HOUSE OF ASSEMBLY

Wednesday 3 April 1996

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

EDUCATION PROGRAMS

A petition signed by 371 residents of South Australia requesting that the House urge the Government to recognise and provide education programs for children with specific learning difficulties was presented by Mr Clarke.

Petition received.

HOPE VALLEY RESERVOIR

A petition signed by 641 residents of South Australia requesting that the House urge the Government not to permit residential development of the lands adjacent to the Hope Valley Reservoir was presented by Mrs Geraghty.

Petition received.

QUESTION

The SPEAKER: I direct that the following written answer to a question without notice be distributed and printed in *Hansard*.

POLICE OFFICERS

In reply to **Mr QUIRKE (Playford)** 28 March.

The Hon. S.J. BAKER: The number of police officers on strength in South Australia as at 31 March 1996 is 3 546. At 31 March 1995, the number was 3 634. Police aides are included. The strength figure fluctuates regularly, being affected by separations, cadet graduations, conversion to and from part-time employment and extended leave periods without pay. A recruit intake of 25 persons is programmed for 29 April 1996. This course will graduate in January 1997.

WASTE MANAGEMENT

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. E.S. ASHENDEN: I wish to clarify to the House today issues related to the two proposed dumps at Highbury. The *Leader Messenger* and its reporter, Joanne Pegg, have confused points made in an interview with me about the two solid waste dumps and the Collex liquid waste treatment plant at Kilburn. This is regrettable as it has caused anxiety among local residents in the area. The reporter asked me a series of questions about Collex and the Highbury dumps, and I responded accordingly. In the article my answers have been juxtaposed.

The Enviroguard proposal is the subject of an environmental impact statement and has been through a period of public consultation. The proponents have prepared a report responding to the issues raised during the consultation period. This report is currently being evaluated. I wish to emphasise that the Government will make the final decision on the Enviroguard proposal once the full EIS procedures have been completed. I also wish to say that the proponents of the Enviroguard proposal have been rigorous in their community consultation.

Because of my previous statements on the Highbury waste disposal proposal, I have delegated my responsibilities relating to the EIS process on this particular proposal to the Minister for Environment and Natural Resources (David Wotton) in order to ensure that there is seen to be no bias in the decision making. The reporter quotes me as saying that I was unaware that an environmental impact statement had already been prepared. This is clearly wrong, as I gazetted my decision to delegate my part in the role in the EIS process to Minister Wotton. It appears that the reporter has confused the East Waste proposal, where there is no EIS, with the Enviroguard proposal, where at the time of gazettal an EIS had already been prepared by the proponent and had been well circulated in the public arena.

I turn now to the East Waste proposal. This proposal is subject to planning and environmental assessment by the Development Assessment Commission. The application has been publicly advertised and the commission will be hearing objections in the next few weeks, as set out in the Development Act. The commission is the final decision maker on this proposal. However, the proponent or objectors can appeal the decision of the commission to the Environment, Resources and Development Court. I have no decision-making role on that proposal, and the commission is an independent body.

The article is confusing as, in the space of two paragraphs, I am quoted as saying that the recommendation will come to me and, in the next paragraph, as saying that the final decision will not be up to me. I am also concerned that the article quotes a Tea Tree Gully councillor, Peter Leue, as indicating that the draft Bill relating to major developments, which is currently out for consultation, could be aimed at fast-tracking both dumps. This is not the case. The councillor is misinformed about the intent of the draft Bill, a copy of which has been sent to Tea Tree Gully council for comment.

In addition, the article sought to link several waste issues, including Collex. This is a totally different situation in that I have announced the preparation of a plan amendment report which involves a two-month public exhibition period. The plan amendment report relates to the development of guidelines for the use of the land; it is not a means of approving the current Collex application. The Development Assessment Commission has already approved the Collex application under the provisions of the Act. The confusion reflected in the article is a clear indication of the need to clarify our planning processes, and that is the intention of my proposed amendments to the Development Act.

QUESTION TIME

MULTIFUNCTION POLIS

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Deputy Premier. How confident is he of a commitment by the Delfin/Lend Lease consortium to begin construction this year on an $850 million high tech housing and new Technology Park development at The Levels, and what will be the State Government's commitment to the project?

In January it was announced that the MFP Board had reached agreement with the Delfin/Lend Lease consortium for the terms of the joint venture to be finalised within 90 days. Mr Brian Martin, the Chairman of Delfin, announced nationally in January that the first stage of the project would incorporate state of the art housing as well as commercial

high technology and telecommunications developments. It was announced that if the joint venture was given the go-ahead in April, the construction phase of the project would begin mid-year, reach its peak in 2½ years and involve about 1 500 construction jobs. I have been informed that for the project to go ahead it would also require a financial commitment by the Federal and State Governments and that the State Cabinet considered a financial package in January.

The Hon. S.J. BAKER: Yes, the further development of the MFP and Technology Park has been under consideration for a long period of time by the former Government and by this Government. We have refocused the MFP to make it a workable and more viable proposition than was previously in place in the swamps of Gillman.

I will give the House the information that I have to date on whether there will be a development and what sort of development will take place at Technology Park. Expressions of interest were called by the MFP into the type of development that would enhance the principles of the MFP, which is basically a conurbation or small township surrounding or adjacent to Technology Park, so there is an inter-relationship—euphemistically called smart city—where the technologies enjoyed by the residents there would be of the highest order and leading edge.

The issue of who would carry out the development was the subject of expressions of interest. Those expressions of interest were received and Delfin/Lend Lease was the consortium which was deemed to have the greatest capacity to carry out any such work. The timing, quantum and style of the future development of the MFP is still under discussion.

The SPEAKER: Questions that would normally be taken by the Premier should be directed to the Deputy Premier. The Deputy Premier will also take questions to the Minister for Health. Questions which would normally be directed to the Minister for Industry should be directed to the Minister for Tourism.

MITSUBISHI

Mr WADE (Elder): Will the Deputy Premier give the House details of the expansion plans announced this afternoon by the Mitsubishi company which herald a new era for motor vehicle manufacturing in South Australia?

The Hon. S.J. BAKER: I thank the member for Elder for his question as he has a great interest, as everyone in this House does, in this subject, because many of his constituents work at Tonsley Park. We all recognise the importance of the Mitsubishi car plant to the State. Today, the Premier and the Minister for Industry, Small Business and Regional Development will be at the launch of the expansion plans. Some $525 million will be spent on the Tonsley plant. There will be 350 additional jobs created as a result of that new focus and further commitment from Mitsubishi to South Australia.

It is a very exciting proposal. We welcome the investment and the partnerships that have been created and developed over a period of time and, indeed, the effort made by previous Governments and this Government, in particular, to improve on that partnership and assist Mitsubishi to make sure that this expansion occurred. It is a great commitment. It also signals the more official launch of exports from South Australia in a far greater way than took place in the past. We welcome that investment which will be outwardly directed rather than domestically directed. The Premier has said on a number of occasions that export is the key to the future of this State.

In conjunction with the expansion and commitment being made by the parent company, there are also some developments in the Lonsdale area. Those members who have southern constituencies will be pleased to know that some $14 million will be invested at Lonsdale. The Lonsdale plant has exported millions of engines to Japan for some considerable time. There will be a further expansion because $14 million will be spent. The whole idea is to increase the productive capacity of that plant, and I understand that the number of engines available for export to Japan each year will be lifted by 44 per cent to 440 000 units. That is another great step in the right direction for employment in this State and for the export effort.

Mitsubishi is vital to the State. At a time when there have been rationalisations in other States in the car industry we have seen further commitments by both our major car manufacturers, which reflects that South Australia is a good place to work. South Australia is a good place to live. It is a place where productivity levels can be higher than interstate. I welcome the commitment of Mitsubishi, and I am sure that every South Australian does, too.

ASSET MANAGEMENT TASK FORCE

The Hon. M.D. RANN (Leader of the Opposition): Given that the Auditor-General has now launched an inquiry into potential conflicts of interest concerning the State's Asset Management Task Force, will the Treasurer advise the House whether he has issued any sets of guidelines, codes of conduct, or directions to the Asset Management Task Force stipulating how potential conflicts of interest between an official's public duty and private interests should be dealt with and, if so, will he make them available to this House and to the Auditor-General? Last Wednesday, I wrote to the Auditor-General requesting that he investigate 'whether there is any potential conflict of interest between Beston Pacific and Dr Sexton's role as Chairman of the Asset Management Task Force'. I said, 'I believe clear guidelines and safeguards must be built into the system.' The Auditor-General, Mr Ken MacPherson, has now written to me confirming that a review of these matters concerning the Asset Management Task Force is now under way and that he will report to Parliament later this year.

The Hon. S.J. BAKER: Whenever the Leader of the Opposition is running a scam or whenever he wants to make a point, what does he do? He says, 'I will ask the Auditor-General to investigate it.'

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: We have seen the Leader of the Opposition on a number of occasions say, 'Look, this is pretty important; this is a critical issue, and I will call on the Auditor-General.' As a public official responsible to this Parliament, obviously, the Auditor-General must respond—and he has responded appropriately. I have observed some of the efforts of the Leader of the Opposition to malign people under parliamentary privilege after he promised faithfully on his heart that he would be a good boy and behave. Everyone can remember the statements he made about equality of standards in Parliament and that he wanted a sin-bin. He would be in the sin-bin five seconds after the start of Parliament. So—

An honourable member interjecting:

The Hon. S.J. BAKER: I will answer the question. I am simply pointing out to the Leader of the Opposition that he is playing a funny little game, which I do not think amuses even his own side of politics. If ever he puts himself at risk of a takeover, these examples will probably be fuel for the fire, because it will be said, 'We will have to move this man, as he is totally untrustworthy.' The guidelines are quite clear—

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: It is quite clear what the guidelines are.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: The Asset Management Task Force clearly understands its responsibilities in this matter, and there has been no breach whatsoever.

MITSUBISHI

Mr WADE (Elder): Will the Minister for Employment, Training and Further Education indicate how an innovative training program in South Australia is assisting in the production of the new Magna which is to be officially unveiled tonight?

The Hon. R.B. SUCH: As the Deputy Premier pointed out, today is a day of celebration for South Australia, not only for Mitsubishi but for the whole work force involved in that company, many of whom live in my electorate, I am proud to say. The export of the new model Magna will create additional employment, as has just been detailed. Many members would not be aware of the contribution that is made by DETAFE in terms of training workers in that industry. In a first for Australia, TAFE is involved in training the work force. These are the non-trades, non-professional people at Mitsubishi and Holden's. This scheme, called the Vehicle Industry Certificate—it has an unfortunate acronym—is producing highly trained people at both General Motors-Holden's and Mitsubishi to the extent that the quality of their products has risen, absenteeism is down, and safety and the morale of the work force have improved greatly.

Other States want to copy that training program, which is, as I have said, a first for Australia and very innovative. I have attended graduation ceremonies at both Mitsubishi and Holden's that bring a lump to the throat because, for the first time, people who have never walked across a stage and been acknowledged for achieving anything receive their Vehicle Industry Certificate in recognition of the skills they have acquired. They build on those skills. Some workers who have had trouble with English are now elevated to a point where they can communicate with their children's teachers and work as a team within their respective motor vehicle plants.

It is a wonderful innovation, supported by both companies to the tune of approximately $10 million for each of the past two years and supported financially by the State Government. When we celebrate this expansion in the Magna export area, we should acknowledge that underpinning that export is a commitment to excellence in training which is reflected in the excellence of the product.

BESTON PACIFIC

The Hon. M.D. RANN (Leader of the Opposition): My question is again directed to the Treasurer. Has the Government entered into any contractual obligation with Dr Roger Sexton, given him—

The Hon. S.J. Baker interjecting:

The Hon. M.D. RANN: I understand your sensitivity.

The SPEAKER: Order! The Leader should ask his question and not comment.

The Hon. M.D. RANN: —any guideline or direction or received from him any undertaking which would prohibit his company, Beston Pacific, from acting for or advising any company bidding or proposing to bid for assets which the Government is selling? If so, what is its nature, and how and when did it become effective? On Thursday 21 March, in response to a question from me about potential conflicts of interest in the operation of the Asset Management Task Force, the Treasurer said that these matters had been discussed and clear directions given. On Wednesday 27 March (the following week), again in response to a question from me about the activities of Beston Pacific, the Treasurer said:

> . . . we have already laid down clear guidelines which have been strictly adhered to that he have no conflicts in relation to asset sales. . .

Will the Treasurer release those guidelines to this House?

The Hon. S.J. BAKER: I have already answered this question. We have a contract with Dr Sexton. It is a straightforward contract concerning what terms, conditions and pay relate to Dr Sexton, just as we do with anyone else that we hire to complete a particular task. A standard set of rules and regulations apply. It is quite clear that there shall be no conflict—

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: The Leader of the Opposition has to make up his mind. If he believes the Auditor-General is the most appropriate person to determine this—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I do not want any more interjections.

The Hon. S.J. BAKER: If we believe what the Leader said before he entered the Parliament for this latest round of the session, he should have been sitting in the sin bin at least three times today. The Leader is like one of these naughty little boys who cannot help themselves because, when someone is answering a question but not answering in the way he wants, the Leader has to interject and show his complete inefficiency and incapacity. It would be nice to answer the question and have the Leader of the Opposition sit and listen. If he wishes to make any statements, there is plenty of pavement outside for him to do so at any time and anywhere he likes.

We have contracts with all the people we engage for particular purposes. A contract has been in place that governs the activities of the head of the AMTF. The board, which is comprised of some of the most distinguished business people around Adelaide, operates over the AMTF and is responsible for its operations. I think we have far more checks and balances in this system than were ever seen by the prior Government.

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: The Leader of the Opposition keeps putting his fishing rod in the water trying to catch something but he is completely on the wrong track. We have clear guidelines and they are adhered to.

AWARD SAFETY NET

Mr BASS (Florey): Will the Minister for Industrial Affairs advise the House of any developments in the State

Industrial Relations Commission concerning the award safety net?

The Hon. G.A. INGERSON: I thank the member for Florey for his question. There has been a lot of discussion about the State Government not being interested in safety nets and specific wage increases for workers in this State. Today the State commission granted the third award safety net increase of $8 and it did so with the support of the Government, employers and unions. This $8 safety net basic increase is also tied to some award restructuring and/or productivity, and that is the issue we have been arguing about ever since we have been in government. It is totally reasonable for safety nets to be increased provided there are obvious productivity offsets and clear guidelines are set so that South Australian workers and employers covered by the State commission are able to get fair and reasonable changes. Safety net increases have totalled $24 since the Government has been in power and it is clear that the Government has supported all the safety net increases that have occurred at State level—the three $8 increases.

Members interjecting:

The Hon. G.A. INGERSON: I am fascinated by the Deputy Leader, who is always out there getting stuck into the Government on industrial relations but here we have an increase supported by the Government, a basic safety net increase, and he is still complaining. I am staggered that he is still complaining. This purely and simply puts the lie to all the comments by the Deputy Leader and the union movement: the State Government is prepared to support safety net increases for all workers covered under the State industrial relations system.

PETROL PRICES

Mr ATKINSON (Spence): My question is directed to the Minister representing the Minister for Consumer Affairs. Will the Minister ask the Commissioner for Consumer Affairs to inquire into retail petrol pricing in South Australia during Holy Week and Easter to investigate whether consumers are being exploited? During Holy Week many motorists notice a steep rise in petrol prices just as they prepare to leave Adelaide for their long weekend or as they travel in regional South Australia. Media reports today claim prices for a litre of unleaded petrol have increased from about 68¢ earlier this week to about 75¢, while super has climbed from 70¢ to 78¢.

Under the Fair Trading Act, the Minister has the power to refer matters concerning consumers to the Commissioner for a report. The Commissioner has the authority to monitor business activities and investigate practices that may be adverse to consumers.

The Hon. S.J. BAKER: Some unusual movements do occur in petrol pricing at Easter and Christmas time, and some suggestion has been made that it also happens on pension days. The Federal Government is now involved in an official inquiry to determine whether anomalies are occurring in the pricing system. I will have the question examined. I am not sure whether the Department for Consumer Affairs would be involved in that process, but I will have the honourable member's question examined.

The member for Spence might well have given us a timely reminder—and we are always reminded when we look at petrol pump prices—and it may be appropriate for the Federal inquiry, if it is not already doing so, to look at the question of these cyclical, seasonal or unusual movements in prices, because they have certainly been the subject of great complaint. It seems that, when motorists need petrol at certain high points of the year, petrol prices invariably go up. It is a relevant question. I will have the matter examined and I will bring back a reply for the member for Spence.

FOSTER CHILDREN

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for Family and Community Services.

An honourable member interjecting:

Mr BROKENSHIRE: That is right. Will the Minister respond to claims in the southern suburbs about the impact of a new foster care village for children under the age of 10? A number of claims have been made about the construction of family-type homes by an international children's charity to provide alternative care opportunities for foster children. A recent newspaper report in the southern area quoted one woman saying that she did not want her children mixing with foster children and that foster children should be kept away.

The Hon. D.C. WOTTON: I thank the member for Mawson for the question and I also recognise the significant interest in this issue taken by the member for Kaurna. I am absolutely astonished at some of the ill-founded, hysterical and irrational outbursts we have seen and heard over these foster homes at Seaford Rise in recent weeks. I refer to one comment attributed to a resident who said she would not tolerate foster children associating with her children. She is quoted as saying:

> If these foster kids have been sexually abused or beaten or in trouble with the law, then I don't want my kids mixing with them.

As the Minister who is the official guardian of some 1 200 children in South Australia, I find these comments totally offensive. What sort of society can turn its back on children who need help, children who have been victims of circumstances over which they have had no control during their lives? No society in the 1990s has a right to treat children of any age as lepers or as outcasts. What is particularly hard to take is that we are talking, in many cases, about children under the age of 10, including toddlers as young as three years of age or less. These comments come as a direct result of the tacky scaremongering by the Opposition, in particular the member for Elizabeth—

Members interjecting:

The SPEAKER: Order! There are too many interjections on my right.

The Hon. D.C. WOTTON: —and a southern ALP candidate, Mr John Hill, who have gone out of their way to incite levels of unfounded fear and social prejudice in this matter. Society in the 1990s cannot afford outcasts, regardless of creed, religion, race, background or parental background. Heartless outbursts can have major social consequences for those children, particularly when we have foster children in many areas of the State. I was particularly interested to hear one of the directors of the children's village on radio last week responding to criticism over lack of consultation in relation to the children's village, which is a private undertaking and not one commissioned by this Government, as has been suggested by the Opposition.

