lord Mayor. However, they have largely abdicated their responsibility and not voted in local government elections.

New South Wales introduced voluntary voting for local government elections a decade or so ago. Instead of almost 90 per cent voter turn out, it dropped to about 60 per cent in the first election after compulsory voting in local government elections was abolished. All the evidence that we can produce clearly points to the fact that there would be a dramatic drop in terms of representative voting in Australia. We have to ask ourselves whether we believe in a representative democracy or a democracy for and ruled by the elite. Unfortunately, that has happened in the United States. Special interest groups, whether the National Riflemen's Association, the moral majority group, the anti-abortionists, the pro-abortionists or whatever, are targeted through selective direct mail techniques and the like. They concentrate on those who vote in elections. There is no attempt by any major political party on a nationwide basis to try to harness all the untapped resources in terms of voters who have not voted for years, registered voters, many of them poor, black, Hispanic and dispossessed within that society.

I fail to comprehend the Government's argument on this issue when it says that it supports a representative democracy but wants to put in place a system which is almost certainly guaranteed to produce a 50 per cent or less voter turn out in State elections. I fail to comprehend that type of logic. The reality is that the Government does not believe in representative democracy. The Government knows what it wants to achieve. The whole purpose behind the Bill is not to encourage participation by citizens in the good government of their State. The Government simply wants to reduce the number of people voting by a significant margin for purely political partisan reasons.

I would not mind if the Government had the guts and honesty to say, 'This Bill is all about giving us an electoral advantage.' How can we trust the Liberal Party to look after democracy when for so many years it had the 'Playmander' with respect to electoral boundaries in this State. There were

13 metropolitan and 26 country seats. In 1965 the former seat of Enfield had about 40 000 electors and the seat of Gumeracha, held by the then Premier, Sir Thomas Playford, had fewer than 8 000 electors. The Liberal Party justified that malapportionment for decades, yet it is trying to be the great reformer, saying that it believes in representative democracy.

I know that some speakers who will follow me may say, 'But look at the Steele Hall amendments of 1970.' That was not done by the former Premier, Steele Hall, out of a feeling of altruism with respect to the Labor Party. In 1968, after the Labor Party won the majority of votes but lost because of the number of seats, the Liberal Party, under the leadership of Steele Hall, sought to introduce new electoral boundaries which would have kept the Labor Party out of office for another two decades not on the number of popular votes but on a malapportioned system.

We were saved from that only by the fact that the former Deputy Premier, Des Corcoran, won his seat of Millicent, making the vote 19-all on the floor of the Chamber with the Speaker having the casting vote. To change the Electoral Act and the boundaries you had to have an absolute majority on the floor of the House to win office. They did not have it, because the Bill passed 19 to 18 and therefore did not have a constitutional majority. Therefore, the Premier of the day, Steele Hall, was caught by the fact that the existing boundaries of 1968 would prevail. His own electorate of Gouger had an expanding metropolitan element; it was Para Hills and Ingle Farm, which are now represented by the member for Playford—

Mr Quirke: Well represented.

Mr CLARKE:—very well represented by the member for Playford. The defeat of the then Premier, Steele Hall, in his own seat was an absolute certainty in the election which would ordinarily have been held in 1971 but which was held in 1970. So, he would have lost not only his seat but also the seat of Alexandra which was based on Kangaroo Island and Victor Harbor and which also took in great slabs of the south which were subsequently to become the seats of Mawson and Baudin in the redistributions that occurred subsequently in the 1970s. So, it was an absolute monte that the Labor Party would have won the next election after 1968 simply because of demographic changes.

After the Liberal Party had tried to rort the system after 1968 when it was in Government again, it knew that it did not have a constitutional majority in the House of Assembly to win its way; therefore it was doomed to lose its leader, the Premier, plus at least the seat of Alexandra to the Labor Party as well, and subsequently it had to try to make a virtue out of necessity by bringing in a half-hearted electoral reform provision to which the Labor Party agreed in 1970 because some reform was better than no reform at all. The then Premier was able to retain his seat under a new redistribution, even though he lost Government. So, in relation to the Liberal Party position on representative democracy and democracy generally in this State, members opposite speak with so much cant, humbug and hypocrisy that it barely deserves repeating. With those closing remarks, I would urge the House totally to reject the provisions as set out by the Government. Although the Government has the numbers in this House, it will not enjoy them when this legislation goes to another place, and I trust it will suffer the same fate as its earlier attempt.

Mr VENNING (Custance): I rise briefly to support this Electoral (Duty to Vote) Amendment Bill. I have held a longstanding and strong opposition to compulsory voting. It was in our Party's policy leading up to the last State election, which the Liberal Party won and won very well, so it can be said quite clearly that the Government has a mandate for this issue, and a very strong mandate indeed. At the Government's first attempt to introduce this Bill, when it was more or less along the lines of a voluntary voting Bill, it was defeated in the other place. That was quite a travesty of justice, because quite clearly the people of South Australia knew this part of the Liberal Party platform. It was debated for a long time and it was there for all to see, but the Democrats in the other place voted with the Opposition and defeated the move. So, here we have a different approach, which provides that a person cannot be fined for failing to vote or for not attending a polling booth.