The Director said consultation had included liaising with the Sales Information Centre at Seaford Rise, sending out fliers to the local community, liaising with the Seaford Rise Residents Association, with churches in the area, headmasters and, indeed, holding a public meeting in the area in December last year. I was also interested to learn that liaison included the Department for Family and Community Services,

interestingly enough, in 1993, during the term of the previous Labor Government. The welfare of foster children and children in care is and must be paramount in this State. Important checks and balances are in place, and facilities such as SOS Children's Villages need to meet strict operating criteria and accreditation. Surely this is an example where we can put aside politics and put the welfare of children first.

GOODWOOD ORPHANAGE

Ms HURLEY (Napier): Will the Treasurer intervene in the dispute between the residents of Unley and the Government over the decision to sell land at the Goodwood Orphanage to the House of Tabor, and will he say why the Government did not first offer the land for sale to the Unley city council? Unley residents are opposed to a deal negotiated by the Minister for Education to sell one-third of the land at the Goodwood Orphanage to the House of Tabor to construct multi-storey facilities, including a 500-seat auditorium.

The area is currently leased under an agreement signed by the Premier, when he was Minister for Works in 1982, to the Unley council as open space until 2003, with a right of renewal for a further 21 years. Last night, the member for Unley and Parliamentary Secretary for Education told a public meeting attended by 300 people that he would not 'trust any Government' and that 'if necessary, this Government would sell its grandmother'. Today, the member for Unley refused to rule out that he may run as an independent Liberal candidate for Unley.

The Hon. S.J. BAKER: The complete gall of this Opposition! I thought the member for Napier had a little more integrity than the member for Elizabeth, but obviously the problem is just shifting a little across the bench.

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart.

Mr Venning interjecting:

The SPEAKER: Order! The member for Custance is completely out of order, and I warn him, too. I suggest to the member for Hart that he is aware that improper motives cannot be made across the Chamber.

The Hon. S.J. BAKER: The question is in yesterday's *Hansard*, if the honourable member wants to read it. At least the honourable member could do her homework without raising all this innuendo and making other disgraceful reflections. We should just remember that, when we came into Government, a process was in train, and the process said, 'If you want to improve your school buildings, there has to be a quitting of property to make that possible.'

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles interjected and said that he wanted to sell his grandmother. I am not sure that that is what he wants to do, but that seemed to be the nature of the interjection. The important point is that, when we came into Government, we were committed to the improvement of the education system, including the buildings. We were not left with any budgetary discretion because of the State Bank and other disasters of the previous Government. We have consistently had a policy which provides that, if there is property to be sold, it gets put back into the education system for the benefit of our children. That is exactly what is happening. Therefore, the surpluses in some areas which are excess to needs are being used for the benefit of others. Who can question that? I, as Treasurer, applaud that.

MAD COW DISEASE

Mr BUCKBY (Light): Will the Minister for Primary Industries inform the House about of possible ramifications to the South Australian beef industry from the problems being experienced in Britain with mad cow disease?

The Hon. R.G. KERIN: I thank the member for light for his question, and no doubt he has heard some of the speculation about the possible impacts of mad cow disease on the local industry. Mad cow disease has never been recorded in Australia. The disease, where it does occur, has not been found in milk or meat, and it is not transferred from cow to cow but, rather, by the ingestion of offal. That is one fact that has not become clear in the publicity. I have confidence that our quarantine restrictions in Australia will continue to protect our stock and, as an extra measure, there is an Australian veterinary emergency plan in place for mad cow disease, if it was ever needed. The marketing ramifications for South Australia are mixed.

Whilst the publicity of the unfortunate situation in Britain certainly will not help the beef industry and may turn some people off it, obviously the ban on British cattle into many countries will have some effects on the market. For some time now, beef prices have been low world-wide because of the over supply of United States beef, and the inevitable stopping of supply out of Britain may have some effect on that. The Federal Minister for Primary Industry, John Anderson, has already sought information on potential increases to our quotas into the EU, and I look forward to meeting with him next week to discuss any opportunities that might arise for South Australia and Australia out of the unfortunate circumstances in Britain.

FOSTER CHILDREN

Ms STEVENS (Elizabeth): Will the Minister for Housing, Urban Development and Local Government Relations investigate how SOS Children's Villages obtained approval from the Noarlunga council to construct a village to care for 40 foster children without public notification of the project? Following calls from Seaford residents for the village to be stopped, the member for Kaurna presented a report on the project to a public meeting last night. The report revealed that SOS Children's Villages had lodged 11 separate applications for 11 separate houses as part of this development. It also revealed that, although there was clearly an association between the houses, they fell into the definition of a 'detached dwelling' and were exempt from public notification under the Development Act regulations. On 19 March, the Minister for Family and Community Services told the House that, although he supported the development, he had no responsibility to consult the community. The Minister said:

> There is some concern in the local community, but it is not for the Government—

The SPEAKER: Order! There are too many interjections.

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. Is this a second reading speech or a grievance speech? Comment is being made, as is the normal habit of the member for Elizabeth.

The SPEAKER: The Chair was coming to the same conclusion as that of the Deputy Premier. I ask the member

for Elizabeth to round off her explanation as briefly as possible. Question Time is a time not for statements but for asking questions.

Ms STEVENS: The Minister said:

There is some concern in the local community, but it is not for the Government to be carrying out consultation in the local area.

The SPEAKER: Order! That is a comment. The honourable Minister.

The Hon. E.S. ASHENDEN: I could not hear all the question that was being asked. I understand that the honourable member made a statement to the effect that planning approval had not been given for these houses. Once again, she has got it absolutely wrong. SOS Children's Villages has purchased 13 allotments priced between $24 255 and $36 555 with prices varying depending on the size of the allotment. Here comes the cruncher. The Seaford Joint Venture approved that the conditions of encumbrance had been met by the building application lodged by SOS Children's Villages. Planning and building approval was granted by Noarlunga council in December 1995 and construction is now under way. So much for the honourable member stating that approval was not given!

Let us look at what SOS Children's Villages is all about. I think that the member for Elizabeth should hide her head in shame for picking on an organisation like this which is trying to help those who are not in a position to help themselves. SOS Children's Villages is a world-wide humanitarian organisation, incorporated in South Australia, which provides long-term foster care for children in need.

Ms Stevens interjecting:

The SPEAKER: Order! I warn the member for Elizabeth. I will not speak to her again.

The Hon. E.S. ASHENDEN: The honourable member is obviously embarrassed that the facts are now coming out, because the last thing that she ever worries about is the facts. She is picking on an organisation which is doing a marvellous job for children in need in our community.

An honourable member interjecting:

The Hon. E.S. ASHENDEN: Exactly. It is a world-wide organisation, it is non-political (which is more than I can say about the member for Elizabeth), non-racial and non-denominational, and it has substantial experience in the provision of care for children in need.

SOS Children's Villages initially approached the Department for Family and Community Services and non-government agencies in March 1993 to seek feedback on the proposal. Once again, it consulted, even though the honourable member says that it did not even seek planning approval. Following support by the department, the venture went ahead along the lines I have already outlined.

Let us look at what it is doing. In December 1995 SOS settled on 13 allotments. How are they being used? Eight individual family homes provide for up to five children each. Children are below 10 years of age when they arrive and families are established gradually, not all at once.

We can see how interested the honourable member is in the answer: she is turning around and not even listening to it. All she wanted to do was get a bit of coverage on television. She is just not interested in the truth at all. The children who go there are under 10 when they go into the family. It will be a gradual introduction for these children. This service is doing a magnificent job. Children are encouraged to live in the houses until they reach maturity. So much for the nonsense of saying it is stop-gap, stop-start and this and that!

All children are referred by the Department for Family and Community Services, all carers are carefully selected and approved by the department and extensive training and professional support are provided. Families will integrate with the local community through schools, kindergartens, churches and clubs. The families are living in high quality, four-bedroom homes with private gardens. SOS is trying to provide children who would not normally have this opportunity with a decent home. I, as Minister, and the Government fully support what that organisation is doing. I only hope that it will expand into other areas.

STATE RESCUE COMPETITION

Mrs KOTZ (Newland): Will the Minister for Emergency Services advise the House which highly proficient and professionally skilled South Australian State Emergency Service brigade won the State rescue competition held at the CFS training centre at Brukunga at the weekend?

The Hon. W.A. MATTHEW: I thank the member for Newland for her question and genuine interest in the State Emergency Services provision within her electorate. On Saturday I had the opportunity to visit the State Emergency Services championships being held at Brukunga. This facility, which has been developed near Nairne in the Adelaide Hills, was developed by the Country Fire Service, and is now also used by the Metropolitan Fire Service and the State Emergency Services for training exercises.

I had the opportunity to watch competitors in action as SES units from the eastern suburbs, Happy Valley, Metro South, Tea Tree Gully and Western Adelaide competed for the honour of being competition champions. I was particularly pleased that the SES selected Brukunga as the ideal location for its biennial competition this year. Indeed, this is the first time that the competition has been held at that location. This facility was originally developed by the Country Fire Service in 1990 and was funded from a significant bequest by the late Mr Don Schultz, who enabled the CFS to purchase the Brukunga site.

This facility is now being used by the Metropolitan Fire Service for training services and, more recently, by the SES. Fire-fighters have the opportunity to deal with real fire situations involving petroleum, LP gas and house fires. Having had the opportunity to see this facility in use for fire-fighting exercises, I know how realistic the fire-fighting can be. Gone now are the times when fire-fighters did not see their first fire until it was a real one. They can train at Brukunga and experience a fire situation before they face the real thing. All of this training will eventually be put to the test in real life. South Australians can be reassured by the knowledge that their emergency services have such training opportunities to gain the skills that they must put into effect when they need them most.

I am pleased to advise the House that the winning SES unit was Tea Tree Gully, with which the honourable member has a very close association. That unit now has the opportunity and the honour to represent South Australia in the National Disaster Rescue Competition, which will be held in Brisbane between 8 and 10 June this year.

Even further, the Tea Tree Gully brigade is undoubtedly going into these national championships as the firm favourite, because it is the current reigning national champion of the National Disaster Rescue Competition, which was last held in Adelaide in 1994. Needless to say, this unit is determined to retain its national title. I also remind members that last year

I announced plans to establish joint training facilities for South Australia's emergency services agencies. The use of Brukunga by three agencies shows that we are now moving very firmly down that policy road.

In addition, I announced that emergency services training would be amalgamated at one site. The police Minister and I together are expediting the use of the Fort Largs facility as a joint training facility for all emergency services. Under this proposal, agencies will share common infrastructure, such as health and physical training facilities, lecture theatres and dormitory facilities. This will be funded through the sale of a number of properties, including the Correctional Services Barton Terrace training centre at North Adelaide, the Metropolitan Fire Service Brookway Park training centre at Campbelltown and the Ambulance Service training centre at Felixstow. Disposing of those properties and focusing training at one site will provide the opportunity for the Government to upgrade further the excellent facilities at Brukunga and the facilities at Fort Largs to better meet the training needs of the South Australian Police, Correctional Services and State Emergency Services, Country Fire Service, Metropolitan Fire Service and Ambulance Service personnel.

PARKS HIGH SCHOOL

Mr De LAINE (Price): My question is directed to the Minister for Employment, Training and Further Education, representing the Minister for Education and Children's Services. Following the Government's decision to close The Parks High School at the end of this year, where does the Government intend to place the 16 disabled students in wheelchairs from Regency Centre who attend the school? There is no other school in The Parks area with facilities to cater for wheelchair students. The Parks High School is specially equipped to cater for wheelchair students, including the provision of a lift, and it is estimated that it will cost a minimum of $1 million to provide similar facilities at another school.

The Hon. R.B. SUCH: I will obtain a detailed reply for the honourable member, but he can rest assured that they will be catered for in the same way as we cater for other young students with disabilities, whether or not they are in wheelchairs.

AUSTRUST

Mr OSWALD (Morphett): Will the Treasurer inform the House of what progress the Government has made in selling the trustee company Austrust?

The Hon. S.J. BAKER: This is another success for the Asset Management Task Force. On each occasion that it has had a sale to transact, it has done it with a great deal of professionalism and, indeed, the results are there for everyone to see. This sale is no less. Members would recognise that the sale of SGIC for $169.9 million exceeded the expectations of the Government and, certainly, those of the Opposition. In respect of the sale of Austrust, a contract for sale was signed in December for $41.2 million with the Tower Group. That was subject to due diligence and tick-off by the Foreign Investment Review Board as well as other regulatory matters that had to be satisfied before that transaction could be completed. The transaction was completed successfully; the deal has been done.

Importantly, for South Australia, as Tower does not have a large profile in this State—in fact, not in the trustee area at all—this is the opportunity for South Australia and Tower to launch trustee products onto the Australian market. We already have offices in Victoria, Western Australia, New South Wales and the Northern Territory. South Australia has a presence with Austrust which will be further enhanced by the investment of the Tower Group which purchased the building and retained the employees. It is a great result for South Australia to have a company of Tower's substance. I remind members that Tower is a very sound group based in New Zealand. It has assets under management of $4.5 billion. It is a worthy addition to South Australia's inventory of financial institutions. We welcome the closing of the deal and the payment of the cheque.

FAMILY AND COMMUNITY SERVICES DEPARTMENT

Ms STEVENS (Elizabeth): My question is directed to the Minister for Family and Community Services. Is the Government conducting a review into the security of documents in the Department of Family and Community Services because the Minister has been embarrassed by his failure to allocate anti-poverty funding? On 23 February this year I issued a statement critical of plans by the Government to cut anti-poverty funding and critical of the Minister for failing to allocate funds advertised in October last year. On 2 April I received a letter from an investigations officer from the Attorney-General's department, as follows:

> I have been instructed to conduct a review of document security within the Department of Family and Community Services. . . A news release issued by your office on 23 February, titled 'Wotton sits on his hands with funds until after election' would indicate that you may have been in possession of information concerning anti-poverty funding, which had not been publicly released.

The Hon. D.C. WOTTON: I have instigated a review of documents, and the member for Elizabeth knows the reasons why.

HOUSING TRUST GARDENS

Mr SCALZI (Hartley): My question—

Mr Quirke: Stand up.

Mr SCALZI: Some are noticed for being tall, some are noticed for being short, and some are not noticed at all.

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

Mr SCALZI: Will the Minister for Housing, Urban Development and Local Government Relations advise what initiatives the Housing Trust has taken to encourage its tenants to develop water efficient gardens?

The Hon. E.S. ASHENDEN: I am delighted to apprise the House of a scheme that the trust has just entered into which will have a lot of positive benefits—one of which is publicity for water efficient gardens. A garden competition is now under way. Certainly, the Housing Trust has had these competitions in the past, but this competition will emphasise environmental considerations and water conservation. All tenants have been sent entry forms in a number of categories. One category is the dry garden with emphasis on water efficiency; and another is the most creative garden. Other categories include: gardens using innovative design; gardens designed for the use of young families; and the work that those who lack mobility have done in their garden. There is a whole range of categories. I am not a green-fingered person,

so I emphasise that we are providing an opportunity for those who put effort into their garden, even if they do not have expertise, to reap some reward when setting out their gardens.

We will also assess the way in which tenants use such maintenance aspects as composting, cultivation and pruning. Prizes totalling $30 000 will be available, with the winner receiving a prize of $2 000. I point out to the Deputy Leader that within his electorate in Kilburn there is a home which has a model dry garden that we use throughout the Housing Trust as an example of what can be done. We are rewarding effort and enthusiasm as well as expertise by concentrating on a number of environmental aspects. In closing, it is important to note that the 1994 winning garden was used as an example on *Burke's Backyard*. Obviously, the standard that can be achieved in these competitions is very high indeed.

ADELAIDE CITY COUNCIL

Ms HURLEY (Napier): Does the Minister for Housing, Urban Development and Local Government Relations agree with the statements of Adelaide Lord Mayor, Henry Ninio, that Adelaide City Council should not merge with any other council and that its boundaries should remain unchanged despite the local government reform process? Monday's media reported Adelaide Lord Mayor Henry Ninio as ruling out an amalgamation of Adelaide City Council with any other council. The Local Government (Boundary Reform) Act was passed late in 1995 to achieve a reduction in the number of councils and to improve efficiency in the provision of local services.

The Hon. E.S. ASHENDEN: I note that the member has referred only to the comments made by the Lord Mayor. It is also important to take into account the recent decision of the council as a whole, which, of course, voted to set up a committee to examine whether or not the council should consider amalgamation. However, the honourable member is also well aware that under the Act to which she referred it will be up to the board to determine what action, if any, will be taken in relation to Adelaide City Council.

KING GEORGE WHITING

Mrs PENFOLD (Flinders): Will the Minister for Primary Industries inform the House of what is being undertaken to protect the valuable whiting fish stocks in South Australian waters?

The Hon. R.G. KERIN: I thank the member for her question, and we know of the importance of commercial and recreational fisheries in her electorate. The latest grant to finance research into King George whiting has been received by SARDI and amounts to $460 000 from the Fisheries Research and Development Corporation. The research seeks to determine the true status of stocks in South Australia. This is vital for the sustainable management of the fishery. The research will be conducted at SARDI's aquatic science centre at West Beach. Issues that will be examined include: an assessment of reproductive stocks; the size and location of spawning grounds; information on the growth, mortality and movement of adult fish; and habitat degradation. An up-to-date assessment of the status of stocks is crucial, and the three-year study will provide a comprehensive understanding of the biology and life history of King George whiting. That is vital information for both commercial and recreational fisheries.

The commercial value of the King George whiting fishery is about $6 million to the State. There is an estimated take of about $200 million worth of fish by the recreational sector. As it is Easter, it is timely to remind people of the size limits for King George whiting. The legal length was increased from 28 centimetres to 30 centimetres in September last year, and the recreational bag limit is 20 fish per person per day with a boat limit of 60 fish. I encourage all fishermen to adhere to those limits and to enjoy fishing over the Easter period.

WORLD BOWLS CHAMPIONSHIP

Ms WHITE (Taylor): My question is directed to the Minister for Tourism. How many spectators attended the recent 14 day World Bowls Championship in Adelaide, and what was the level of Government sponsorship of that event?

The Hon. G.A. INGERSON: I thank the honourable member opposite for the first question on tourism today. Obviously, tourism does not have a very high priority in the mind of the Opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Don't get excited; I will tell you. I am advised that the World Bowls Championship was attended by 38 000 to 40 000 people. The exact figures have not been finalised. The Government, through the Australian Major Events organisation, was the major sponsor to the tune of $250 000. Some money was contributed by ETSA in terms of undergrounding the electricity lines in the street and into the venue. I may have to correct this figure, but I think about $200 000 went into the upgrading and backing of the rinks and the general surroundings. I will have that figure checked, but I think that is the final amount.

KOALAS

Mrs PENFOLD (Flinders): My question is directed to the Minister for the Environment and Natural Resources. What steps have been taken to check the claim that Kangaroo Island koalas have been illegally sold overseas, in particular to South Africa? The Leader of the Australian Democrats in another place (Hon. Mike Elliott) claims that commercial interests have stirred up the recent Kangaroo Island koala row and that there may be evidence to suggest illegal trade in koalas overseas, fetching over $5 000 per head.

The Hon. D.C. WOTTON: I note the interest of the member for Flinders in this matter. I take seriously the Hon. Mr Elliott's allegations of a Kangaroo Island koala conspiracy, because I can think of no greater crime than the kidnapping of our wildlife. After all, you can imagine the consequences—

Mr Clarke interjecting:

The SPEAKER: Order! I suggest to the Deputy Leader that, as this is the last sitting day before Easter, he not join another well known member and have to leave early.

The Hon. D.C. WOTTON: I think the Deputy Leader should be culled. I can think of no greater crime than the kidnapping of our wildlife. After all, you can imagine the consequences if we cannot ensure a safe passage for the Easter Bilby this weekend let alone the thought of Blinky Bill being smuggled out under the cover of night. Seriously, my department has no knowledge at all of any substance behind the claims of the Hon. Mr Elliott. My department views the illegal trade of wildlife in any form as criminal—which it is.

That is why my department has attempted to meet with the Hon. Mr Elliott—so that his claims can be investigated by trained and skilled inspectors. Unfortunately, whether these claims are fact or fantasy is still a mystery, because the Hon. Mr Elliott has yet to pass on any relevant information more than a week after making his claims. I am told that he is still checking the credibility of his source. If it takes a week to check that, there must be something missing.

State laws prohibit the live trade of wildlife—and I imagine that all members would recognise that. It can proceed only with Federal approval, and as we know the Federal laws governing this activity are extremely restrictive. Issues of animal welfare and the risk of disease are also involved. My department is in constant contact with Federal authorities, including the police and customs, on the issue of the illegal wildlife trade. For the sake of the Easter Bilby and Blinky Bill, I hope the Hon. Mr Elliott can provide information to ensure that appropriate action can be taken if these claims are true. I suggest that, before the Hon. Mr Elliott makes such claims again and causes the amount of concern that has been created as a result, he needs to have his facts right to be able to put them to the appropriate authorities.

KICKSTART FOR YOUTH

Ms WHITE (Taylor): Will the Minister for Employment, Training and Further Education proceed with an evaluation of the KickStart for Youth program as he indicated when the pilot program was set up last year; if so, will that evaluation involve regional board representatives, industry representatives and community stakeholders; and will he table those findings in this place?

The Hon. R.B. SUCH: We are continually evaluating all our programs. KickStart is working very well. I have no grave concerns about what is happening now or the direction in which it is being channelled. As I said before, we continually monitor all the programs we are conducting, and we would be remiss if we did not do that.

WORLD BOWLS CHAMPIONSHIP

Mr BECKER (Peake): Will the Minister for Tourism advise the House whether the 1996 Sensational Adelaide World Bowls Championship held in Adelaide from 18 to 31 March achieved the sort of international coverage that would normally be expected of a world championship?

The Hon. G.A. INGERSON: I thank the member for Peake for his question, and I also thank him and other members who attended the World Bowls Championship in support of the Government—it was good to see members there. It was one of the most exciting games I have ever seen in terms of skill: it was a very slow game in terms of pace, but the skill level was quite incredible. I would also like to take this opportunity to congratulate the Lockleys Bowling Club. Over a period of 12 months volunteers at the club have put a tremendous amount of time into supporting the Major Events group and putting on this particular event.

In reply to an earlier question, some $250 000 was spent by the Government as a major sponsor of Sensational Adelaide. If you spend that sort of money, obviously you need to get pretty good value. There were 30 hours of international television generated out of that event. The broadcast was a credit to the ABC. I do not often congratulate the ABC, but over the past three months with its coverage of the golf, the rugby 7s and now the bowls, the ABC and its staff, headed by Pat Furlong, have done an absolutely fantastic job in promoting sport throughout Australia and internationally. It is suggested that some 700 million people had the opportunity to see the coverage in the areas in which it was broadcast. The United Kingdom, Europe, India, Israel, South-East Asia, the Philippines and New Zealand are among the countries in which it was broadcast.

All the networks have received national and international promotional packages, and it is estimated that the benefit to South Australia is $7.5 million. In the seaside suburbs of Adelaide, almost every motel and hotel was filled, and it was almost as big as the Festival of Arts in terms of the number of people who came here: there were 1 000 visitors and 38 000 to 40 000 people attended the event. As I said, it is estimated that there was $7.5 million of economic activity. The $250 000 spent by the Government through Major Events on promoting an event of this type is very beneficial for Adelaide, particularly with the logo of Sensational Adelaide being used not only on television but on all the clothing worn by the players.

MEMBER'S REMARKS

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

Leave granted.

Mr BECKER: My attention has been drawn to some comments made in my name during the Grievance Debate of 26 March (page 1253 of *Hansard*). I said:

> The little Mafia member standing for the Labor Party in Peake. . .

I withdraw my comment unreservedly and apologise. However, in doing so I register my strongest protest at rumours and innuendo during the latter part of the recent Federal election campaign and since concerning me and alleged supporters of my Party of ethnic origin in my electorate. May this be a lesson to the member for Spence who constantly makes inane interjections.

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: In a question today the member for Napier alleged that at a public meeting at the Goodwood Orphanage last night I said that this Government would sell its grandmother if it had its chance. What she did not bother to inform the House about was the preceding statement in which I said, 'Given the financial situation in which this Government—

Members interjecting:

The SPEAKER: Order! The member for Unley has been given leave to make a personal explanation and he is entitled to do so without interruption.

Mr BRINDAL: I repeat: what she did not bother to say was my preceding statement, 'Given the financial situation in which this Government finds itself.' As it so happens, that was greeted by a rather large groan, which clearly denoted a general lack of trust in politicians. While I do not have a transcript in front of me, I went on to refer to that lack of trust in us all and in Governments in general. I even alluded to—

Members interjecting:

The SPEAKER: Order! The member for Unley has the call.

Mr BRINDAL: —myself by saying, 'Perhaps you do not even trust me as your local member.' I went on to acknowledge that this was their right and that, were I in their position, I might well share that lack of trust, given the way that members carry on in this House. Finally, the member for Napier said that the member for Unley would not rule out running as an Independent. I assure you and the House, Sir, that my commitment is towards the platform and concepts of liberalism. I acknowledge my debt to the Liberal Party of South Australia in giving me an opportunity to be its candidate in Unley. However, my seat in this place, the seat I occupy, I hold by contract with the people of Unley. It is at their hand—

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: —or the hand of such other electors in the future that my fate will be determined in whichever seat I seek to be a candidate. Thus, while I did not rule out running at the next election as an Independent, neither did I rule out not running and most importantly neither did I not rule out running as the Liberal member for Unley, endorsed by the Liberal Party, seeking to keep it a Liberal seat against encroachment by the Labor Opposition.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the twentieth, twenty-first and twenty-second reports of the committee and move:

That the reports be received and read.

Motion carried.

Mr CUMMINS: I bring up the twenty-third report of the committee and move:

That the report be received.

Motion carried.

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

GRIEVANCE DEBATE

Ms STEVENS (Elizabeth): On 2 April this year I received the following letter from the Government Investigations Unit of the Crown Solicitor's Office:

Dear Ms Stevens,

Re: Department for Family and Community Services—Review of Document Security.

I am a Government investigations officer from the Crown Solicitor's Office of the Attorney-General's Department. I have been directed to conduct a review of document security within the Department for Family and Community Services. As the Opposition spokesperson on family and community services, I am sure that you appreciate the need for the highest security and confidentiality whilst dealing with what can be particularly sensitive information. A news release issued by your office on 23 February titled 'Wotton sits on his hands with funds until after election' would indicate that you may have been in possession of information concerning anti-poverty funding, which had not been publicly released. In relation to the same issue, a representative from the Norwood Community Legal Service has alleged you told him you knew the information contained in your press release was 'absolutely accurate' as it had been checked.

As a component of my review on behalf of the Department of Family and Community Services, I would appreciate the opportunity to discuss this matter with you, however I remind you that you are under no obligation to cooperate. Should you be prepared to discuss this matter could you please contact the undersigned or phone 207 1569 to arrange an appointment time suitable to yourself. Yours faithfully, Barry Forster, Government Investigation Officer.

I would like to make some comments in relation to that letter.

An honourable member interjecting:

Ms STEVENS: I would be very pleased to hear the Minister's comments. First, I make the point that the writer refers to 'particularly sensitive information'. The 'particularly sensitive information' to which he refers was a funding matter: it was not a matter such as the death of a child or of similar sensitivity. I would like to say—

The Hon. D.C. Wotton interjecting:

Ms STEVENS: The Minister is calling out. I will not be intimidated by this Minister or any other Minister, or the Government Investigations Office. This matter is very close to a breach of privilege. People need to understand that we, as members of Parliament, have an unfettered right to comment, to question and to raise issues in the public interest, and that is precisely what I was doing and precisely what I will continue to do. I am constantly in receipt of information from the Minister's department, because many issues are not right. There is no way that I will not raise these issues in the public interest so that people know what is going on in this State.

I certainly will be informing Mr Forster that he can save his breath and his paper, because there is no way that I will be having a conversation with him in regard to these matters. I can assure the House that I will continue to raise the concerns of people in this State regarding family and community services, health and other areas that people bring to my attention. Instead of the Minister's instigating a witch hunt in his department about how the shadow Minister obtained information about the appalling debacle surrounding this funding, he might institute a witch hunt about how on earth it got to this stage.

I remind members that submissions in relation to funding were due in October last year. Groups were asked to submit their applications before they had even received the guidelines for funding, but the department stuck to the date for receipt of applications. Believe it or not, they still do not have the information today, 3 April. They do not know where they are going. Community groups in South Australia are still uncertain about their futures.

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

Mr SCALZI (Hartley): Today I would like to reflect on the Easter break we will all enjoy in a few days. I start with a story I told in a speech that I made on 3 March 1996 at St Francis Xavier Cathedral hall on the inaugural multi-faith day, which had representation from the Baha'i, Buddhist, Christian, Hindu, Islamic, Jewish, Aboriginal, Sikh and unitarian faiths, and people generally who support our diverse community. The story is as follows. Two gentlemen—an Englishman and an Indian—went to a cemetery in India on the same day. I acknowledge that this story was made up by Mike Claessen's father, who was a superintendent in the Education Department. The Englishman placed some flowers on his father's grave and, shortly after, an Indian brought a bowl of rice for his mother's grave. After a while the Englishman turned around and said, 'Excuse me, old chap, I do not mean to be rude, but when do you think your mother will eat the rice?' To that the Indian gentleman replied, 'At the same time your father smells the flowers.' We truly are a multicultural society, but we cannot express that multiculturalism unless we acknowledge that we are also a multi-faith

society, because our diversity, acceptance and individual identities are directly related to our spirituality. I had much pleasure in representing the Premier at that multi-faith day, because it brought home to me the importance of the spirituality we all experience in one way or another.

In reflecting on this Easter break, it is important to acknowledge that spirituality. It is also important to acknowledge that, for a significant number of Australians, Easter is still one of the holiest periods in their lives and in the calendar year. It is a holiday break, it is a celebration, it is Easter eggs, it is Oakbank, and it is a time to relax, go fishing and spend time with family. But if we are truly a multicultural society—as I believe we are—we must acknowledge that multi-faith dimension and recognise that, for a significant number of us, it is still a holy period. I believe that should be reflected in the tolerance of people towards others who are celebrating Easter in that way.

At times when people of other faiths celebrate their holy periods, it is important that we, as a true multicultural society, respect their deep faith during that period. Last Sunday I was fortunate to attend the Palm Sunday Peace March, because it is important to reflect on the state of the world and what is happening with world peace. Sadly, many places in the world are not as fortunate as Australia. That fact was brought home to me when Dr Daryl Teague said at the multi-faith day that landmines are killing and maiming thousands of civilians in 62 countries around the world. He pointed out that 44 countries still make mines, with 95 manufacturers producing 5 million to 10 million mines annually. It is important to reflect on that as well as the carnage that takes place on our roads.

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

Mrs GERAGHTY (Torrens): Currently the State is experiencing an industrial dispute whereby teachers are calling for a Federal award and fairer working conditions. The Government in turn has called the teachers' request irresponsible and unfundable, and has stated that teachers in South Australia work with the lowest student-teacher ratio in the country. However, such claims do not stand up to closer scrutiny. First—

Mr Caudell interjecting:

Mrs GERAGHTY: If the honourable member listens, I will tell him. First, it might pay to examine the cuts that have been made under the current Administration. Since 1994, a total of some 1 106 jobs have been cut, comprising some 522 teachers, 287 SSOs, 73 principals, 24 deputy principals and approximately 200 other positions that have been cut due to falling enrolments. Furthermore, a total of some $75.3 million has been cut since 1994. This is comprised of $22 million in the 1994 budget, $25 million in the 1995 budget and $28.3 million in 1995-96 due to reductions in the school maintenance program, secondary education and funds for isolated children. These calculations do not include funds saved through the slashing of 20 000 families from schoolcard, the removal of free public transport for students or savings made by the reduction of staff inflicted on 92 preschools and child-parent centres in 1995.

Despite all these cuts in funding and reductions in staffing levels, the Government continues to state that the Federal award sought by the teachers is unfundable and that cuts would have to be made to fund them. However, the 'unfundability' of an award would appear to be something that the State Government leaves to be resolved by the Federal Government, which has formerly stated that it will intervene in the current dispute. It is actually claiming that the teachers are being forced to go to a Federal award by their union. That is absolutely ridiculous.

Mr Caudell interjecting:

Mrs GERAGHTY: Indeed, I agree with the honourable member: it is codswallop. Does the Government expect anybody to believe that a union forced teachers from 492 schools to go on strike, or is it that the Government is too cowardly to sit down and negotiate fairly with a union and chooses to apply an undemocratic means to resolve industrial problems? Furthermore, the Government's statement that cuts would have to be made to fund a Federal award with teachers would seem to be irrelevant to any rationale that is applied to education cuts. Despite the dictatorial tactics being employed by the Brown Administration with regard to teachers' wages—a strategy that is clearly intended to force the teachers back to work at the same rate of pay—cuts are still being made, with several schools to be closed at the end of the year and more schools under review.

How much more will be cut, and when will this Government realise that the severe cuts it is imposing are having a detrimental effect on our children's education? I am sure that student/teacher ratios will be mentioned to counter the argument of how such cuts are impacting on schools. With a ratio of 14:8, South Australia allegedly has the best figure in Australia. Any such argument should be viewed with something approaching scorn. Despite this student/teacher ratio figure, there is an interesting point to note with reference to how these calculations are made: non-teaching principals, part-teaching deputies, assistant personnel—including cleaners and gardeners, and special support staff—are all considered in this calculation, despite the fact that such staff are ancillary and administrative personnel.

The figures that the Minister quotes so proudly should be called a school/staff/student ratio. The response will surely remain that, regardless of this, South Australia has the best ratio in the country, and again this is simply a massaging of figures to get a desired result. Each State calculates its student/teacher ratio on quite a different basis. Unless every State uses the same method of calculation—and this is not the case—such figures are meaningless. I raise these matters because it would appear that the Brown Administration views education as an expense, rather than a basic right. Massive cuts have been made with only further cuts on the horizon, and there is no relief for those who are bearing the brunt of these savage cuts.

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

Mr CAUDELL (Mitchell): I take this opportunity to read into *Hansard* a letter from the Small Retailers Association of Marion, which has been sent to Westfield in Sydney, as follows:

> This letter is to inform you of the problems and concerns of the tenants of Westfield Shopping Town Marion. At present, we do not believe that the relationship between management and the tenants is one that will satisfactorily resolve the major concerns that have created a near crisis for the tenants of what has been commonly called the 'flagship' of your retail centres in this State.
>
> Our association represents over 71 per cent of the independently-owned retail outlets of this centre with many of us being long-term tenants who have been justly proud of this centre. However, our present plight caused by unsustainably high rentals, outgoings and security of tenure have led to unacceptable cost levels, yet at a time when your profits have risen to record levels, both in absolute terms and as a proportion of turnover. These results have been amply

documented in your annual reports and in the financial pages of all national papers.

From the outset we believe that you, as landlord, and us, as retailers, have a basic right to a fair market return on our investments. You are receiving record returns, we are barely surviving. We seek a fair and equitable balance between the two. At the moment the tenants of this centre are not receiving an adequate return on the funds they have invested which has created a barrier to market exit, restricted our commercial flexibility and has left us open to exploitation.

During the last few years the tenants of this centre have informed you of their situation, and articles in the financial pages of the national papers have indicated your knowledge of the weakening of sales growth by tenants. One in question, earlier this year, quotes your corporation as indicating tenants of your centres having only 2.3 per cent sales growth in 1995.

For the record, Westfield Shopping Town at Marion in 1995 had a reduction in sales levels over 1994. The letter continues:

Another quotes Mr David Lowy as saying, 'The retailing sector was having a difficult period weathering a flat Christmas trading period.'

Westfield Marion had a reduction in sales in the 1995 December quarter over the 1994 December quarter. Further, the letters states:

'Then there's the competition, not just from the category killers or the shop next door or the niche operators eating away at your market share. . . gambling for instance takes a huge slice of your customers' discretionary dollar.'