How draconian is it that we force people to go and vote even if they do not have a clue—even if they are not in the slightest bit interested—then to top it off we fine them if they do not? How many other democracies of the world have forced this on their people? I believe there are only two, so we are in the great minority of countries around the world that force their people to vote. I think it is a quite ridiculous situation. You cannot criticise the United States of America, the United Kingdom or the Germans. Why do the Germans have their point of view? Just think back in history. I ask the member for Spence to consider why the Germans hold their opinion very strongly; it is because they had compulsory voting, and what happened? Check your history books for 1938 and 1940. How did Hitler come to power? He came to power because of total apathy and because the people could not care less. That is what happens. It enforces mediocrity in our system; it encourages apathy and total disinterest; and this can be very dangerous, as we saw in Nazi Germany.

Members interjecting:

Mr VENNING: I have never attended a League of Rights meeting, and if I had I would say so. It also makes a mockery of our voting system, because it takes away the democracy of a Government going to an election. Election results become very predictable in most of our electorates in South Australia. We all know what the swings are; we all know who has blue ribbon seats and what the margins are. Members opposite spent all evening picking on the so-called marginals and telling them that they will not be back. Why? Because we force our people to go and vote and we can predict what the vote will be. Those members will be returned against all the so-called odds put up by members opposite, but I am using this argument because our system is compulsory. We all know where the marginal seats are, and that breaks down the whole system, because those seats are always swinging. Safe seats very seldom change political allegiances, unless you do a capital stuff-up as did the previous Government with the State Bank, when it lost many of its safe seats to the Government as a result of its total incompetence.

Normally, it would not have happened, because those seats are so safe they very seldom change political allegiance. Such safe seats do not get much political attention until there is an event such as occurred under the previous Labor Government. So, we see great injustices of Government priorities in certain electorates, especially under Labor Governments. We saw it in the Labor Government with the sports rorts, and we have seen it in this House with the previous Government putting money into these key areas. It happens on both sides of politics, so nobody can deny it. If you know where your marginal seats are and you know where you are vulnerable, what happens? We are all politically

aware in this place, or I hope we are. This is why the system fails.

The SPEAKER: Order! I suggest to the member for Custance that he links his remarks to the Bill.

Mr VENNING: I am discussing quite clearly how compulsory voting brings on apathy in the electorate. We see many injustices in respect of Government priorities in certain electorates. Electorates are therefore not equal, and again the system fails. If we took away the compulsion in this case, that is, the fines, members in safe seats could not get too comfortable. I can speak as one of those, because I had a seat with a reasonable majority, but I have made it my priority to work my seat as if it were a marginal seat. Many members in this House have said, 'Why are you working so hard? You've got safe seat; why bust yourself?' That is a disgrace, because it means that the system is falling down. Before I came into this place, I did 10 years in local government—10 good years of training. When I first decided to stand, I challenged the Deputy Chairman of the council. They all thought I was mad. We had a 94 per cent roll up to the poll and I won. It would have been higher than that if—

Ms White: 94 per cent?

Mr VENNING: Yes, 94 per cent of the people rocked out to vote. It would have been higher than that if one of the people had not died the night before. So, if there is interest in the election, you will get the people out to vote. If the candidates are dinkum, if there is plenty of activity, you will get them out to vote. Subsequently, at a previous election after that, with the council amalgamation, we had another contest and we won that, and that was a 68 per cent turnout. There was very strong interest there.

I agree with the member for Spence that compulsory voting attracts dissent voting. I agree wholeheartedly. People go along and vote for anyone other than the responsible Parties. They protest vote; they vote for Freddie the Frog or the Happy Birthday Party. Members have seen it all before. That is what happens when you compel people to vote.

The member for Spence also referred to donkey voting. I agree with him again, because the donkey vote is encouraged by this line. His argument was compelling in favour of this Bill, which provides the best from both debates. It leaves attendance at the polling place as compulsory, but it removes the fine, the draconian measure of penalising a person who did not wish to exercise his or her democratic privilege. I have great difficulty in understanding how anybody, whether they be a member of the Government or the Opposition, can fine a person who did not wish to vote, whether they did not want to, could not care or whatever. It does not matter. In this State, if you do not get your name ticked off, we will hit you with a fine. I find that unbelievable.

We hear members in this House go on about their strong moral convictions and everything else. Here we see a strong contradiction of these 'goody goody two shoes' attitudes that we so often hear. Tonight, many of these members have been strangely silent. I have much pleasure in supporting this Bill. I congratulate the Government and hope that it is successful.

Mr QUIRKE (Playford): Earlier we had the member for Unley giving us some biblical quotes. I want to refer him to one in particular. I would suggest that he look up Matthew 10:36. It is not my intention to elaborate to the House. I am sure he will go out or find someone who will find—

Mr Atkinson interjecting:

Mr QUIRKE: No, in fact, it is '. . . he whose enemies shall be of his own household'. I have had occasion to refer to the Bible in many instances and I recommend the member for Unley have a close look at Matthew 10:36. It is pleasing to know that members of the Government are united with respect to this Bill and that they are all pulling on the rope, presumably the rope stretched over the tree, stretching the neck of the member for Unley. From the comments made here tonight, we find that everybody in the Government is pulling on this rope.

I find it fascinating that in Victoria, a State where the Liberal Party has control of both Houses, no-one is talking about voluntary voting. It has never had a mention. There has been no Bill or motion before the House. No-one opens their mouth about voluntary voting in Victoria because, as big a fool as Kennett is, he is smart enough to know one thing that the Liberal backbench here in South Australia does not know, and that is that voluntary voting is great for Oppositions. Let us strip all the principles away, all the stuff we have heard tonight of high moral ground and all the rest of it: at the end of the day, this is about sinning. It is about winning, too. It is about voting, and who will get the advantage and who will not.

I have to say to members of the Liberal Party here in South Australia, 'You would have done really well at the last election had voluntary voting been in.' I well remember 11 December last year: there was a queue of people in the polling booth, and I think it would be fair to say that the previous Labor Government was not the most popular thing that I have ever stood for. I think that, if there had been another alternative back on 11 December of staying in bed, watching the cricket or a video or doing something else, maybe going shopping, perhaps a few more people would have chosen that option. Predominantly, I suspect that a lot of them would have been those who, at the end of the day, still voted Labor. Well, four years is a long time to a poll.

I think one of the reasons the Victorians have not gone down this road is very simple: they want to hang on to as much of their majority as possible. I would suggest that, for all those backbench members who were last elected on a compulsory ballot, it might have helped you, but let us look at it three years down the track. How popular does the Liberal Party think its Government will be? Will we discover another Roxby Downs which will be mined and which will be able to pull out sufficient funds so that all those school teachers who are now currently employed but will not be by then will be employed? I think not. What about all the programs that have been cut?

Mr Becker interjecting:

Mr QUIRKE: We hear from the member for Peake, who wants to interrupt in this debate instead of joining it. He has been around for awhile, and we all know him as a good old warhorse and, indeed, an excellent marginal member, but I would suggest this to him and to others: he will not be sitting in Peake—he will probably be retiring—if voluntary voting comes in. In essence, an incumbent Government that has been in for four years will be bedevilled by all sorts of budgetary problems and a whole range of factors, not the least of which is a less than supportive Federal Government, regardless of whatever Party in South Australia is in power. Commonwealth outlays have shrunk to the lowest possible level, so I would suggest that, three years from now, voluntary voting is probably one of the last things that many members of the Liberal Party in this House would be endorsing. In Victoria, the issue does not come up, and for one good reason. If the Liberal Party in Victoria wanted

voluntary voting, it could have it tomorrow. It could have it for both Houses.

An honourable member interjecting:

Mr QUIRKE: The member for Giles says, 'In the west.' I think he is right. I do not know very much about the political system over there, but I do not believe that voluntary voting is part of it. What we find in South Australia is that a bunch of ideologues has captured the debate, and I suspect most of those people pulling on that rope that we heard about from the member for Unley are terrified that voluntary voting will get up. They will be absolutely terrified that somebody in the Upper House might miss a division or that the Australian Democrats will change their mind, which is their whim from time to time, and vote for it.

I think we are fairly safe with the Australian Democrats for one very good reason: in my electorate in 1989, the Democrat vote in a three horse race was 15.9 per cent. In the 11 December election, the three candidates that were not from the Labor or Liberal Parties got 15.9 per cent of the vote. That included the Democrat, the Liberal Party endorsed Independent and the other Independent: between the lot of them, they got 15.9 per cent and the Democrat vote was 7.4 per cent.

It was quite clearly shown in that exercise that at least half the Democrat vote was a protest vote, as the member for Spence referred to. Let us strip away all the principles and the arguments. Certain characters within the Liberal Party who seem to run the show believe that, if they bring in voluntary voting, it will be wonderful for them: indeed, they will be able to rule the roost for many years to come. I have some doubts about that. If we have it, we will learn to live with it.

In Britain and in other countries, it simply means that on polling day all the members with cars have one job—to run people to and from the polling booth. Mr Speaker, in your electorate that will be difficult but, if they are the rules, that is what we will live by. I wonder how popular voluntary voting will be amongst the most marginal members on the back bench. And I wonder why there is such a strange silence from Victoria.

An honourable member interjecting:

Mr QUIRKE: And as the member for Giles points out, from Western Australia. I wonder whether this is simply being used as a cause. And if it were successful in the other place, as no doubt it will be here tonight, would there be more terrified people opposite than in the Opposition? The time for voluntary voting was 11 December 1993. Four years after that, it may well be the Liberal Party that will have failed to deliver that universal panacea that it promised before the last election, with all the broken promises. It will then have to face all the mums and dads who are now paying for things they were not paying for before. Indeed, it will be facing all those who had high hopes for this Government that have been sunk over the years. This is one measure that was thought up very late at night, and it was not very well thought out at all.

Mr FOLEY (Hart): I debated this issue some months ago when a previous Bill was before the House. This is not about a well thought out piece of policy by this Government: this is another example of an arrogant Government putting forward nothing more than a political stunt. That is all it is and all it ever was. The Bill was defeated in another place only months ago. The timing of the reintroduction of this measure is very curious, being right on the eve of the Taylor by-election. This is a Government that was not prepared to run a candidate in the Taylor by-election: it would not have the same sort of dilemma that Alexander Downer faced when the Kooyong by-election in Victoria spelt another nail in the coffin for him.

The analogy is that this Government was not about to put itself into a position where it would be embarrassed. Members opposite introduced this Bill saying to all the voters in Taylor, 'Don't worry about voting; we will not fine you. We will introduce a Bill that takes away the fine for those who do not vote.' The Government was terrified about the voter turnout and the continuing resurgence back to the Labor Party.