I have received one letter from a tenant of Westfield Marion who has requested that we take action to have a moratorium on the number of poker machines in this State, and that letter has been forwarded to the Treasurer. The letter continues:

Thus, we believe it can reasonably be assumed that your corporation, as the stronger party, has abused the relative bargaining power of the commercial arrangement between landlord and tenant by being aware of your exploitative conduct at the point of lease renewal which has caused harsh and oppressive conditions for many of the tenants of this centre. This unconscionable conduct has enabled your corporation, we believe, to extract unfair rental agreements from many of us.

The summary of the tenants' concerns is as follows:

· The number of tenants being held over on monthly leases: we believe in the order of 90 tenants are in this situation, some being held over for as long as six years.

· Conduct by management which might be classed as vexatious towards some tenants regarding the signing of six-monthly leases on terms that are not necessarily in their best interests.

· Excessive rental increases particularly at the point of lease renewal which could be described as the payment of a premium (prohibited Retail Shop Leases Act 1995, section 18).

· The generally unsustainably high rentals and outgoings being paid by tenants—most tenants are paying well in excess of industry averages.

· The unsalability of retail shops within the Marion Shopping Centre due to the fact that there is no rate of return on capital invested and the unsatisfactory lease terms currently in place.

It has been 12 months since a shop has been sold in the Marion complex. I have listened to the concerns of the retailers in the Marion Shopping Centre, and I have voiced my support for the tenants' concerns about the security of tenure. The terms and conditions being offered by Westfield at present are unacceptable given that the situation involving these people is such a long-term one without the right of renewal. I have advised the tenants of Westfield Marion that I support the actions which they intend to take and which they have outlined in their letter; and, as well as that, I will be taking up the issue with the Attorney-General. Landlords other than those of Westfield have also been abusing their tenants in this regard. I put on notice that, should we be unable to achieve a satisfactory result, I will push for legislative changes to ensure that retailers have the right of renewal of their lease.

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

Mr CLARKE (Deputy Leader of the Opposition): I want to discuss the problems many injured workers have experienced with private insurance agents handling claims for WorkCover, and this matter has been subject to some press publicity over the past week or so. These private insurance agents have been acting in a most intimidatory and misleading fashion towards the clients whom they are supposed to help rehabilitate. When the whole issue of private insurance agents being allowed to handle WorkCover claims was introduced, the Labor Party vigorously opposed it. We knew that there would be a conflict of interest because the private insurance agents would put their own greed and self-interest before injured workers.

I refer particularly to the major insurance company, although there are others, MMI Workers Compensation SA Limited, which is partly controlled by the South Australian Employers Chamber. That company has the lion's share of handling business involving workers compensation claims in this State. What it has put out to injured workers since the end of December to the present date is nothing less than disgraceful and totally over the top in its misleading of them. MMI has sent out thousands of letters to long-term injured workers—those who have had more than two years on the system—saying:

Have you been receiving WorkCover income maintenance payments for over two years? If so, read on. You face a choice of two options: (1) Redemption. (2) LOEC.

That is where weekly payments are commuted to an annual sum. That is not necessarily the case. People could well be given the option to continue weekly payments. The letter refers to a LOEC review. That is where a worker has a second-year review. Basically, because of the Government's amendments to the Workers Compensation Act over a year ago, a worker can be deemed fit to resume work even if there is no such work in place. The letter goes on to state:

In many cases this figure—

that is, the notional income that the worker might still receive—

can be reduced to nothing. MMI do not have to find the worker a job but merely identify that the capacity exists for doing the job. The worker has every right to review the amount of the assessment. However, they will receive no further payments until the matter is heard, which may take some months.

That is a clear indication that this company wants to panic long-term injured workers into making a financially unsound decision. The letter then refers to redemption, as follows:

Redemption is a capital payment for future payments for income maintenance and medical expenses by way of a lump sum payout. This payment can be up to $50 000 tax free where an agreement is reached between the worker and MMI.

That is blatantly misleading. It is asserting to the worker, 'The best you can hope for is a maximum payout of $50 000.' That is just an administrative arrangement that WorkCover has with private insurance agents. If workers believe they have a claim in excess of $50 000, they can negotiate direct with WorkCover; with a particular person up to $75 000; and beyond $100 000 it must be done with the Chief Executive Officer.

The whole purpose of this letter from MMI and other private insurance agents is to panic long-term injured workers

into believing that they have limited rights and should accept what is offered by the insurance company or lose everything. These private insurance companies are on bonuses. In the first instance, they receive a bonus of $2 million to be shared among the nine of them for so-called performance levels that they reach. It is not about quality rehabilitation; it is about how many people can be pushed off the system as fast as possible. In addition, they receive a bonus of 10 per cent for every dollar of the unfunded liability that is saved by WorkCover. As the Chief Executive Officer, Lew Owens, has told me, it is difficult to compute how much will be saved. If they save $100 million, it is difficult to compute how much is attributable to the private insurance agents and how much is attributable to the changes in the legislation which has made claims tougher.

However, this has given the private insurance agents the blood lust to get as many people off the scheme as possible, irrespective of the merits of a claim. Many of these people rely on that income. They have families to support and mortgages to pay, yet they are being panic-stricken into accepting second-rate figures, often when they have not even obtained correct legal advice. By converting to LOEC people can appeal against the company's decision, but their payments are stopped immediately and they can wait months until the appeal is finally heard.

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

Mr BROKENSHIRE (Mawson): I want to talk about the young people in my electorate. I have had the opportunity recently of being closely in touch with the teachers and students from Reynella South Primary School, McLaren Vale Primary School, Hackham East Primary School and the Southern Vales Christian Community School. Whenever one gets a bit down in this job and thinks that the going is getting pretty tough, one has only to visit one of our schools or spend time with young people to realise just how great is the job of being a local member of Parliament, because one can see the ability and enthusiasm that oozes out of those young people. One sees the eagerness they have to succeed in society. Provided that we get the right economic framework quickly set in place in this State, the State's future augurs well because of those young people.

I have been delighted to see the behaviour of young people when they have been in the Parliament. Today was another example, because I was a guest at the Awakening 2000 celebrations for the start of the Easter period. Listening to some of those students from the Southern Vales Christian Community School was really refreshing. It is a pity that more young people are not given the opportunity of a Christian education, because I am sure that would stand them well for the future.

Obviously there are opportunities for young people, and I think those opportunities will be immense for those who are currently in primary school. However, there will also be threats and temptations, and members of Parliament, together with the broader community, including teachers, must be acutely aware of them. When considering the immense opportunities for young people, particularly in my area in the southern region, we should look at tourism and hospitality as being a real growth area. The south represents a Rolls-Royce, but until recently we have not had an engine to drive it. In a couple of weeks we will be turning the first sod to get that engine in place with the McLaren Vale Visitor Centre.

Today, the Premier and the Minister for Industry, Manufacturing, Small Business and Regional Development were involved in the launch of the new Mitsubishi. That industry was started by the vision of Sir Thomas Playford, a Liberal, who realised that we had to get these sorts of industries in place. We have continued with that policy ever since. We have got behind Mitsubishi and supported it all the way. As a result, hundreds of jobs will be created and about $500 million worth of infrastructure will be put into South Australia with Mitsubishi.

Diversified agriculture, particularly if we can address our water problems, on which I am working closely with the Minister for Infrastructure in the southern region, will create hundreds and hundreds of jobs for young people, in addition to the clean industries and green jobs that we are looking to create in the south.

The long-term future is great. In this House today I heard one member talk about cuts and funding not being adequate, and so on. What members fail to tell the people of South Australia and what they fail to understand is that we cannot go on spending money that we do not have. There is one thing that will stop young people from being able to capitalise on what I have just highlighted during this grievance debate and will make the difference as to whether they have a secure, controllable debt and sustainable future, and that is how responsible this Government is over the next few years. If we continue to work closely with our communities and report to them on an ongoing basis as to where this State stands, I know that the community will stick with us. People realise that decisions have to be made and that they were not all palatable decisions. They also realise that on a per capita basis we spend more on education than any other State, as also applies in the area of health.

How can we continue to throw money at issues when we have to address the massive debt that we inherited from the ineptitude of the former Labor Government in power for 10 years? It is clear that we are now on the road to recovery. The important thing now is not to be like the Labor Government, which threw more money at the problem and further denied young people the opportunities for a sustainable future. We have to be much smarter, cut our cloth to suit the current situation and make sure that the dollars, resources, attitude and direction we provide will create the best possible situation for all young people.

The Hon. R.B. SUCH: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

WORKERS REHABILITATION AND COMPENSATION (DISPUTE RESOLUTION) AMENDMENT BILL 1996

The Hon. G.A. INGERSON (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986 and the Workers Rehabilitation and Compensation (Dispute Resolution) Amendment Act 1995. Read a first time.

The Hon. G.A. INGERSON: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to make four further amendments to the legislative reforms which this Parliament agreed to last year concerning the WorkCover dispute resolution system. These reforms concern technical matters raised by the President of the Workers Compensation Appeal Tribunal and are designed to assist the effective and efficient implementation of the principal amendments.

Reform of the WorkCover dispute resolution system commenced in April 1995 when other key reforms to the WorkCover legislation were being considered by this Parliament.

At that time agreement was reached to form a Working Party where representatives of the two key stakeholder groups, the employers and the unions, could sit down with Members of Parliament from the Government, the Opposition and the Australian Democrats to develop consensus proposals for a new dispute resolution system.

As a result of the efforts of the Working Party, legislation was introduced into this Parliament in October 1995. The Workers Rehabilitation and Compensation (Dispute Resolution) Amendment Act 1995 was passed with minimal debate and assented on 9 November 1995.

All Members of the Working Party recognised that a substantial amount of work was required following the passing of this reform and before its commencement, particularly in relation to development of Tribunal Rules and procedures.

The Government is pleased that the co-operative approach adopted by the Working Party has continued since November 1995 and extensive consultation has occurred in relation to these transitional matters. Draft Rules are now being finalised in preparation for commencement of the new system at the end of May 1996.

In consulting with the Working Party and other interested persons the President of the Workers Compensation Appeal Tribunal has identified four areas where it is considered that further minor amendments would enhance the new system. This Bill reflects those recommendations which have already been considered and supported in principle by the Working Party.

The four issues addressed by this Bill concern the transitional provisions affecting the demarcation between matters under the old and new systems, the recording of settlements by the Tribunal, the management and control of the Review process and the delegation of administrative powers. A consequential amendment is also made to the recoveries provision of the principal Act.

The Dispute Resolution Amendment Act as passed last year proposed that review cases lodged but not 'substantially commenced' at the time of commencement of the new provisions, would be dealt with under the new system.

It has now been estimated that this would mean approximately 2 000 cases transferring to the new system on day one. With new applications arising at a rapid rate, the backlog of 2 000 cases would place the new system in an immediate position of difficulty and be unlikely to be able to immediately achieve its objectives of faster dispute resolution. Further, the phrase 'substantially commenced' is, in the context of this jurisdiction, likely to lead to unnecessary and costly legal debate, and divert the real focus of the parties away from the objective of resolving expeditiously the core issues in dispute.

It has therefore been decided to propose an amendment to the transitional provisions such that all review applications lodged prior to commencement of the new process are dealt with under the legislation applicable at the time of lodgement and only new applications lodged after commencement of the new process be dealt with under that new system.

In preparing the Rules, an area has been identified where the Tribunal can assist in minimising disputes and streamline the process in relation to the recording of settlements. It is proposed that a provision be inserted to allow the Tribunal, upon the application by a party to a dispute and with the consent of the other parties to that dispute, to hear and determine any other dispute concerning the worker's entitlement to compensation pursuant to the Act.

This is a commonsense provision which will avoid unnecessary technicality in making full and final settlements between the parties on all issues relating to rehabilitation and compensation entitlements.

Under the Dispute Resolution Amendment Act, the President of the Tribunal is unable to manage the existing Review process which will continue to deal with disputes that remain to be heard under the current Review system. This shortcoming needs to be addressed in order to implement a coordinated management program designed to achieve the objectives of these reforms.

The proposed amendment to the transitional provisions will ensure that those cases remaining to be resolved under the existing system are formally brought under the central administrative management and control of the President of the Tribunal.

Consequential amendments are required to provide that a person who continues as a Review Officer shall be subject to the administrative direction and control of the President of the Tribunal, and that the President shall have the power to make rules regulating the conduct of proceedings continuing pursuant to the transitional provisions.

The task of administering the new regime will be substantial. The Dispute Resolution Amendment Act in its present form contemplates the President of the Tribunal to ultimately be responsible for its administration with powers of delegation to either a Deputy President or to a Registrar. Given the enormity of the task and the volume of work that a Deputy President or Registrar would independently be required to perform, it is proposed that the Act be amended to allow the President to delegate administrative powers and responsibilities to a person other than a Deputy President or Registrar.

Section 16 of the Dispute Resolution Amendment Act amends the First Schedule of the Principal Act, Clause 2(8)(a), to delete the 'Industrial Court' and substitute the 'Tribunal' as the jurisdiction to deal with disputes over recovery matters covered by the First Schedule.

However, Clauses 2(9) and 2(10) also refer to the Industrial Court. A consequential amendment to these clauses to refer to the Tribunal rather than the Industrial Court is proposed.

I commend this Bill to Members.

Explanation of Clauses

Clauses 1 and *2*

These provisions are formal.

Clause 3: Amendment of s. 80—The President

This amendment allows the President to delegate administrative powers and responsibilities to any person. At present, delegations of administrative powers can only be made to a Deputy President of the Tribunal.

Clause 4: Substitution of s 82A

The effect of this amendment is to remove the current section 82A(1) of the principal Act. This provision currently provides that the Registrar is the principal administrative officer of the Tribunal.

Clause 5: Insertion of s. 88DA

The proposed new section 88DA provides that the Tribunal may, with the consent of all parties to proceedings, enlarge the scope of the proceedings to include questions that are not presently at issue in the proceedings. This thus provides an expeditious means of avoiding multiplicity of proceedings.

Clause 6: Amendment of Workers Rehabilitation and Compensation (Dispute Resolution) Amendment Act 1995

These amendments—

(a) provide for minor drafting amendments to Schedule 1 of the principal Act;

(b) provide for the continuation of existing review proceedings before review officers;

(c) gives the President power to make rules and give directions about practice, procedure and evidence in review proceedings that continue before review officers under the transitional provisions;

(d) provides that review officers who continue in office under the transitional provisions are subject to administrative control and direction by the President.

Mr CLARKE secured the adjournment of the debate.

EDUCATION (TEACHING SERVICE) AMENDMENT BILL

Second reading.

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to facilitate teacher classification and employment practices arising from the 1989 Curriculum Guarantee

Agreement between the South Australian Institute of Teachers and the then Minister of Education.

The Curriculum Guarantee agreement provided for restructuring of the teaching service. Significant features were:

- a broader career structure to provide additional leadership positions in schools;
- the Advanced Skills Teacher (AST) classification which recognises and rewards outstanding classroom teachers;
- fixed term appointments;
- fall back arrangements to a particular classification after a specified period of service in a leadership position.

In implementing the Curriculum Guarantee Agreement, concerns have arisen about the capacity of the Education Act to support consequential employment practices.

The Education Act only provides for personal classification, with no provision for fixed term appointments. It lacks the appropriate legal framework for the leadership structure defined by the Curriculum Guarantee Agreement. For example, under the provisions of the Act a principal's classification can only be reduced by the application of section 17 (incapacity) or section 26 (disciplinary measures). When the principal Act was enacted in 1972, it was not envisaged that the classification of a principal would be reduced outside of these circumstances. However, the Curriculum Guarantee Agreement introduced fixed term appointments, with an agreed fall back position at the conclusion of the tenure of the position.

Without amendments to the Act, there may be an argument that all officers currently and previously appointed to leadership positions could claim the relevant classification until retirement or resignation. This would be contrary to the spirit of and reasons for the Curriculum Guarantee Agreement. It would undermine the opportunity for all officers of the teaching service to access promotion positions through merit selection. The financial costs of such an outcome would also prevent the creation of new leadership opportunities for employees under this Act. These costs could amount to millions of dollars in salary claims.

The amendments are also required to support the implementation of the AST level 1 classification. As part of the Teachers (DECS) Award, as agreed between SAIT and the Department, there are provisions within the Award for a teacher to be assessed as entitled to the salary of AST level 1 for a period of five years. At the conclusion of this time, the AST 1 is required to undergo an agreed process of review to be entitled to the AST 1 salary for a further five years. As explained previously, the Act makes no provision for officers to have their classification reduced other than for reasons of incapacity or discipline. The effect is that an AST 1 could receive this salary until retirement or resignation, even though they no longer met the criteria of an outstanding classroom teacher. This is in direct opposition to the original intent of the Curriculum Guarantee Agreement and the subsequent introduction of the AST 1 classification.

In response to these concerns the Bill provides for a dual classification system of personal classification and classification of a position. It provides the means for teachers to be appointed to leadership positions for a fixed term and for their classification to be varied at the end to the term where appropriate. This is existing practice, agreed to between the Department and SAIT. The Bill makes provision for, but does not specify, a range of personal and position classifications. It gives the Director-General the power to define these classifications.

The Education Act provides for the establishment of the Teachers Classification Board, which has the responsibility to recommend and review classifications. The Bill proposes that the Board be abolished as its functions have been largely overtaken by developments such as merit selection and a simpler teacher classification process. The remaining function of the Board is to review classifications. The Classification Board has not met since August 1991. It is not necessary to have such a large Board, which requires appointment by the Governor, to manage classification reviews. As a more efficient avenue of review, the Bill proposes a review panel structure modelled on the Public Sector Management Act classification review process. Supporting regulations will exclude the ability of a teacher to seek a review for classification as an AST 1. A process of review for this purpose is provided for in the Teachers (DECS) Award. SAIT and the Department have agreed that a further avenue of review is not required and would only serve to complicate an already effective process.

The Bill proposes that the Director-General have classification powers, while the Minister remains the appointing authority.

The Bill includes transitional and ratification provisions to provide for current agreements relating to fixed term appointments and fall back under the Curriculum Guarantee. This provides the necessary legislative protection for officers appointed since 1989 to Curriculum Guarantee leadership positions with prescribed conditions.

The Education (Teaching Service) Amendment Bill is essential to providing the necessary legal framework for the operation of the 1989 Curriculum Guarantee Agreement and its associated existing employment practices.