Mr BRINDAL: Mr Speaker, I rise on a point of order. As I understand the remarks just made, the honourable member is clearly accusing this Government of directly and improperly trying to influence the electors in a vote. I ask you, Sir, to rule whether there is an improper use of the procedures of this Parliament.

The SPEAKER: Order! The Chair has given a great deal of latitude in this debate and, even though I did ask the member for Custance to address himself to the Bill, I cannot uphold the point of order.

Mr FOLEY: This is a very relevant point, because it comes to the crux as to why this Bill was introduced. This Bill was brought in on the eve of the Taylor by-election to tell the voters in Taylor that the Government did not want to fine them if they did not vote. It did not work, as we saw with the massive swing back to Labor, which has been reinforced in a number of by-elections. I draw members' attention to their own Party members. What did former Senator Chris Puplick say in New South Wales? He is one of the great supporters of compulsory voting.

The Hon. S.J. Baker: That is why he is a former Senator.

Mr FOLEY: Maybe anyone in the Liberal Party who speaks sense is jumped upon. It is interesting that the honourable member is defending the Government's Bill. You can always tell when the Government is not really serious about a Bill, when it is nothing more than a stunt: it rolls out the members for Mitchell, Unley and Custance. There is no greater barometer in regard to the seriousness of this Government as to a Bill than its rolling out the members for Unley and Mitchell. That says a lot about the Government's seriousness in terms of this Bill.

I do not need to go over the well argued cases of the Deputy Leader, the member for Playford and the member for Spence. Their comments were relevant and they made important points about the disfranchising of a number of people under voluntary voting. I reiterate that compulsory voting has served this nation well. It has served this State well. As someone said earlier tonight, again the member for Unley tends to have two bob each way: he said, 'If it ain't broke, don't fix it.' What better argument than that, and even the member for Unley would have to acknowledge that that was a somewhat bizarre contribution by him tonight. But he is dead right. The system has served this nation well. It will continue to serve this nation well. On the odd occasion, it has not delivered the best Government possible, as evidenced by this Government, but, in the main, it has served this nation and this State well by giving us good democratic Government that can change when the electorate so desires and does not allow for situations where those with money and influence and those with power and the ability to bring out the numbers to vote command the absolute numbers in any Chamber in any Parliament within this country.

I oppose this Bill tonight as I have done before and as I will do in the future. I simply say to members opposite, 'As

you reach your 12 months anniversary, have a good look at how you are performing and at what arrogance does to a Government when you rule this Chamber with the numbers that you have in this House.' I say to the Government, 'Think very carefully about the next three years and do not bring into Parliament ill thought out political stunt legislation, as you have done in this case.'

The Hon. S.J. BAKER (Deputy Premier): I will not congratulate members for their contributions except those from this side of the House. I found the contributions from members opposite somewhat disappointing. I normally do pay homage where it is deserved, as everybody would know. Where people have researched their material well and they have expressed a strong point of view, I am willing to say that that is an appropriate and proper way in which Parliament should perform. I have appreciated the level of debate on some of the issues which I have brought forward but which have not enjoyed the support of members opposite. However, this is one of the weakest efforts I have heard from members opposite on an issue, I would have thought, that invoked some passion and reflected on some basic freedoms that this country enjoys. The issue of voting, of course, is at the heart of our parliamentary democracy.

The member for Taylor provided some insight into the line taken by the ALP and she talked about the rights of citizens. That is correct: it is the right of citizens to vote; it is the duty of citizens to vote, as it is in most of the countries where voluntary voting has prevailed over centuries. I speak more particularly of the twentieth century but, in one or two jurisdictions, democracy has existed for close to 1 000 years. However, in most cases it has come about relatively recently. The issue is: does the rest of the world get it wrong and does Australia get it right? Of course, the overwhelming answer is that voluntary voting is in fact an appropriate reflection of a mature democracy.

Members opposite want to quote the United States. I do not have any great attachment to the United States, but that country thinks its system is appropriate for its needs. We do not have a big outcry coming from the United States that it wants compulsory voting. Far from it; when the issues are at their high point, you get a very strong voter turnout in the United States. However, when people are satisfied with Government, you get a much lower turnout, and that is reflected in the variability in the polling results, and particularly the attendance rate at the polls. An element of voluntary voting is that there will not be a fine imposed on those people who have not turned up at the poll. If we look at the history of voluntary voting in Western Europe—and we talk of Greece as the place where democracy was born—we see that virtually no European nation has compulsory voting. Yet, somehow Australia seems to have adopted bad habits, and I believe that democracy has suffered as a result.

Most of those nations have a very strong voter turnout. In the elections in Germany in 1990, the turnout was 78.5 per cent; in New Zealand in November 1993, it was 83 per cent; in England, 77.3 per cent; in France, about 70 per cent; and even in free flowing Italy, which cannot hold onto Governments for more than five minutes, it was 67 per cent. According to the *Statesman's Yearbook* the turnout in Italy was 86.4 per cent; I guess they cannot count in Italy either. So, the statistics show that the majority of the population take their voting duties seriously and they exercise that right. At times of political high drama, we will get very high turnouts; where people are basically satisfied, we will get a much lower turnout.