Extensive consultations with SAIT have occurred during the preparation of this Bill. The Bill should meet the needs of SAIT while providing an effective legislative framework to support current personnel policies and procedures within the Department.

I commend the Bill to honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 5—Interpretation

The definition of the Classification Board (which is abolished by this measure) is removed and definitions of classify, reclassify and promotional level are inserted.

Clause 4: Insertion of Part 3 Division 1A

DIVISION 1A—CLASSIFICATION, PROMOTION AND TRANSFER

15A. Classification of officers and positions

This section empowers the Director-General to fix the duties and titles of officers and positions in the teaching service, classify officers in the teaching service and classify positions in the teaching service at promotional levels.

15B. Appointment to promotional level positions

This section empowers the Minister to appoint officers to positions in the teaching service classified at promotional levels. It also empowers the Director-General to appoint an officer to a position classified at a promotional level in an acting capacity for a term not exceeding 12 months.

15C. Transfer

This section empowers the Director-General to transfer officers between positions in the teaching service (but not so as to reduce their salary without their consent or effect promotion of officers to positions at higher classification levels).

Clause 5: Amendment of s. 17—Incapacity of members of the teaching service

This clause enables the Director-General to vary the duties of an officer and assign an appropriate classification to the officer if the Director-General is satisfied that the officer is incapable of performing his or her duties satisfactorily. However, the Director-General must, before taking action or making a recommendation that would result in reduction of remuneration or retirement, be satisfied that a transfer or variation of duties without reduction of remuneration is not reasonably practicable in the circumstances.

Clause 6: Amendment of s. 20—Taking of long service leave

This clause makes a consequential amendment.

Clause 7: Amendment of s. 26—Disciplinary action

This clause empowers the Director-General to take disciplinary action against an officer of the teaching service, by reducing the remuneration of the officer by means of transferring the officer to another position, varying the officer's duties and classifying or reclassifying the officer, or removing an entitlement to an increment of remuneration.

Clause 8: Substitution of Part 3 Division 6

This clause repeals sections 28 to 33 of the principal Act dealing with the classification of officers of the teaching service and replaces them with new provisions.

DIVISION 6—CLASSIFICATION

28. Application to Director-General for reclassification

Subject to the regulations, this section gives an officer a right to apply for reclassification if he or she considers that his or her current classification is not appropriate in view of his or her duties or on any other ground. The section also empowers the Director-General, on application, to reclassify an officer or an officer's position.

29. Classification review panels

This section empowers the Minister to establish panels to review the classifications of officers and positions in the teaching service. Panels are to consist of three persons appointed by the Minister, of whom one will be appointed to chair the panel and

two will be officers of the teaching service selected by the Minister, one from a panel nominated by the Institute of Teachers, and the other from a panel nominated by the Director-General. Members will be appointed for a period of two years and may be reappointed. In the event that the Institute of Teachers fails to nominate an officer, the Minister may select an officer instead.

30. Review of Director-General's decision

This section gives an officer who is dissatisfied with a Director-General's decision on an application for reclassification the right to apply for a review of the decision by a review panel. A review panel has the power to confirm the existing classification or decide that the officer or officer's position should be reclassified, in which case the Director-General is required to reclassify the officer or officer's position in accordance with the review panel's decision.

31. Exclusion of other appeal rights

This section provides that there is no appeal against a decision of the Director-General on an application under section 28 (without affecting the right to apply to a review panel for a review). It also provides that there is no appeal from a decision of a review panel, or a reclassification of an officer or officer's position in accordance with a decision of a review panel.

Clause 9: Amendment of s. 53—Appeals in respect of appointments to promotional level positions

This clause amends section 53 so that it applies in relation to positions in the teaching service classified at a promotional levels (other than acting appointments for not more than 12 months and transfers of officers between positions in the teaching service).

Clause 10: Transition and ratification

This clause provides that—

- positions in the teaching service established before the commencement of this measure will be taken to have been established under the principal Act as amended by this measure;
- classifications of officers and positions in the teaching service established before the commencement of this measure will be taken to have been established under the principal Act as amended by this measure;
- appointments to such positions (including those for a fixed term) made before the commencement of this measure will be taken to have been made under the principal Act as amended by this measure;
- classifications of officers (including those for a fixed term) assigned before the commencement of this measure will be taken to have been assigned under the principal Act as amended by this measure.

Mr CLARKE secured the adjournment of the debate.

RAIL SAFETY BILL

Second reading.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill implements the Intergovernmental Agreement on Rail Safety 1995 which provides for a nationally consistent approach in Railway Safety Regulation and a more competitive rail sector with the entry of third party operators.

The Bureau of Transport and Communications Economics has assessed the social cost of rail accidents in Australia at around $100 million per annum.

Apart from improving rail safety performance national Rail Safety Regulation will generate gains of an economic nature by increasing transport efficiency, ensuring compliance with national competition policy reforms and promoting market confidence in the ability of the rail industry to advance organisational reforms.

The issue of a national approach to Rail Safety Regulation was explored at a meeting of the Australian Transport Advisory Council (ATAC) in June 1993, in the context of a number of emerging developments in the rail industry including:

1. the growing prominence of interstate rail operations,
2. the opening up of access to rail infrastructure to private operators; and
3. the introduction into the New South Wales Parliament of a Rail Safety Bill, which advanced a new approach to rail safety.

Initially ATAC Ministers requested that an Intergovernmental Working Party report on the harmonisation of rail safety standards and the potential for an intergovernmental agreement on the issue. South Australia was represented on this Working Party by the then State Transport Authority.

In February 1994 the newly formed Australian Transport Council (ATC) endorsed the recommendations of the Working Party's Report "A National Approach to Rail Safety Regelation" based on:

1. safety accreditation of railway owners and operators;
2. mutual recognition of accreditation between accreditation authorities;
3. development and implementation of performance based standards;
4. greater accountability and transparency; and
5. facilitation of competition, plus technical and commercial innovation, consistent with safe practice.

The ATC also requested the establishment of a Commonwealth/State Task Force (with South Australia's representative being TransAdelaide) to prepare an Intergovernmental Agreement on Rail Safety, providing for both:

- national arrangements which focussed on efficient and safe interstate operations; plus
- a framework for the States and Territories to adopt a consistent approach to intrastate Rail Safety Regulation.

The Intergovernmental Agreement (IGA) was endorsed by Ministers at the Australian Transport Council in April 1995 and has now been signed by the Commonwealth and all mainland States. Tasmania and the Northern Territory are still considering their position.

The Task Force and a technical issues group have been retained to oversee the implementation of the Intergovernmental Agreement and the development of the Australian Rail Safety Standard.

The Intergovernmental Agreement requires all Parties to legislate, or take appropriate administrative action under existing legislation, to enforce the terms. This Bill recognises that there is no existing legislation in South Australia upon which to implement the Intergovernmental Agreement by administrative action.

RAIL SAFETY ACCREDITATION AND MUTUAL RECOGNITION

Consistent with the Intergovernmental Agreement, the Rail Safety Bill provides for:

1. all owners and operators involved in interstate rail operations to be accredited in their own or another jurisdiction consistent with the Australian Rail Safety Standard;
2. the mutual recognition of accreditation between jurisdictions, subject to local requirements; and
3. a dispute resolution mechanism.

Although the South Australian Government is no longer involved in operating interstate trains, there are some jointly used tracks and other points of conflict between the Adelaide suburban rail system and Interstate Operations for which the safety accreditation provisions in the Bill are relevant.

And, as is the case in other States, the Government believes it is important that safety accreditation should also embrace all intrastate railway owners and operators.

Historically the South Australian Railways, the State Transport Authority, Australian National and TransAdelaide have been both the operator and self regulator in respect to operational safety. Whilst those organisations were the sole providers of rail transport, this arrangement was deemed to be satisfactory.

However, these operators still required a "Reciprocal Transit Rights Agreement", an "Operations and Staffing Agreement" and other formal arrangements with Australian National—none of which adequately cover private operators.

This Bill provides for accreditation to embrace:

- Government owned railways;
- private freight operations including mineral haulage;
- historical trains operating within the State;
- private operators running local tours; and
- any private operators who may be involved in the provision of future suburban rail services.

In the meantime, mutual recognition of accreditation of interstate owners and operators and the terms of the Intergovernmental Agreement will allow the movement of interstate trains, both private

and Government owned, throughout Australia unimpeded by inconsistent safety standards.

Mutual recognition will reduce the significant effort and cost to interstate operators, including National Rail Corporation, of undertaking the full process of accreditation in each State and reduce the associated duplication of the accreditation process by each State. Instead, an accredited owner or operator will be accepted as having met all the requirements of the Australian Rail Safety Standard in all other jurisdictions and therefore be suitable for immediate accreditation subject to meeting any additional local requirements.

INVESTIGATION

The Bill provides for an accredited owner, operator or a Party to the Intergovernmental Agreement to have access to independent investigations of railway accidents or serious incidents involving interstate operations.

It also provides for a State or Territory to have access to independent investigations of accidents or serious incidents involving intrastate operations.

Independent investigators , when required, may be drawn from a national panel composed of a number of experienced rail investigators nominated by each Party to the IGA.

The primary purpose of having an independent investigator available is to avoid the problems created when agreement cannot be reached or the cause determined.

Historically there have been continuing problems in South Australia with both internal and joint rail investigations, particularly when another party has been involved. Such investigations have often dealt with the cost and blame and not the cause.

It is important that independent investigations are available to the parties when necessary.

A panel of independent investigators has now been established under the Intergovernmental Agreement, with the recent fatal rail accident in Western Australia currently subject to an independent investigation chaired by a member of that panel.

INCIDENT REPORTING

The Australian Rail Safety Standard specifies categories of railway accidents and incidents which are to be recorded by Owners and Operators. The Rail Safety Bill requires accidents and incidents to be notified to the accrediting authority under a scheme which is consistent with requirements in other States.

The IGA provides for the establishment of a national database for the exchange of information on rail accidents and incidents. This will allow incidents to be monitored more effectively, analysed and any trends identified. To some extent all States and Territories collect this information now. But it is not necessarily recorded in a consistent manner and States and Territories are not necessarily aware of problems occurring elsewhere. Effort is therefore often duplicated.

AUSTRALIAN RAIL SAFETY STANDARD

The Australian Rail Safety Standard is currently being developed under the auspices of Standards Australia.

A Standards Australia technical committee which has been established to prepare the new railway safety management standards has representation, both Government and private, from the Australian rail industry in general. South Australia is represented by TransAdelaide.

The IGA requires—and the Bill provides—the Parties to use this Standard as a basis for accreditation and mutual recognition of accreditation of railway owners and operators.

The Head Standard (AS 4292.1) has been completed and was published in June 1995. Good progress is being made on the remaining procedural standards which support the Head Standard in order to have them completed by mid 1996.

ADMINISTRATING AUTHORITY

The Bill provides that in South Australia the Administrating Authority in respect to Rail Safety will be a person or body appointed by the Minister. I anticipate that the C.E.O. of the Department of Transport will be so appointed with authority to delegate responsibilities to a small unit comprising current Government employees with experience in rail safety issues.

In summary, the consistent regulation of rail safety across Australia should be recognised as a key element in the drive to generate efficiencies in the rail sector, to promote deregulation and competition, to facilitate commercial objectives and to reduce costs.

I commend the Bill to members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause provides for the short title of the measure, being the *Rail Safety Act 1996*.

Clause 2: Commencement

The measure will come into operation by proclamation.

Clause 3: Interpretation

This clause sets out the definitions required for the purpose of the measure.

Clause 4: Application of Act

The Act will apply in respect of railways with a track gauge equal to or greater than 600 millimetres, and to any other system of a prescribed kind. However, the Act will not apply to mine railways, slipways, crane-type runways or railways excluded from the operation of the Act by regulation. The Minister will also be able to confer exemptions from the operation of the Act by notice in the *Gazette*.

Clause 5: Act binds Crown

The Act will bind the Crown in right of the State and also, so far as the legislative powers of the State extend, in all its other capacities.

PART 2

ACCREDITATION OF OWNERS AND OPERATORS

DIVISION 1—GENERAL PROVISIONS

Clause 6: Requirement for accreditation

The Act establishes an accreditation system for the owners and operations of railways.

Clause 7: Granting accreditation

An application for accreditation will be made to an Administrating Authority appointed by the Minister. An accreditation will be granted if the Administrating Authority is satisfied as to various matters, including that the applicant has the competency and capacity to meet the requirements of the Australian Rail Safety Standard, and other relevant standards, and generally to ensure rail safety, that the applicant has an appropriate safety management plan, that the applicant has adequate financial resources or public liability insurance in case of an accident, and that the applicant has appropriate rights in respect of his or her operations. In addition, if the applicant holds an accreditation from another jurisdiction, the applicant will be taken to have the competency and capacity to comply with the Australian Rail Safety Standard.

Clause 8: Safety standards—compliance specification

An applicant will be required to specify the standards to which his or her activities will operate.

Clause 9: Safety management plans

An applicant for accreditation will be required to submit a safety management plan that identifies significant potential risks, specifies strategies to address those risks, and specifies who will be responsible for the implementation and management of the plan. The plan will be revised on an annual basis.

Clause 10: Administrating Authority may require further information

The Administrating Authority may require the provision of any information needed to determine an application for accreditation, and the verification of information by statutory declaration.

Clause 11: Interim accreditation

The Administrating Authority will be able to grant an applicant interim accreditation in appropriate cases.

Clause 12: Duration of accreditation

An accreditation will, as a general rule, apply indefinitely. The Administrating Authority will also be able to grant temporary accreditation for a period not exceeding 12 months.

Clause 13: Style and particulars of accreditation

An accreditation may be of general or limited operation.

Clause 14: Conditions

An accreditation will be subject to conditions imposed by the Administrating Authority, or imposed by or under the Act.

Clause 15: Private sidings

Special arrangements, under a registration scheme, will apply to private sidings connected to railways or sidings owned by accredited owners.

DIVISION 2—REFUSAL, VARIATION, SUSPENSION OR CANCELLATION OF ACCREDITATION

Clause 16: Refusal of application for accreditation

The Administrating Authority will be required to provide written notice of a decision to refuse an application for accreditation, including reasons.

Clause 17: Variation of accreditation

An accredited person will be able to apply for a variation of an accreditation. In addition, the Administrating Authority will be able to vary an accreditation after giving the accredited person an

opportunity to make submissions on the matter. Appropriate notice of a decision will be required.

Clause 18: Suspension or cancellation of accreditation

The Administrating Authority will be able to suspend or cancel an accreditation on various specified grounds after giving the accredited person an opportunity to make submissions on the matter. Appropriate notice of a decision will be required.

Clause 19: Immediate suspension

The Administrating Authority will be able to impose an immediate suspension of an accreditation if it appears that there is an immediate and serious threat to public safety or to property.

DIVISION 3—DISPUTE RESOLUTION

Clause 20: Dispute resolution

A person who is aggrieved of a decision of the Administrating Authority with respect to accreditation will be able to take the matter to conciliation or mediation proceedings, or appeal to the District Court. An appeal will also lie after conciliation or mediation.

DIVISION 4—RELATED MATTERS

Clause 21: Application fee

An application fee will be payable under the accreditation system.

Clause 22: Annual fees

An accredited person, or the owner of a private siding registered under the Act, will be required to pay an annual fee fixed by the Minister. It will be possible to pay a fee by instalments, with the agreement of the Administrating Authority.

Clause 23: Periodical returns

An accredited person will be required to lodge a periodical return containing prescribed information.

Clause 24: Surrender of accreditation

An accredited person will be able to surrender an accreditation.

PART 3

SAFETY STANDARDS AND MEASURES

Clause 25: Compliance with Rail Safety Standards

This clause imposes the requirement on accredited persons to comply with all relevant safety standards, and the safety management plan.

Clause 26: Requirement to maintain safety systems, devices or appliances

An accredited person will be required to maintain all relevant safety systems applicable under the accreditation.

Clause 27: Installation of safety or protective devices

The Administrating Authority will be able to require an accredited person to install safety systems and equipment.

Clause 28: Closing railway crossings

This clause will allow an authorised person to close temporarily, or to regulate temporarily, a railway crossing in an emergency situation.

Clause 29: Power to require works to stop

This clause is intended to prevent unauthorised works near a railway that may threaten the railway's safety or operational integrity.

Clause 30: Railway employees

An accredited person will be required to take all reasonable steps to ensure that railway employees who perform railway safety work have the capacity and skills to perform the work, are sufficiently healthy and fit, and do not have in their blood alcohol at a prescribed level, and are not under the influence of a drug, while at work. It will also be an offence for a railway employee to carry out railway safety work while there is present in his or her blood alcohol at a prescribed level, or while under the influence of a drug.

PART 4

COMPLIANCE INSPECTIONS AND REPORTING

Clause 31: Safety compliance inspections

The Administrating Authority will carry out periodical safety inspections relevant to the safe operation of a railway. The Administrating Authority will also, by notice in writing, be able to direct that safety inspections occur.

Clause 32: Directions to undertake remedial safety work

The Administrating Authority will be able to direct an accredited person to carry out remedial safety work and, in the event of default, arrange for remedial safety work to be carried out.

Clause 33: Directions to provide program of remedial safety work

The Administrating Authority may require an accredited person to provide a program for any necessary remedial safety work.

Clause 34: Declarations as to variation of accreditation

An accredited person will be required to reassess the appropriateness of his or her accreditation on an annual basis.

Clause 35: Safety reports

An accredited person will be required to submit an annual safety report on his or her operations under the accreditation. The Administrating Authority will also be able to require the submission of a safety report at any other time.

Clause 36: Supply of information

The Administrating Authority will have a general power to require the provision of information from time to time.

Clause 37: Notifiable occurrences

An accredited person will be required to report to the Administrating Authority if any occurrence of a kind specified in schedule 1 (or by regulation) happens on or in relation to the relevant railway. The Administrating Authority will also be able to require an accredited person to report dangerous incidents.

Clause 38: Authority may require report from owner or operator

Clause 39: Request for certain details

The Administrating Authority may require various reports from an accredited person after due inquiry.

Clause 40: Offence

It will be an offence to contravene or fail to comply with a requirement or direction imposed or given under certain sections.

PART 5

INQUIRIES AND INSPECTIONS

DIVISION 1—INQUIRIES

Clause 41: Appointment of investigator

This provision allows for the appointment of an independent investigator to inquire into, and to report on, an accident or incident.