When we are talking about rights of citizens, perhaps members opposite should consider the number of people who come to their electorate office afterwards and say, 'How am I going to explain why I didn't vote?' I do not know whether members opposite have constituents who actually come to their office; listening to the debate tonight, one could assume their constituents stay well clear of their office. After an election I get a number of letters from elderly people, people who have been sick and people who have been away, who say, 'Mr Baker, can you help? I have a problem; I don't want to be fined.' In most cases their excuses are quite legitimate and, indeed, they pass the test. However, I would like to point out that 64 743 people on the role failed to vote in the December 1993 election. 'Please explain' notices were sent out to 33 746 of those people, and expiation notices have been posted to 9 814. At the time of the Estimates Committee, 5 849 summonses had been issued. Of those 5 849 summonses, 5 672 were issued for failing to respond to the 'Please explain' notices, and 177 went into the court system for failure to provide valid excuses. The cost of this whole exercise to the taxpayer is $500 000.

If members reflect upon the people who have come to their office, they will realise that some of them attend in very difficult circumstances, faced with the trauma involved with a 'Please explain' notice. I have had a number of people attend my office under those circumstances, and I have actually had letters typed up for them to send to the Electoral Commissioner explaining their circumstances as, I would suspect, has every member in this House. There are a whole range of reasons why we should not impose a fine for those people who fail to vote.

The suggestion by members opposite that the system would be rigged flies in the face of reality. For example, Sweden had a socialist Government in power for some 32 years on a voluntary voting system, so if members opposite are looking for an example of their side of politics being disadvantaged, I suggest that the Swedish case may provide some level of comfort. There are many examples where Labor Governments in England have retained power over a long period and, indeed, the French example reveals that the socialists and their various partners have been to the fore in that country for a long time under a voluntary voting system. So it does not actually impact on any side of politics; it just means that people will have the right to make a decision, but that they should not be compelled to make that decision.

Members could reflect that, in some circumstances, we do enforce the law, but we do that for the community's own good health and well-being. Forcing people to vote is not for anyone's well-being. We can reflect on tobacco, gambling, and alcohol where certain penalties and enforcement provisions are involved, but they could be classed as parallel examples in relation to whether or not a person has the right to vote. We are giving people the right to vote; we are saying that, under the circumstances, there is a duty to vote, but let us not treat this like a closed shop. I know members opposite are very fond of their closed shops; it brings back all the inequities that the labour market has suffered over the past 40 years.

The Labor Party likes those inequities; it likes to see a system that does not stand the test of time or competition, so I can understand why it wants compulsory voting: it is just like the union closed shop. I believe that Australia is a bigger

nation than that; I believe that it has grown up, and it is now time for South Australia and, indeed, the rest of the nation to take up the challenge, because the rest of the world must think we are quite foolish to compel our citizens to vote and, when they do not turn up for whatever reason, to put them through the trauma and expense of having to explain why they have not done so.

I was fascinated by the reflection on the seat of Taylor, by the remarks of the honourable member herself and, indeed, by those of two of her colleagues who said, 'The Liberals didn't turn up to contest the seat of Taylor.' In the same vein, the member for Hart said, 'Look at what happened in Kooyong', and I would say, 'Exactly right; look at what happened in Kooyong; the Labor Party was not foolish enough to spend a lot of money facing an uphill battle in a seat that simply could not be won.' That gets down to economics, quite frankly; it has nothing to do with democracy. So, when we have parallel elections of the Upper and Lower Houses, those seats will be contested because it is in the best interest of Parties to do so, and then the full choice will be made available. That does not mean that there is anything wrong if a seat is not contested by the full range of the political spectrum.

So, I believe that the issues are really quite straightforward: either we can stand tall with the rest of the world which does not compel its citizens to vote and which indeed provides good government in many cases, or we can suffer from this syndrome of mediocrity and say, 'We cannot depend on our citizens to take the opportunity at election time to cast their vote if they so wish or decline to vote if they should feel that it was inappropriate or if for other reasons they could not attend the polls.' I see the issues as being quite straightforward. It is about time we got away from compulsion in areas such as this. It is time we got the country together, and it is time the people's vote was truly reflected at the polls and not artificially reflected because of this closed shop arrangement. I commend the Bill to the House.

The House divided on the second reading:

AYES (29)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, S. J. (teller)	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Ingerson, G. A.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

NOES (11)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.
White, P. L.	

Majority of 18 for the Ayes.

Second reading thus carried.

Bill read a third time and passed.

PARLIAMENTARY REMUNERATION (SALARY RATES FREEZE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 1233.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition will not be opposing this legislation, but not because we believe it has any intrinsic merit. Indeed, we have a number of reservations about the legislation, particularly as this Bill is undoubtedly a political stunt designed to act as a front for the Government, which has no effective wages policy in regard to its own employees. The Premier and the Treasurer earlier this year sought to justify the Government's decision that there would be no wage increases whatsoever for State public servants, and in a knee-jerk reaction to criticism put to them by the press and Public Service unions and the like said, 'MPs will be undertaking a wages freeze.'

That decision with respect to MPs wages was unilateral and taken without any consultation with the Government's own backbenchers, who are most affected by it. We know that there is a great deal of angst and division on this issue amongst the Government members because, overwhelmingly, they too know that it is stunt for no good reason. The facts are that wage freezes—and I am referring here in particular to average wage and salary earners—do not work. Historically, they have not worked in Australia at any time when they have been introduced or sought to be introduced, and that is true also of other western industrialised nations. Wage freezes simply build up pent up demand for the period of the freeze and then those who have been affected by the wages freeze, at the first opportunity when the freeze is lifted, seek to make up for that time by a wages explosion. They seek to gain not only the money they have lost but they also try to take into account a potential for a further wages freeze some time in the future and try to maximise as much by way of a wage gain, when the time permits, as is humanly possible.

That is extremely destructive to any economy, particularly to that of South Australia. It was foolish for the Government, in the absence of any wages policy, to say to its public servants, 'Notwithstanding the fact that you have gone without a general wage rise for more than three years, as at today's date—the last general wage increase for public servants was in September 1991—we are now expecting a further two-year wage freeze.' It is arguable that MPs, because they earn a greater salary than the average wage and salary earner, are in a better position to cop a wages freeze than an ordinary member of the public, and, in particular, an ordinary wage earner in the Public Service.

However, a wage freeze does not help the average wage and salary earner. History has shown that, despite a wage freeze, prices increase: your rent, the food that you eat, the clothes that you buy, the houses that you hope to purchase, the public transport that you use to get yourself to and from work, the fees that are charged with respect to attending TAFE or university courses all inexorably increase, notwithstanding the fact that you have had no wage increases. I have gone on the record publicly when this issue surfaced several months ago saying that I do not support wage freezes for anyone and I am quite happy to restate that now for all of the reasons that I have given. A wage freeze for MPs is quite simply a device used by this Government to impose an unfair wage freeze—more particularly, a wage cut—on low to middle income earners in the Public Service and those least able to afford it.

The Government is seeking to use this device of a wage freeze on MPs and to go to its own employees and say, 'Look what we have done: we have implemented a wage cut'—by accepting a wage freeze, in effect, and it is *ad infinitum* under this Bill. I remind members opposite that this Bill, in terms of ending the nexus between MPs' salaries in this State and those in the Commonwealth public service, is *ad infinitum* with respect to the Bill as it is currently constituted. What we are going to witness is the Government's going to its own employees, through their unions and saying, 'Look at what wonderful things we have done: we have imposed a wages freeze on ourselves and with respect to the rest of you on average incomes of $25 000 a year or less that is justification enough to say that you should not have any wages increases, either, for the next two years according to the budget figures.'

However, there is an enormous difference between imposing a wages freeze on a public servant on $25 000 a year or less and on a backbencher who earns $68 000 in round figures, or, more particularly, a Premier or a Minister who earns in excess of $120 000 per annum. There is no comparison with respect to the impact that it has on the respective families and the lifestyles in particular of the low to middle income earners in the Public Service. So I have no hesitation in saying that I oppose any wages freeze, because the wages freeze on MPs quite simply is a device to try to justify screwing the wages and working conditions of average public servants and their families, and I will have no part of that type of charade.

However, when it comes down to the level of wages for MPs this is essentially a Government issue. It is not something on which the Opposition has any room to manoeuvre or to take a position publicly, because, naturally, the media gets excited about it and says that if we oppose this Bill, we are interested only in ourselves. That is not the case. As I have already explained, we are trying to protect the interests of the low to middle income earners, particularly those working for the Public Service.

This is an issue which has to be resolved from within the Government ranks, and I would hope that, over time, members of the Government will realise the futility of their position because, at the end of the day, they are potentially leading themselves into a wages explosion within their own Public Service. Already we have seen, since the Premier and Treasurer's announcement on a wages freeze some months ago, a Federal wage decision and a State wage decision, both by full benches, which say that public servants will be able to put their hand out, quite rightfully, and, even if they have not been able to secure enterprise bargaining agreements, pick up three lots of wage increases of $8 each over the next 18 months. That will go through. There is nothing more certain than that. So, there will not be a total wages freeze over the next two years because, even if there is no agreement between the Government and its employees on enterprise bargaining, public servants can at least look forward to another $24 per week over a period of some 18 months, and they are entitled to it as an absolute bare minimum, given the fact that they have not had a general wage increase since September 1991.

Whilst the Opposition has indicated it will not oppose the Bill, we do have a number of practical reservations concerning this particular issue. It will not work at the end of the day. MPs know that only too well, but the Government members have been hijacked on this issue by their Premier and Treasurer who, in a knee-jerk reaction to an unsustainable policy of a wages freeze for their own employees, have also enmeshed their own MPs in their same policy.

Mr LEWIS (Ridley): It is my view that this measure does not go far enough. It is also my view that, in due course, once the State's economy has recovered and we have substantially greater rates of increase in employment growth and have reduced our unemployment rate well below that of other States to the point where we are below national average on unemployment rates and above national average on employment growth rates, the nexus should be restored. The other point I make is that at present there is a mood abroad in the Public Service, in my judgment, which says that because this idiot Prime Minister we have (Paul Keating), says it is okay for everybody to have a wage rise, we can go ahead and have a wage rise and there will no adverse consequences.

Let me explain to members of the House, if they do not already realise, that what you pay in any economy in wages will call up a given amount of consumption, but if you divide that amount of money between fewer people then the kind of consumption will be different. That is what we are doing. At present we divide the money between fewer people as wage earners and we have what is called a 'real wage overhang'. Because each job costs too much, in our system those of us who are being paid wages have to pay higher levels of taxation than would otherwise be the case to meet the cost of supporting those who do not have jobs.