Clause 42: Procedures and powers of an investigator

An investigator will have various powers of inquiry. An inquiry will be dealt with expeditiously and involve the minimum of formality and technicality.

Clause 43: Report

A copy of a report of an investigator must be furnished to the Minister.

Clause 44: Inquiry may continue despite other proceedings

It will be possible to conduct an inquiry despite other proceedings, unless an appropriate court or tribunal orders otherwise.

DIVISION 2—INSPECTIONS, ETC.

Clause 45: Appointment of authorised officers

The Minister will be able to appoint authorised officers for the purposes of the Act.

Clause 46: Inspection powers

This clause sets out the powers of an authorised officer.

Clause 47: Provisions relating to seizure

This clause sets out a scheme relevant to the seizure of items by authorised officers.

Clause 48: Offence to hinder, etc., authorised officers

This clause sets out various offences relevant to the activities of authorised officers.

Clause 49: Self-incrimination, etc.

This is a provision relevant to self-incrimination.

Clause 50: Offences by authorised officers, etc.

It will be an offence for an authorised officer to use offensive language or to use unlawful force against a person.

PART 6

MISCELLANEOUS

DIVISION 1—ADMINISTRATION

Clause 51: Ministerial control

The Administrating Authority will be under the control and direction of the Minister, except with respect to a decision to award (or not to award) an accreditation, or so as to order the suppression of information.

Clause 52: Delegations

The Administrating Authority will be able to delegate a function or power under the Act.

Clause 53: Annual report

The Administrating Authority will prepare an annual report to the Minister on the administration and operation of the Act and copies will be tabled in Parliament.

Clause 54: Recovery of cost of entry and inspection

The Administrating Authority will be able to recover various costs associated with inspections under the Act.

Clause 55: Exclusion from liability

This clause protects various authorities from liability in the honest exercise of functions and powers under the Act.

DIVISION 2—GENERAL OFFENCES AND PROCEEDINGS

Clause 56: False information

It will be an offence to provide false or misleading information with respect to an application for accreditation.

Clause 57: Tampering with railway equipment

It will be an offence to tamper with railway equipment.

Clause 58: Offender to state name and address
A person suspected of an offence against the Act may be required to provide certain information to a member of the police force or an authorised officer.

Clause 59: Continuing offences
This is a default-penalty provision for on-going offences.

Clause 60: General provision relating to offences
This clause provides for the liability of directors and managers of bodies corporate in criminal matters, and for the time within which prosecutions for offences against the Act should be commenced.

DIVISION 3—OTHER MATTERS

Clause 61: Liability of person for acts or omissions of employees or agents
An accredited person will be liable for the acts and omissions of employees and agents.

Clause 62: Evidentiary provision
This is a standard evidentiary provision.

Clause 63: Regulations
The Governor will be able to make regulations for the purposes of the Act.

Schedule 1

This schedule sets out the incidents that are notifiable occurrences under the Act.

Schedule 2

This schedule makes specific provision for matters in respect of which regulations can be made.

Schedule 3

This schedule addresses transitional issues for current owners and operators of railways.

Mr ATKINSON secured the adjournment of the debate.

ROAD TRAFFIC (DIRECTIONS AT LEVEL CROSSINGS) AMENDMENT BILL

Second reading.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the *Road Traffic Act 1961* to allow railway employees to protect level crossings.

The need for the amendment arose from the passing of the *Passenger Transport Act 1994* and associated amendments to the *Road Traffic Act 1961*.

As a result of those amendments a change to the method of protecting railway level crossings occurred.

General Operating and Safeworking Rules regulate train services nationally and incorporated within these Safeworking Rules is a provision for allowing trains to operate over the opposing directional track.

Ordinarily this occurs when essential track work, breakdown and/or emergency situations obstruct the normal directional track.

The amendment will assist in allowing train movements to operate safely, during those times of essential track work, breakdown and emergencies, on the opposing directional track.

It will also ensure that obstructions and delays, to not only public transport users but to other road users, are kept to a minimum.

This amendment will give the railway authority employee legal authority to regulate traffic across level crossings without the attendance of a police officer.

Members of the Police force are not normally available to attend level crossings for track work.

In addition, no direct communication is available between Police and the Railways Operations Control centre. This communication link is essential for maintaining safety and communicating times of train movement through the respective level crossing.

The amendment to the *Road Traffic Act* in South Australia is in line with the current draft proposals for the Australian National Road Rules.

It is imperative that essential track work continues on the rail system and in times of emergency or failure of electronic equipment and other associated malfunctions, the railway authority, presently TransAdelaide, must be allowed to legally protect railway level crossings from danger to road users and the public.

The proposed amendment will allow this to happen.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title
This clause is formal.

Clause 2: Amendment of s. 80—Restrictions on entering level crossings
This clause amends section 80 of the principal Act. Under section 80 it is an offence to drive a vehicle onto a level crossing if warned not to do so by a member of the police force. It is also an offence to drive onto a level crossing if a warning device is operating at the crossing or if the crossing is closed by gates or barriers, unless a member of the police force directs the driver to proceed through the crossing.

The power to direct drivers to stop at a crossing (or to permit drivers to proceed through a crossing despite the operation of the signals) for the purposes of the offence under section 80 can at present only be exercised by the police. This amendment now also permits persons who work for or on behalf of the operator of the railway or tramway to exercise that power of direction, where such persons are in uniform or produce evidence of their identity on request.

Clause 3: Amendment of s. 89—Duty of pedestrians at level crossings
This clause amends section 89 of the principal Act. Under section 89 it is an offence for a pedestrian to enter or remain on a level crossing if warned not to do so by a member of the police force. It is also an offence to enter or remain on a crossing if a warning device at the crossing is operating or if the crossing is closed by gates or barriers, unless a member of the police force directs the pedestrian to proceed across the crossing.

The power to direct pedestrians not to enter or remain on a level crossing (or to permit pedestrians to proceed across the crossing despite the operation of the signals) for the purposes of the offence under section 89 can at present only be exercised by the police. This amendment now also permits persons who work for or on behalf of the operator of the railway or tramway to exercise that power of direction, where such persons are in uniform or produce evidence of their identity on request.

Mr ATKINSON secured the adjournment of the debate.

CIVIL AVIATION (CARRIERS' LIABILITY) (MANDATORY INSURANCE AND ADMINISTRATION) AMENDMENT BILL

Second reading.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I move:

That this Bill be now read a second time.

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

Leave granted.

The Commonwealth Government introduced the *Transport Legislation Amendment Act (No. 2) 1995 (Cth)* and the *Civil Aviation (Carriers' Liability) Regulations (Amendment) (Cth)* on 20 July 1995. The legislation (which took effect on 20 January 1996) increased the liability of domestic and international operators who carry air passengers for hire or regard and made it compulsory for operators to be insured in respect of liability for death or injury to passengers.

The Commonwealth Government's action was prompted by—

- concern expressed in Federal Parliament after two regional airline crashes occurred;
- general awareness that existing liability limits were too low in relation to recent death and injury settlements;
- similar actions by other foreign governments.

The increased passenger liability (which for domestic operators is $500 000 per passenger) automatically took effect in South Australia as a result of the operation of section 6 of the *Civil Aviation (Carriers' Liability) Act 1962 (SA)* which provides that the requisite part (*ie:* Part 4) of the Commonwealth Act applies to the carriage of passengers wholly within South Australia.

The Commonwealth Government was further concerned that domestic air carriers be able to pay amounts for which they may be liable to passengers or their estates and that insurers should have as little opportunity as possible to avoid payment of policies in respect of passengers killed or injured in aircraft accidents.

Through the insertion of new Part 4A into the *Civil Aviation (Carriers' Liability) Act 1959 (Cth)* as part of the *Transport Legislation Amendment Act (No. 2) 1995 (Cth)*, it was made mandatory for air operators to be insured up to a limit specified in the Act against liability for death or injury caused to passengers. Such insurance must include provisions making policies non-voidable under a wide range of circumstances including air carrier negligence or failure to comply with federal regulations (but excluding non-disclosure to the insurer of pertinent information by the air operator when applying for insurance).

All States and Territories have agreed that the application of air passenger liability and insurance requirements must be uniform so that a passenger may board a scheduled or charter air carrier of any size anywhere within Australia with full confidence that the carrier is insured for the standard, adequate, liability amount.

For these amendments to apply to the carriage of air passengers within South Australia, section 6 of the *Civil Aviation (Carriers' Liability) Act 1962 (SA)* is required to be amended to apply the provisions of Part 4A of the Commonwealth Act. This Bill accomplishes that and, in addition, provides that the scheme should be administered and enforced as if it were a Commonwealth Act.

Similar action is required by the other States and it has been agreed that each of the State's amending legislation will come into operation on the same date.

The Commonwealth Civil Aviation Safety Authority will administer compliance with these insurance requirements throughout the Commonwealth and will be indemnified by the Commonwealth against any liability arising from the State's delegation.

I commend the Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause inserts definitions of applied provisions, Commonwealth authority, Commonwealth/State scheme, contract and State for the purposes of this amending Bill. In particular, Commonwealth/State scheme is defined as the Commonwealth Act (*ie:* the *Civil Aviation (Carriers' Liability) Act 1962* of the Commonwealth) and the provisions of the Commonwealth Act as applied by this Act and the corresponding legislation of other States.

Clause 4: Substitution of s. 5

5. Carriage to which this Act applies

New section 5 provides that the Act applies to the carriage of a passenger under a contract to or from a place in South Australia in an aircraft operated by the holder of an airline licence or a charter licence in the course of commercial transport operations. However, it does not apply to the carriage of passengers to or from a place in South Australia if—

- Part 4 of the Commonwealth Act applies of its own force; or
- a treaty, convention or protocol that has the force of law under the Commonwealth Act applies.

This clause reflects the limits on the State's legislative powers.

Clause 5: Amendment of s. 6—Application of Parts 4 and 4A of the Commonwealth Act

These amendments are consequential on the amendments to the Commonwealth Act and the need to apply new Part 4A of the Commonwealth Act.

Clause 6: Insertion of s. 7A

7A. Administration of Commonwealth/State scheme as Commonwealth Act

New section 7A provides that the Commonwealth/State scheme is to be administered and enforced in the same way as the Commonwealth Act and the Commonwealth Regulations.

Clause 7: Amendment of s. 8—Regulations

This clause inserts a new subsection (6) that provides that the Governor may make regulations for the purposes of this Act.

Mr ATKINSON secured the adjournment of the debate.

ROAD TRAFFIC (EXEMPTION OF TRAFFIC LAW ENFORCEMENT VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1282.)

Mr ATKINSON (Spence): I understand that the Bill provides an exemption from the parking regulations for the Police Security Services Division. I understand that the Police Security Services Division is taking over the operation of camera-activated speed detection equipment from the police. The police already have an exemption from the provisions of the Road Traffic Act because, from time to time in the course of their duties, they need to breach the Road Traffic Act. Indeed, I recall last year, when I was giving television interviews at Barton Road in respect of the Liberal Party's decision at about that time to close the road to pedal cycles and motor vehicles, that police cars repeatedly went up and down Barton Road. This might have been a good point for my argument but, in fact, there was an escaped prisoner in the area and the police were using Barton Road in defiance of the Liberal Government's regulations in order to recapture that prisoner, which they achieved.

The exemption for the Police Security Services Division is only from the parking regulations: it is not from other aspects of the Road Traffic Act because, given the sedentary nature of the Police Security Services Divisions' duties, that is the only exemption it requires. From time to time the Police Security Services Division will need to park in a way that exceeds the time limit for a parking zone. Their cars may need to face oncoming traffic. Indeed, their cars may need to park in a risky location, but all those matters are required in the Opposition's view in order to make their superintendence of speed cameras effective. The Opposition supports the Bill.

Mr VENNING (Custance): I, too, support the Bill. One could ask why I support the Bill, given that I am a very good customer of the police, particularly in relation to their cameras. I support the Bill because I very much support the restructuring of the Police Force to allow professionally trained police to do police work. The Bill will allow the special arm of the police, known as the Police Security Services Division, to do this camera work. I welcome this as I also welcome the change of duties for police in respect of piloting wide-load vehicles on the roads. It is a waste to have fully trained police officers doing that work. In this instance, I welcome the Government's move to allow other than fully trained officers to be responsible for speed cameras.

That task, of course, is to be transferred to the Police Security Services Division. I support that because, as I have said, we often hear that we do not see enough police on the beat. This move will free many police officers from the task of sitting on a camera all day to take up their position on the beat. Often vehicles used for this purpose are parked where they cannot be seen or in such a manner that would normally constitute an offence. Also, these vehicles could be parked for longer than the normal time allowed. This Bill will make vehicles used for this purpose exempt under the Act. It is a very simple Bill, and I am thankful for the Opposition's support. I support the Bill.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I would like to thank the Opposition and the House for their support of this measure.

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

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 27 March. Page 1283.)

Mr ATKINSON (Spence): For the information of the member for Custance, this is another omnibus Bill. It deals with four unrelated items of motor vehicles law that need to be changed. The first of these is a change that will authorise the Registrar of Motor Vehicles to compel a learner or probationary driver who has offended against the conditions of his or her licence to attend a lecture that will confront the offending driver with the consequences of motor vehicles accidents. It is a deterrence lecture, if you like. The requirement to attend this lecture will now be broader than it was hitherto. The lecture will be required of offending drivers only in the metropolitan area. Drivers who fail to attend will be subject to a division 11 fine. The Opposition supports this aspect of the Bill.

The second aspect of the Bill to which I refer covers the situation where a person making a claim on compulsory third party insurance visits his doctor and medical reports are generated as a result. It is a requirement that, before a person making a claim on compulsory third party insurance can obtain a payout, all medical reports must be submitted to the insurer within 21 days. It sometimes happens that when a claimant visits his doctor he makes disclosures about the merits of his case or the offers from the insurer that he is willing to accept. These would be prejudicial to his case if conveyed by the medical practitioner to the insurer in the medical practitioner's report. The purpose of this clause is to stop the doctor's disclosing to the insurer material about the plaintiff's case that would be unduly prejudicial to the plaintiff. The Opposition supports this aspect of the Bill.

The member for Custance will see readily that these clauses are not in any way cognate or related to one another so, when they come together in legislation, it is known as an omnibus Bill, because they are all 'on the bus'. Another aspect is that, when a driver notifies a change of address to the Registrar of Motor Vehicles, in the past he has been required to do that in writing. The Bill now allows him to do that by telephone, facsimile or electronic means subject to the regulations under the Act. I struggle with these clauses a little because I have never in my life driven a motor vehicle and all this is quite strange to me.

The fourth aspect of the Bill which the Opposition regards as worthy of note is the clause that allows someone who fails a test to be licensed to drive a motor vehicle to sit that test again sooner than the previous requirement of two days. It used to be a requirement that, if one failed the test, one could not sit the test again for a further two days. The purpose of that provision was that one could sit the test again and again on the same day, and if one memorised the questions well enough one could research the answers and sit the test successfully later on the same day. This was not regarded as desirable. However, I gather that the examination paper is now varied quite often, and the likelihood is that if one tries to sit the test again on the same day one will get a different examination paper. The Government is concerned that people in the country who want to sit the driver's test should not have to go all the way home, which may be many miles, and return two clear days later to sit the test again. The Opposition agrees with this concession and supports the Bill.

Mr VENNING (Custance): I almost understand completely what the meaning of an omnibus Bill is, but I have difficulty working out the relevance in relation to this Bill. The Bill deals in depth with what the member for Spence has just told the House. I will not go into it in detail, but I will reflect on two of the issues that affect my constituents, particularly the issue of offenders on P plates attending a lecture. Previously, this lecture has been treated as a bit of a joke. Now, if those who are ordered to attend a lecture do not, they face a division 11 fine. I think that is reasonable.

I welcome the latter part of the Bill which provides that the waiting time between tests if a person fails the theory test can be less than two days. I welcome this provision, because in many cases young people in country areas travel a long way to sit for these tests. If they fail the test after making a slight mistake or otherwise, they must turn around and go all the way home and return again to do the test—and that could happen a second time. If a person fails the test in the morning, they can go outside, collect their thoughts, study the questions and sit again. As the member for Spence said, the questions will not be the same, because they are staggered. Commonsense has prevailed, and I welcome anything that makes it easier for people to do these tests, particularly those people who suffer duress when doing them, as many people do. I support the Bill.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): Again, I thank the House for its support of the measure.

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

MOTOR VEHICLES (MISCELLANEOUS NO. 2) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 27 March. Page 1286.)

Mr ATKINSON (Spence): This Bill deals with registration charges for vehicles under 4.5 tonnes. It follows the pattern of changes to heavy vehicle registration charges, which the House dealt with earlier in the year, I think. Both the Bills relating to heavy vehicle and light vehicle charges are pursuant to a uniform national scheme. The Parliamentary Labor Party understands from its reading of the Bill that some charges will go down and others will go up. The registration fee for people who drive ordinary cars will go up a little and people who drive light commercial vehicles will find that their registration charges go down a little bit. The registration charges will go down a lot for those who drive light buses. The overall increase is in line with the consumer price index and the Opposition does not quibble with these charges. Local government loses exemption from charges for its vehicles but the increase in charges for local government is, in the Opposition's view, not a crushing increase and is one with which local government can cope.

The Bill introduces conditional and quarterly registration. Previously, there had been a minimum six month charge. It is the Government's intention to get farm vehicles under compulsory third party insurance by notional or conditional registration, and we think that is the right thing to do. On this

occasion the Government is keeping faith with its rural supporters.

Mr Venning: Are there any—

Mr ATKINSON: For the benefit of the member for Custance, who seems to be a little confused, I am saying that the Government is keeping faith with its rural supporters: I did not say that the Opposition was keeping faith with its rural supporters but, in so far as we have rural supporters and rural support in pockets of country South Australia, we will keep faith with them by supporting the Government.

The charges made for registration vary, usually according to the number of cylinders in the vehicle. The Minister for Transport in another place says that the bills that will be sent out for registration will now be separated into the substantive charge and an administrative charge, which will reflect the administrative cost of the registration renewal. The Minister says that this will lead to transparency, and we are willing to take her word for it.

Under the Bill a driver's licence may now be issued for a term up to 10 years. This seems to be an extraordinarily long time but I am sure in this matter that the Government knows what it is doing. Also, numberplates must be surrendered if registration is cancelled or has expired for more than three months. The Government's concern is that, unless numberplates are surrendered, they may be used on stolen vehicles. The Opposition supports the Bill.

Mr VENNING (Custance): This Bill means a lot to me, because I was involved in this matter through a private member's Bill in 1991. I compliment the member for Spence on his remarks and I thank him for his support of the Bill. It includes some favourable provisions for people on the land and I am sure they will be welcome. The conditional registration of certain light vehicles which require only limited access to the road network, plus the issue of numberplates and compulsory third party insurance cover for these vehicles, are definitely positive steps. The Bill retains the concession for farm vehicles at 50 per cent of the full registration for those vehicles genuinely used in the pursuit of agriculture. We have had many a battle in this place about this issue, particularly when the member for Giles was Minister and attempted to take this concession away. The Houses were deadlocked in conference and eventually that Bill lapsed and the concessions remain.

I am grateful for that but we must watch the position and ensure that the concession is not abused. The concession is obtained by a form being signed by a local police officer for the applicant before the application is processed. I believe there should be a clampdown to ensure that people obtaining the concession are strictly *bona fide*. As I said before, the situation is rorted to some degree. It is estimated that about 15 per cent of recipients are abusing the system and, if we were able to detect only 5 per cent of those abusing the system, it would represent a Government saving of almost $100 000. I believe we could have a 12 month amnesty period during which farmers could reapply for concessions on their vehicles. It could be made more difficult to apply for a concession, perhaps requiring more than just the local police officer's signature with an inspection of the vehicle taking place at the same time. When some farmers go to register their vehicles at the police station, the policeman asks, 'For what sort of vehicle are you wanting this concession?' The farmer might say, 'A Toyota Landcruiser.' Of course, the farmer does not say it is a station wagon, but the policeman may incorrectly assume that it is a utility.

As a farmer I have to say that this situation makes me cross indeed, because I know that it happens, but I am pleased to say that it does not happen often. We need to keep a strong handle on the situation. A 12 month amnesty could be declared to enable farmers to upgrade their registration to full registration without penalty. We would probably see a significant change in figures within 12 months if that were to apply. Also, it is my proposal that the registration disc should be clearly marked to indicate that the vehicle has concessional registration. That was the case in the old days and I wonder why the Registrar removed that indication. For any vehicle travelling on the road, whether a farmer's car or a truck carting material or doing carrying, it is against the law. People obeying the law have nothing to fear, and I want to protect the concession. We are lucky to have this privilege and we must protect it by making sure that those who rort the system are revealed. It is a privilege, which is being abused and, for the sake of all genuine concessional registrations, we need to clean up this area.

When you look at the rest of this legislation, you see that we are moving to common, uniform national fees for light vehicles. This House dealt with the Bill covering heavy vehicles in the latter part of last year. The Bill also introduces uniform registration categories. The number of categories has been cut from between 60 to 70 to about 30. I stand corrected on that figure, but certainly the categories will be reduced to make things easier and simpler not only for the administrators who send out the accounts but also for farmers and other people who have these vehicles registered.

When we look at the breakdown of the new registration categories for light vehicles, we see a significant reduction in the categories. As I said, owners of two categories of vehicle will be paying significantly less in registration payments, and I refer to small vehicles that were previously classed light commercial vehicles. They will now be classed small vehicles. Owners of these small vehicles number 8 350, and collectively they will be $280 000 better off. These vehicles are perhaps owned by less affluent members of the community and they will not be hit by the rise.

Owners of 2 to 3 tonne light trucks will also enjoy some benefits, as this category has been dropped to prevent overlapping into the heavy vehicle category. Owners in that category will benefit from quite a big reduction: the fee will be reduced from $359 to $245. When one includes the 50 per cent concession, it is certainly a big saving, and I am very pleased. The fee for vehicles in the 1.5 to 2 tonne category will increase by $2 to $245. That $2 increase actually becomes a decrease when the CPI alteration is taken into consideration. Owners of these vehicles number 1 200 and collectively they will be paying $330 000 less. This area is well targeted as it often includes light commercial vehicles, which are owned by many small businesses.

The registration of farm machines, that is, tractors and self-propelled harvesters, will come under the conditional registration category; they can be registered for as little as three months to cover vehicles used only on a seasonal basis. As with all other categories, registration periods can now cover three, six, nine or 12 months. This is a big plus and I wonder why it was not introduced earlier. It is a fantastic idea for farmers, because so many of these vehicles are used only for seasonal work and many farmers now will be able to register their trucks for the three months of seeding and then for the three months of the harvest period. There will be a 50 per cent saving. The vehicles are not used on roads, so why

should the owners pay the high fee. I commend the Government on this issue.

The charges to register special-purpose vehicles, as they will be called, are still to be decided by the SGIC, the compulsory third party insurer. A figure of $43 was mooted, but I believe that is too high. These vehicles will be exempt from registration but will attract the compulsory third party fee. We need to assure our farmers that, when their tractors are driven briefly on the roads, they are not at risk. I also note that this Bill provides for that cover to apply only when the farm tractor or machine is on the road. When the machine is in the paddock, the farmer will rely on his or her existing public risk policy.

I cannot therefore get stuck into the SGIC, as I had intended. I was going to say, 'You are going to charge farmers $40 to $45 for compulsory third party cover and then leave the existing public risk policy in place.' I was going to get stuck into the SGIC because it cannot have it both ways. If farmers are to be indemnified in respect of these machines, surely fees on their public risk policies should come down by a similar amount. Insurance companies cannot have it both ways, but I am assured, looking at this Bill, that the risk is only when the vehicle is on the road. Therefore, a public risk policy still covers the machine when it is in the paddock and the CTP covers the machine only for the brief time when it is being driven across the road or along it.

I await this figure with a little anxiety, because this is the area we will find politically difficult. At the moment farmers are paying nothing. They move their machines along or across roads because they are exempt from registration. As we discovered many years ago, farmers are not exempt from the legal risk should anything happen: several farmers have found out to their financial demise that that is not the case. The public risk policy did not cover them in the event of an accident. That area has been grey for over 30 years in this State, and I commend the staff and the Minister for, after all these years, addressing this problem, which should have been addressed many years ago.

I will be watching to see what happens with great interest, noting also that the department will include an administration fee of $5. I understand that that is only an initial fee. After a period of six to nine months, the full fee of $20 *per annum* will apply. I will be urging all farmers to get in very quickly and make use of this reduction because, if they do not, it will cost them $20. I am very pleased about that incentive, because it will induce farmers to take advantage of it very quickly.

If there is payment for a period of three years, savings will be made by avoidance of the CPI increases. The Government will allow farmers to pay these fees up front for three years. Farmers will be paying the CTP figure, yet to be decided, and only the one administration fee which, in the initial stages, is only $5. I am hoping the CTP will be $20 so that, over three years, it will be $60 plus one administration fee of $5, amounting to $65 for three years' cover. Hopefully farmers will be pretty pleased about that: if they are not, I am sure I will hear about it, as will other rural members. I welcome this three-year classification, because farmers will be able to avoid any CPI increases by paying up front. Financially I believe it is quite a sound transaction.

Farmers who currently have their vehicles fully registered—particularly those with vineyards who cart grapes to the local winery—will make substantial savings. At present these farmers have their tractors fully registered because there is no other option. They will make big savings, although I understand there are not a lot of them. But certainly those farmers who have their tractors registered will welcome this initiative, because previously they had no choice.

There was also some difficulty where farmers could be said to be contracting: there is now no differential. A farm vehicle is a farm vehicle, whether it is being used by a farmer, a contractor or whoever. They come under the same category, and that simplifies things so much. Some categories of vehicle will be cheaper, particularly trailers, and the member for Chaffey will no doubt talk about this issue shortly. Some categories not presently covered at all, including four wheel motor cycles—which are called ATVs (and we see hundreds of them around now)—will be covered. They can be driven on roads legally for the first time in South Australia without a special permit. Of course, they will be subject to restrictions of speed, time of travel and so on.

I will be very pleased to see the eventual passage of this Bill. I take a few seconds to reminisce and remind the House that, in 1991, I introduced a private member's Bill in relation to compulsory third party cover for farm vehicles. The member for Playford nods his head, and members will recall that the Bill was read a second time, much to the surprise of the then Minister, the member for Giles, Mr Blevins. It certainly sent a buzz around this place. It was my first private member's bill. The Speaker, who had the casting vote in the House, voted with me, so that the Bill proceeded to the third reading stage.

At the third reading, the Speaker of the day (Norm Peterson) voted against the Bill, but with the proviso that the Minister meet with me, as the member for Custance, and the officials (Mr Frisby and Mr Moore) to work out a system that would solve this anomaly—this risk that farmers were taking. This was in 1991, so it has taken a while. At this juncture, I am pleased that in this Bill all these avenues appear to be covered. As I said earlier, it has taken 30 years to cover these problems. Why? Because many of these things were difficult to solve.

Many people are watching this Bill with great interest—insurance companies, farmers, farm advisers, consultants, agricultural bureaus and the Farmers Federation. I would also like to take the opportunity to thank the Farmers Federation for its work, particularly that of Mr Dean Bolto, who met with us on this issue several times over many years since 1991. Once again, it is a culmination of a lot of work and thought, as well as a fair bit of political manoeuvring. I am pleased with this legislation, which provides many benefits not only for primary producers but for small businesses and the general population as a whole. Therefore, I have no hesitation in supporting the Bill.

I want to thank the Minister for her patience, because we had many meetings on this issue and, although we raised our voices once or twice, I am glad that that did not happen often. The farmers of this State should be pleased with their Minister, and hopefully they will be pleased with us as their representatives. I will put it clearly: we have obtained a good deal for them. We had to back off from very little; we kept the 50 per cent concession, and we have now given them the legal protection they required. South Australia was the only State in Australia in the situation as it existed. Whatever figure the SGIC sets, I am confident that we will still have the lowest cover of any State in Australia, and I do not think we can attract too much criticism here.

Once again, I thank the Minister for her patience and for having a good understanding of this matter. Most importantly, I again want to thank the officers, Mr Rod Frisby and

Mr Moore. I first met Mr Frisby in 1991. I was sent around to see him by the then Speaker. Of all the Government officials with whom I have worked, Mr Frisby has shown the most understanding and had the most professional attitude. A lot of success has to be credited as coming from his desk. I told the Minister that certainly it was a difficult Bill and a difficult situation to change. He did much work and provided many figures so that we as members could understand things more clearly. He provided many charts, almost *ad nauseam*, and we altered them many times so that we could see exactly what we were going to do with this Bill. It is quite an historic moment for me to see this Bill pass. I will wait for the weeks ahead to see what the SGIC compulsory third party cover figure will be. I want to thank all those involved, and I also thank the House for its support of this Bill, which I commend to the House.

Mr ANDREW (Chaffey): I rise to support this Bill. I do so for a number of reasons, particularly because of its effect on my constituents, including my rural constituents—primary producers and the fraternity. Along with a number of colleagues, I have had direct involvement with the Minister's backbench committee, having what I would call coalface interaction in terms of achieving a significant impact on the final outcome of this Bill. It has been pleasing to be part of that process and to bring about the achievements concerning this Bill with which the member for Custance, as he has just indicated, and I feel so comfortable. Also, in my new role as parliamentary secretary to the Minister, it has been pleasing to see this Bill come to fruition.

I support the broad objectives of this Bill which facilitate what I would summarise as matters involving three distinct areas. First, it streamlines various categories of registration charges. Secondly, it produces a structure of charges, consistent with those contained in the heavy vehicles legislation recently passed, involving vehicles weighing more than 4½ tonnes. Thirdly, it complies with a range of recommendations under the national vehicle registration scheme.

I want to draw the attention of the House to certain aspects of this Bill which I particularly support. The member for Custance has clearly explained the position regarding the continuation of concessions for some vehicle owners. This involves a number of areas, but I refer, first, to the 50 per cent concession that has been continued for primary producers. I acknowledge that, in the process of going through this Bill, it has been appropriate that this concession be reassessed. The member for Custance has stressed—and I strongly endorse his remarks—that we need to recognise that there is some abuse of the system. I am sure other rural members would support our view that abuses of this concession do need to be watched and stamped out in the interests of its true recognition, appreciation and use by *bona fide* primary producers. The Bill truly reflects the historic recognition that, to a large extent, these vehicles are used by primary producers on private property and not on public roads.

The situation concerning concessions is more broad in this Bill, because they also affect the circumstances of pensioners. Totally and permanently incapacitated ex-servicemen and people in isolated areas also receive the benefit of reduced registration rates; for example, concessions of about 50 to 66 per cent apply for TPI pensioners. This is an important measure, which will offer some encouragement for people in those circumstances to maintain their independence through access to their own vehicle. Although in reality some of these people would be driven by others—whether or not it be members of their own family—this measure will effectively make them less dependent on other Government support services. I certainly endorse the view that ex-servicemen deserve this concession, particularly because of their status as such and because of historic involvement.

Another aspect of this Bill which I applaud is that the vehicles in question will require only minimal access to public roads. We are providing for conditional registration for up to a three-year period, thus ensuring that all vehicles in this conditional registration category will be covered by third party compulsory insurance. SGIC and others are yet to provide a formal or an agreed amount to the Minister with regard to this figure. The member for Custance indicated that a figure of about $45 had already been mooted, and he referred to a target in the order of $20, which I endorse and believe would be more acceptable and appropriate.

I support this Bill on the basis that the final figure determined will be fair and reasonable. I am optimistic that the level of the final figure for third party insurance, in reflecting the true cost of providing this insurance for the vehicles concerned, will reflect that such vehicles, in a statistical sense, represent a reduced injury risk, bearing in mind that these vehicles are on the road for only a minimal time. As a result—and assuming, as I have indicated, that this figure is fair and reasonable—it will bring about a significant reduction—and therefore a saving—for primary producers who are having to register fully those types of vehicles.

In effect, all self-propelled farm implements and tractors which are currently exempt from registration or which operate on restricted long-term permits will be required to be conditionally registered. However, agricultural trailers and other towed farm implements will not need a permit or need to be registered if they are towed by a conditionally registered self-propelled farm vehicle. In these cases the trailer unit will be covered by compulsory third party insurance. In effect, conditional registration will replace the current long-term unregistered vehicle permit system. I also understand that short-term permits for single vehicle journeys will still be available, because this may be applicable in certain cases.

Conditionally registered vehicles are to be issued with numberplates and be covered by the compulsory third party insurance to which I have alluded. In particular, as access to the road network will be limited, no registration charge or stamp duty will be payable, and owners of these conditionally registered vehicles will be able to register for periods up to three years. An administrative charge of about $20 will be payable to cover the costs associated with the issue of the registration, but an administration fee will be applicable irrespective of whether the owner decides to take out that registration for one, two or three years. This will enable owners to make greater savings by registering for longer periods.

Vehicles will be recorded on the register of motor vehicles and issued with a numberplate and registration label. Registration renewal notices will be forwarded to the owners for convenient renewal or registration and for the compulsory third party insurance. Currently, renewal reminder notices are not forwarded for unregistered vehicle permits, and permits cannot be renewed at Australia Post agencies.

I endorse this administrative endeavour and procedure. Many vehicles used in primary production illustrate the need for such a category of registration. Many primary producers' vehicles spend very little time on the roads but must regularly travel short distances across adjoining properties. In my electorate, as in other rural electorates, this may involve farm

tractors perhaps pulling only fruit bin trailers, wine grape trailers, spray plants or more specialised self-propelled farm equipment, such as the picking platforms that many of us have seen in the horticultural industry.

Of particular importance, as alluded to by the member for Custance, is the concessional facility to the four-wheel agricultural bikes—ATVs—about which the farming community has made representations to the South Australian Government in recent times. Again, I acknowledge the work done by the South Australian Farmers Federation and the involvement of Mr Dean Bolto in this situation. These vehicles are principally designed for off-road use. I understand that these four-wheel agricultural bikes do not generally conform or comply with Australian design standards. Because of that, it has been difficult in previous legislation to have them formally registered. They have been ruled as being ineligible to be registered for use on public roads.

I understand that there has been agreement that these types of motorcycles could be operated under existing long-term unregistered vehicle permits if particular criteria were met. Of course, this legislation will now supersede that. It will streamline and make it more effective to be registered under this new procedure. Under the provisions of this Bill, many owners of agricultural motorcycles will now be able to obtain conditional registration with the attached criteria still applying to these ATVs. I reinforce the need for and value of that, because these types of vehicles have a significant influence on efficiency and economy in broad acre farming and in the horticultural industry with respect to agricultural activities and reducing the use of chemicals. I also place on record the fact that special purpose vehicles, such as those used for fire-fighting, will be covered by the conditional registration provisions. That will be particularly effective and useful in the rural community.

Another important aspect is that all accounts from the register will now be itemised in terms of administrative expenses. They will be itemised separately from the registration costs which relate to having a vehicle on publicly funded roads. Under this regime, the administrative services, whether relating to licences or registrations, will incur varying fees to effect the differences in expenses. In the case of conditional registration there will be no registration charge, but there will be an associated administrative service charge which relates to costs to the register, and the appropriate fees will apply. There will be three levels of administration fees ranging from $5 to $20 and they will be itemised when the account is generated. Thus, a renewal of three months will attract the same administration fee as renewal for one year. That is a fair reflection of the costs involved in processing the registration.

This leads me to the implications of the amended structure of registration charges for motorists. It is important to reassure the public that this is not a revenue-raising exercise. Increases have been in line with CPI rises. Taking CPI adjustments into account, some motorists will see a slight fall while others will see a slight rise. I will not go into the details, but some were itemised by the member for Custance in terms of the numbers of vehicles. I think that about 28 000 vehicles are in the lesser category and they will attract savings of well over $200 000.

Notwithstanding that, one group to benefit from changes to the fee structure will be light commercial vehicle owners. These vehicles will be classified in various categories: less than one tonne, one tonne to 1.5 tonnes and 1.5 tonnes to 4.5 tonnes. Flat rates will apply for the two heavier classes. For those of less than one tonne the charge will be the same as for non-commercial vehicles in accordance with the number of cylinders, so savings will be made in this category.