The ultimate benefit to Australia is negative. If we were to get rid of the real wage overhang we would most certainly have a more prosperous society and our spending power would be greater, because those people who want to work but cannot at present would then be able to get a job and become productive. The amount of money available to pay wages could be made to equal the cost of wages for the people who wanted to participate in the work force, if the market forces were allowed to come into play honestly and openly in a free market, where there was not coercive, undue influence exercised by either employers or employees in the determination of that wage outcome.

In those circumstances, as an aside, let me say that there needs to be, in law, a minimum wage which employers pay their employees. Some people in some jobs, such as in the racing industry, for instance, are not paid what they ought to be; they need to be paid more than they are. They do not have any award. The union movement does not give a damn about them because they do not belong to any union and cannot afford to pay any union subscription. It does not fit.

If we were to address this question sensibly and properly tonight, as MPs what we would do is not simply take a wage freeze. We would send a message to the public servants that indicated to them—from the judges and CEOs and 2ICs in every department down the line—that general wage levels in this State are unsustainably higher than they should be. Indeed, we cannot afford to continue to go down that path, because it will kill off the economic recovery that is starting and will send us into higher and higher rates of unemployment, both here and nationally. Recovery to this point is fragile. To my mind, the way to send that message to those senior public servants and everyone down the line is for us to take a pay cut, I suggest to 90 per cent of the current Commonwealth basic salary as at 1 September this year, and to retain that lower level of pay for ourselves until we reach the point I explained at the outset of my remarks, namely, that there is a greater rate of expansion in jobs in South Australia than elsewhere in the country and that we are getting a reduc-

tion in the unemployment level in South Australia to the point where it is well below the national average and falling.

At that point, we would know our economy in this State is performing better than is any other part of the nation. Only then should we signal to the work force that increases are permissible so long as productivity gains can pay for them. It is stupid for anyone to think that they can have a greater amount of money to spend if they have not produced more to warrant it, because the collective consequence for Australia, if we pay ourselves more money, is quite simply as follows: we will buy more things but we will not be able to afford to make them for ourselves; we will have to import them. In the process of doing that, we will also have to increase interest rates so that we can borrow the money to finance that additional consumption.

By increasing interest rates we will increase the value of our dollar against other currencies, and that will reduce the amount we can afford to pay at the farm gate and at the factory door of our export enterprises and our import replacement enterprises. That has a devastating consequence on exports, the very engine of the economy that can generate increasing employment. It is devastating to the extent that it decreases employment in that engine, and therefore it follows on and flows through to other parts of the economy, reducing the total number of jobs available in Australia. A pay cut to 90 per cent of the Commonwealth basic salary at the present time is necessary not only for all MPs across the board. Further, all Ministers and other members of the Parliament who have a higher duty component in their pay ought to be setting an example to the rest of the Public Service by taking a cut of 50 per cent of that higher duty component.

It cannot be argued that any Minister or person on higher duty pay works longer hours than a backbencher who is not on higher duty pay; it can only be argued that there may be greater responsibility and that in normal times it is fair to reward that greater responsibility in the fashion that the present formula does. But these are not normal times. The only way we will get the message across to the Public Service, from the top level down, is to show that we are willing to do it to ourselves and will do likewise to them, because to them it could mean not just a freeze but a cut.

The State's budget can then come back into kilter, debt levels can be brought under control, interest payments made, and the delivery of essential public services can continue. It would need to remain in place, and we should have the guts to keep it in place until the State's economy is well and truly on the mend in the private sector, indicated by those things that I have already mentioned, such as increasing job numbers, decreasing unemployment and expanding investment in import replacement enterprises and export enterprises. Then we will know that we are on the right track and will have the capacity to sustain an increase for ourselves and the rest of the Public Service—take it or leave it.

In 1986 Singapore had this problem. Its people did not have the 'British disease'. They did not have the hang-up of class warfare in the industrial arena and they did not come to this country with that bigotry and prejudice which most anglophiles brought with them in one form or another when they came here from the United Kingdom. They took the cut that was necessary, and in less than three years they were able to restore their rates of pay and spending power to the levels at which they had been at the time that they took the cut. They also reduced their unemployment from the position to which it had escalated at about 6 per cent back to less than 2 per cent, which is defined as structural and frictional and cannot be avoided. Indeed, it got down to about .8 of 1 per cent. I am sure all members in this place would like to have an economy in which unemployment was .8 per cent.

The way to achieve it is for us to link wages to productivity and show that we are willing to provide an environment, through example, which encourages investment in the private sector sufficient to do it. Then we will most certainly be seen as a responsible Government and responsible members of Parliament. I believe that before the Christmas after next, within 13 months, if we sent that signal out from this place tonight we would certainly put South Australia back at the top of the States in terms of economic performance where it was years ago.

Notwithstanding my concern about the need for that and the fact that I have taken the trouble to draft amendments to this measure which would provide for it, I have also allowed any greedy irresponsible dolt amongst us to step forward and say, 'I don't want to take the cut; I will take what is there now and take the public odium that goes with it.' But I will not move those amendments; I will simply put my remarks on the record. I do not have the numbers to pass it. However, I do not think it would be responsible of me to say nothing about it, because I would be taking the rest of my salary falsely and irresponsibly.

Mr BRINDAL (Unley): In view of the time, I will not delay the House long. I just want to say two things in answer to the Deputy Leader of the Opposition and my colleague the member for Ridley. I believe that this Government is making a genuine sacrifice. It is not tokenism and it is not being entered into lightly by any member of this Chamber. I put this to the Deputy Leaders of either Party on either side of the House. If the Deputy Leader of the Opposition thinks it is tokenism to forgo a rather large salary increase being taken by most of the other Parliaments in Australia, I would like to understand his definition of 'tokenism' because it certainly is not mine.

I may have got the member for Ridley wrong, but in part of his contribution (and I accept the basis of his logic) he expressed an opinion that he believed it would be greedy and we would have a certain amount of public odium were we not to forsake part of our salaries. I for one reject that concept. We are acting as a Parliament in a responsible manner over this and it is not without cost to ourselves.

People like the member for Peake, the former member for Davenport and you, Sir, who have been here for 20 years, fought long and hard to create a nexus between all the parliamentary salaries in Australia. We are now forgoing that (for good and sufficient reason, we are told) for at least a term. That is what we are choosing: it was established for a reason. It was fought for. If we had kept that nexus I for one do not believe that we should have had any odium or been accused of being greedy for doing it.

I am a bit sick and tired of the number of apologists in this House who believe that we must constantly apologise to the public and the media for the salaries we earn. I make no apology for the salary that I earn, and if any elector in Unley thinks that they can do it better for less money then they have an absolute democratic right to run at the next election. If they beat me they are welcome to sit in this Chamber and to vote themselves a salary decrease. A prophet I am not, but I can confidently predict to this House that there will never be a member for Unley who will come in here and say, 'Now that I am elected I want a 50 per cent cut in our salaries.' When they get here (and it is not because they are foolish or

greedy), they will realise that members on both sides of this Chamber—if they are half reasonable members of Parliament—earn the salary they are paid and probably a lot more to boot.

After all, where can you get a job which is totally non-renewable after four years, and in which you have to be totally accountable to not only every political commentator and journalist in this State but also to every member of the South Australian public who has an opinion, whether they are your electors or not? They all think they have a right to tell you what an absolute fool you are. Where can you get a job where it is constantly open season on politicians, and where no matter how uninformed or bigoted your electors might sometimes admit they are you still have to listen reasonably to their opinions?

Where can you get a job where you have to forsake your family and private life, and often be prepared to have every aspect of your life, including your assets and morals, open to public scrutiny whenever a journalist chooses to do so on the ground that it is serving some prurient often public interest? Where can you get a job where you can be guaranteed to join the ranks of the lowest esteems of all professions, unless it is journalists who sometimes rank even a bit lower than we? Where can you get a job where you are guaranteed to be called almost institutionally insane, if not corrupt, or both, just because you want to offer yourself for public service?

As you know, Sir, we get no long service leave, annual leave, workers compensation and certainly no security of tenure. I remind members that it is one of the very few jobs in public service that is absolutely and completely open to every single Australian citizen over 18 years of age. All of these people who say how greedy and selfish we are, and who accuse us sometimes of being pigs with their snouts in the trough, can at any election run for this Parliament.

If they think we are so bad, they can come here and serve the public themselves. I see them every day of the week, prepared to criticise decent, honourable and honest people—and I think most of us are—who come in here to try to do a good job, but they want to do nothing but carp and criticise. It might be part of the Australian tall poppy syndrome, but it is something of which I am not proud to be part and which I will not stay in here and condescend to perpetuate.

There are in another place people who, whenever there is a pay increase or talk of a pay increase, constantly make political mileage out of saying that they will donate it to charity. I am reliably informed that perhaps for one month they do donate it to charity. Perhaps after the hoo-ha and press have died down there has been a suggestion, which I hope is not true, that they then have a tendency to put it in their pockets and take it, anyhow. I have a little difficulty with that sort of concept. I believe that this measure is adopted by this Government for good and sufficient reason. I hope that in the not too distant future we will see restored a nexus which was fought for hard by members in this place. I hope that when it is restored it is restored responsibly. However, I make no apology at all for the salary which I earn or which any member of this House earns, from the Premier down.

I find it absolutely mind-boggling that the Premier of this State can earn half or one-third what a lot of senior public servants earn. The senior person in this State, the most accountable person, the person who in the last term was almost solely blamed for the State Bank, gets the chop but people earning three or four times more than he earned retire in some type of splendour to Victoria and are never heard of again. I do not understand that system. The labourer deserves his hire and we deserve better than we get, in terms of both remuneration and the respect in which we are held by the public. It is about time every member of this House had the courage to get out into their electorate and tell their constituents that if they think they can do any better they can do it themselves.

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

NATIVE TITLE (SOUTH AUSTRALIA) BILL

Returned from the Legislative Council with amendments.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT (NATIVE TITLE) AMENDMENT BILL

Returned from the Legislative Council without amendment.

LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

Returned from the Legislative Council with amendments.

LAND AGENTS BILL, LAND VALUERS BILL AND CONVEYANCERS BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

ADJOURNMENT

At 11.40 p.m. the House adjourned until Wednesday 30 November at 2 p.m.