Effectively, the registration charges for light and heavy vehicles are to be more relative to each other. As members will appreciate, in terms of the recent legislation that was passed with respect to heavy vehicles, the heavy vehicle registration charge begins at $300. For vehicles now in the category of 1.5 tonnes to 4.5 tonnes, the charge will be $245. That will mean a reduction for some with that class of vehicle. I believe that is entirely justifiable; it and maintains a comparative level of relativity with that created for the heavy vehicle category.

The Bill also introduces greater flexibility in opting for the period of registration renewal. The minimum time has been reduced to three months. Other choices now are six months, nine months or 12 months. As well as allowing the cost to be spread over a greater part of the year, this will enable vehicles used only on a seasonal basis to be registered for a shorter period. What makes this option particularly attractive is that, rather than periodic registration incurring establishment fees, as happens now, a new late penalty can be waived at the discretion of the registrar. I understand that seasonal usage will be treated in a similar manner. Again, this will be particularly advantageous for many operators in the rural community. The legislation offers an alternative to late penalties in this regard by allowing the registrations to be backdated for up to 90 days. The outcome is a range of choice which better caters for the breadth of the vehicle registration needs of the community, particularly the rural business community.

The Government continues to make the necessary legislative changes to comply with the nationally agreed business rules that can and are being implemented interstate. In doing so, South Australia will come into line with other States by requiring that numberplates be surrendered when a registration is cancelled and, except in the case of seasonal vehicles, this will also apply when a registration has expired for greater than 90 days. I expect that this will reduce the unlawful use of numberplates on stolen vehicles and will contribute towards combating the problem of unlawful use of numberplates by those in the community who exploit this opportunity unlawfully at the moment. The common licence classes across Australia and the National Road Transport Commission's proposal for the responsible operator initiative are further changes in the Bill.

In conclusion, I thank all those involved with the consultation and preparation of this Bill. I have already mentioned the Farmers Federation, but I also thank my colleagues, particularly the member for Custance. As is well noted from his comments, a number of years ago the member for Custance took a special interest in terms of progressing some of the issues in this Bill. I also thank the Hon. Caroline Schaefer of another place for her representation of rural interests in this regard. I also pay particular tribute to the Minister, who has been very fair and diligent in ensuring that the final result of this Bill is fair and reasonable. The Minister has produced an acceptable outcome for the broad cross-section of the community, particularly those in rural areas. I also thank the departmental officers and the Registrar, Mr Rod Frisby, and Mr Terry Moore. They were more than cooperative in working through a myriad of figures, as the member for Custance indicated, in trying to produce a fair mix in terms of the financial outcome of the many permutations that were considered.

This Bill has demonstrated the Government's commitment to improving the transport sector's administration, operation, efficiency, equity and, ultimately, its contribution and performance as part of this State's growing economy. I offer my endorsement and support for what is a very practical, fair and good Bill for all South Australians and, particularly, as I have said, rural producers.

Bill read a second time.

In committee.

Clauses 1 to 42 passed.

Clause 43—'Amendment of Stamp Duties Act 1923.'

The Hon. J.W. OLSEN: I move:

To insert clause 43.

I point out to the Committee that the clause is in an amended form rather than that which came to us in erased type.

Mr VENNING: What does the clause do?

The Hon. J.W. OLSEN: Clause 43 as currently proposed would establish a blanket exemption from stamp duty for all conditional registered vehicles. Whilst this approach covers the majority of cases, there will be exceptions when full registration fees and stamp duty are payable for conditionally registered vehicles. The intention is to preserve the *status quo* insofar as the payment of stamp duty is concerned. For example, a farm vehicle driven on roads between portions of a farm will be conditionally registered exempt from stamp duty. There will be no registration fee, but there will be a condition on the registration to limit travel between farm blocks only. However, a heavy goods carrying vehicle may also be conditionally registered with full registration fees and stamp duty with a condition that limits routes and/or speeds or requires warning signs or flashing lights to be displayed. The clause will allow for the various classes of vehicles which will attract stamp duty when conditionally registered under section 25 of the Motor Vehicles Act to be prescribed by regulation.

Clause inserted.

Title passed.

Bill read a third time and passed.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I move:

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

Motion carried.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL 1996

Adjourned debate on second reading.

(Continued from 27 March. Page 1176.)

Ms HURLEY (Napier): From the Opposition's point of view, there is no need to take up much of the House's time. The Bill contains a series of provisions which are eminently sensible and which will be supported.

Mr VENNING (Custance): This is certainly a big day in my political life, because this is another issue that has been at the forefront of debate since I have been a member of this House. The first amendment deals with the exemption of stamp duty criteria used for the transfer of family farms within a family unit. This initiative was introduced by the Government and has been extremely well received by the farming community in South Australia—so much so that the Treasurer was a little overwhelmed with the number of transactions that have occurred since the introduction of this measure some 18 months ago. Because of this measure we have seen more farm lands transfer from one generation to another in the past 18 months than we saw in the previous 18 years.

Farmers held onto their land purely because they did not want to pay the excessive amount of stamp duty that was necessary to transfer their land to their son or daughter. As I represent many farming families in my electorate and because I have a farm myself—although I have not and will not use this criteria because my land has already been transferred or all that I intend for the time being—I am naturally interested in any legislation which affects the transfer of a farm within a family. As I said, the success of the Young Farmers' Assistance Scheme has been fantastic. Many of my constituents have availed themselves of this scheme, and they are eternally grateful to the Government for having the courage to think of it and, most importantly, for introducing it.

Recently, I received representations from an elderly farmer who wished to transfer his farm to his daughter. His daughter worked shift work as a nurse but she also helped her father on the farm whenever she could and assisted with the bookkeeping. However, when he applied to transfer the farm to his daughter, the Commissioner deemed that no business relationship existed and that stamp duty would be payable on the transfer. Of course, my constituent was very concerned about this. He then sought advice and entered into a formal partnership agreement with his daughter. A few weeks later, he again applied to transfer the farm to his daughter. Because a partnership arrangement had been entered into, the transfer proceeded without incurring any stamp duty.

Under the provisions of this new legislation, a partnership will have to be in place for a minimum of one year before a transfer can be enacted without the payment of stamp duty. I point out that this legislation does not necessarily mean that a partnership arrangement must be entered into. Section 71CC(2) of the Act still applies. It provides:

> The Commissioner may, in deciding for the purposes of subsection (1)(b) whether a business relationship existed between two persons, take into account any of the following:
>
> (a) a previous employment relationship between them (regardless of the amount or form of remuneration);
>
> (b) a share-farming arrangement;
>
> (c) the provision of assistance in the running of the business;
>
> (d) a partnership arrangement,
>
> and may take into account such other matters (whether similar or dissimilar to those referred to above) as the Commissioner thinks fit.

The main change is that all the above criteria must be considered to be fact for at least one year prior to the transfer.

The other change concerns the clarification that each relevant person to the transfer must be alive at the time of the execution or instrumentation of the transfer. That requirement of being alive rules out many members of the Opposition. However, there have been cases where the transferor has been deceased for 30 years, so it needs to be clarified in the legislation that it applies to a natural person (section 71CC(1) of the Act). I reiterate that I fully support the exemption being given to children of farmers even though, at the time, those children might be earning a living or receiving a regular income away from the farm, because that is the only way that

many of them can survive. Off-farm income is often the only way that many farmers can exist, especially on small farms where many family members are involved.

I realise that this legislation needs to be tightened up, but *bona fide* young farmers should not be penalised. If they are penalised, there is no doubt that I will hear about it before very long. I thank the Government for having this common-sense approach to the Bill, but I want to make sure that the Minister will give us quite clear clarification that those people who are not currently working on the farm for financial reasons only will be able to have their parents' farm transferred to them without the payment of stamp duty. I have said to all my constituents in respect of this issue: 'Don't take it for granted; don't sit back.' I say again publicly, 'This is a privilege which the Government has given to the farming community; whatever you do, make use of it.' In many instances, it will amount to many thousands of dollars.

The Government introduced this measure not so much to save the farmers money, which it certainly will do, but to encourage farmers to transfer their land to our young farmers. As members have heard me say *ad nauseam*, the average age of farmers is increasing to almost 58 years of age, and not many young people were coming onto the farms, purely because they did not own the land. There was no interest, their prospects were poor, and the future of farming in South Australia was imbued with some doubt. This is a definite way of changing that and putting the land into the hands of our young people. We are encouraging them to do that by exempting them from paying stamp duty.

Mr CONDOUS: I rise on a point of order, Mr Deputy Speaker. Can it be recorded that South Australia has just won the Sheffield Shield?

The DEPUTY SPEAKER: I thank the honourable member for that very good news. I am sure that the member for Custance will not mind being interrupted in that most unparliamentary fashion, but the news is good.

Mr VENNING: I have been interrupted with great pleasure to hear that news. I say, 'Good on the Redbacks.' They have shown a lot of staying power to remain in the innings and beat the battle against the clock. It is yet another success for South Australia. We have had success on the sporting field not only with cricket but also with netball and hockey, as I mentioned in a private member's motion earlier this year. South Australia is getting it all together, and I think we must give some credit for that to the Government for encouraging our sportspeople. The Minister has just walked in, and he has a grin from ear to ear. I am very pleased. One hour ago, I was a little anxious that we would not make it, given that we were 7/197. I thought that we would not hang on for an hour with only three wickets remaining. I congratulate our cricketers, the coach, the Minister and all those involved.

I will now conclude my remarks in respect of young farmers. Farmers, particularly young farmers, appreciate what the Government has done. The Treasurer is touchy about the amount of money that will be forgone—and it does amount to a lot: about $12 million. That is a straight-out hand-out or subsidy for our young farmers who will continue in an industry that has been difficult and unprofitable. So, that is a good incentive for young people to take over their parents' land and continue farming. I welcome this Bill because it will tighten up the rorts that may have existed. However, I want the Minister's assurance that this measure will not exclude members of a family who have been away from the farm from being able to have that land transferred without the payment of stamp duty. I commend the Bill to the House, and I thank the Minister for introducing it.

Mr BUCKBY (Light): I, too, would like to add a few comments regarding this Bill. However, first, I wish to put on the record, as the member for Custance has, my congratulations on the South Australian Shield side having won the Sheffield Shield a couple of minutes ago.

Stamp duty exemption for farming families is an extremely good initiative by this Government. It will allow many families to transfer their land between themselves—between mother and father or to their sons and daughters—to ensure that the farm continues in the family name without having to pay stamp duty. As the member for Custance just said, in the past 12 months this has amounted to $12 million to $13 million in terms of what the Government has given away, but we should remember that in a normal year the income received from stamp duty transactions in the farming sector is only $2 million to $3 million. So, in actual fact that is all that the Government has given away in this area.

As I said, it is an important initiative, one that the Government looked at to ensure that we could reduce the average age of farmers in South Australia. The average age has risen to about 57 or 58 years and that average age has to be reduced. Also, whatever encouragements the Government can give to young farmers to stay on the land are very important when times have been extremely tough over the past five or six years because of interest rates or low commodity prices. Therefore, actions such as stamp duty exemption should be followed. There are always people who will try to find a loophole in the law to try to suit their own needs and this Bill addresses a couple of loopholes that have been found. It tidies them up to ensure that those people who should be receiving the benefit actually do so.

As the member for Custance said, the Bill does not stop the conveyance of land between family members but it impacts on companies or people having transferred land to people no longer with us. The Bill will tidy up the loophole and ensure that the conveyancing that is done is genuine. I commend the Treasurer for this initiative, which has been warmly received by people in the country. Many people have approached me on a regular basis to ask how long the exemption will continue. Obviously, we will have to wait until the budget to see what will happen in that area, but it is an initiative that country people have certainly appreciated and made good use of.

Mr D.S. BAKER (MacKillop): I wish to speak briefly to the Bill but, first, I congratulate the South Australian cricket team on its magnificent victory. Those of us who have been a bit interested in it over the past few days know of the nervous tension. If members know of the tension among those who have been listening to the game over the past hour, they would know how we feel. I will now try to gather my thoughts to comment on the Bill. I have concern about what is going on with the Bill and I will voice my concerns to the Treasurer. With other rural members, I guess I was one of the architects of the Bill's being introduced as Liberal Party policy before the last election. It is fair to say that country people have to put up with a lot of privation and even our city counterparts realise that. One thing that has been happening throughout my farming career has been the loss of many people from country areas, and this has had a tremendous effect on country towns. One reason for the loss is that young people are not staying in country areas. A major cause is that

people are holding onto land for far too long. Even silly old farmers like me still have land in their name and I believe that we have to do something to get the next or a younger generation out on the land farming.

However, to do that there has to be incentive. No matter what we say, this will not happen unless there is incentive. The incentive applying before we introduced this legislation was that anyone could hold land until they died and they could then pass it on for $4. That is the law and no stamp duty applies to the transfer of a deceased estate. In effect, we were asking everyone who held land to continue holding that land for the term of their natural life. Not only could they pass on their land for $4 but, if they wanted to—and we have done that legally in our operation—they were able to skip a generation. Not only do we have land not being passed on from father to son but, if people wait until the father is deceased, the land can go to the grandson and thereby skip a generation. I believe that that sends the wrong message entirely because, whether we like it or not, farming is a capital intensive operation.

One cannot eat capital. Anyone who has tried knows that, if they eat away at their capital, it is soon not there. Profits in the industry are low and to get younger people to stay on the land is a difficult task. Therefore, we introduced this legislation as Party policy, but it was introduced along exactly the same lines as legislation introduced six months earlier in Victoria. Similar legislation was introduced under the Labor Government in Queensland, which helps, and there has also been a considerable amount done in New South Wales but that legislation is much more generous in its scope than in South Australia. As to our research, the Victorian Government, from the Premier down, conceded that its legislation was one of the platforms on which that Government stood. When I inquired about rorts or perceived rorts, they said, 'You will not block out everything because, if you block out everything, no-one can get the concession and you will not achieve what you are trying to do.'

My fear with these amendments is that we are trying to block out the very people who, ultimately, we want to get out into the country on the land. I do not care less whether an orthopaedic surgeon buys a property and ultimately transfers it to his son or daughter to go on the land, because his father or grandfather, through the inequities of death duties, could have been forced off the land. We have to provide an incentive. Certainly, with no disrespect to the Treasurer, I have not yet seen a Treasury official with any long-term vision for South Australia. I have not met one yet. They are good at counting, but they are hopeless at business.

Mr Foley interjecting:

Mr D.S. BAKER: That is right. The previous Administration knows only too well, because the Treasurer and I went many times to the then Under Treasurer questioning what was going on with the State Bank. All we got was a set of figures that did not work. If you are trying to give people incentive to do something, you have to take risks in this life. I have never accepted Treasury's view that it was going to cost the State Government some dollars. In terms of what happened before, nothing happened. I can tell the House it did not happen because in our own family planning we were not going to let change happen. We held onto land legitimately. In fact, I have an 88 year old mother still holding land that she wants to give to me but I do not want it, so it will go to the next generation because that will cost only $4 to do so.

Fancy in our family someone giving land to a farmer at my age and taking away that incentive from the younger generation. That is sending out the wrong message. The big point is that the concession is revenue neutral and it was perceived to be revenue neutral in other Australian States. As soon as we impose the impediment of stamp duty, people will not respond. Treasury will argue a different view, and that is why Treasury officials are doing what they are doing and why many farmers are out there doing what they are doing. I know which job I would sooner be doing.

We have to have a bit of vision for the State. We have to provide an incentive to get younger people farming because, done properly, farming can be profitable for a lot of people, but we have to make sure that we try to help them. All the policies that this Government has introduced are targeted towards farmers standing on their own two feet. We have stopped lending capital to farmers. Why should not lending institutions and private banks lend money to farmers? That is appropriate. Why should we be helping with interest rate subsidies other than for those farmers who really want to farm properly?

Why should we hand out interest rate subsidies to farmers who do not want a financial plan or a property development plan to ensure sustainable farming for the next generation? We are sending the right signals. We are now told that this Bill will close a loophole that could have cost the Treasury money. Well, bad luck. Mirror legislation in Victoria is not doing anything about it, and all inquiries made by me and others indicate a belief that it is fair and reasonable to try to get some of those people out there. I would say that this Bill is the thin end of the wedge. We must try to give middle-aged and older farmers the confidence to hand their land onto a younger generation, and there are many reasons why that does not happen, including the rules of marriage and divorce and whether the current owner can afford to live off the farm if he gives it away.

The whole structure for lowering the age of farmers in South Australia was predicated on farmers giving away their land to another generation at the age of 55, or whatever, and then being able to exist under other arrangements for five years until they could qualify for the Federal pension, which allowed the family farming unit to stay together. I believe, and I want it clearly stated on the *Hansard* record, that this is the beginning of the end because, once this is allowed to happen, it will chip away further. If farming communities are to have confidence to pass on their land, they must understand that it is a 20 year plus arrangement.

As soon as the negative influences tell the farming communities, 'They are now starting to draw down on it,' people will walk away and farmers will say, 'Okay, I am not prepared to do it for a couple of years so, bad luck, we will do something else.' We will get back to the old structure, and you never catch the smart ones: you catch the genuine person who is trying to get someone younger on the land—in other words, enticing them to come onto the land. I believe that farming has a fantastic future, but it is a long-term enterprise. A huge amount of work has been done around Australia, especially by the last Federal Primary Industries Minister as well as the work done in this State in talking to the banks.

We are trying to impress on farmers that they must take a 10 year plus view of farming, and probably in many cases a 20 year plus view and, provided whoever is operating the farm does so in a sound financial manner and pays attention to his farming practices, money is to be made, but it is not easy. I can understand young people saying, 'Why should I battle away in some outlandish place where we do not have buses or movie cinemas, and we do not have all the free

things enjoyed by city people,' when there is a lot of privation in the country. I really believe that this matter is bipartisan. The means must be provided to enable people to go on. The old-fashioned view of members of the Opposition was to introduce death duties tax and all the other taxes. I remember conversations I had with the Hon. Des Corcoran, who came to understand that all that did was to destroy the fabric of family farming.

Mr Foley interjecting:

Mr D.S. BAKER: I notice by the yellow stickers that the honourable member did not always do that, but never mind.

Mr Clarke interjecting:

Mr D.S. BAKER: Okay. The interjection is 'agrarian socialism'. No Government has ever been as tough on farmers in making sure they run their farms in a business-like manner with long-term sustainability than has this Government, and no-one from this Government has said, 'We will give them all a hand-out,' because, quite frankly, the majority of good farmers who have battled do not want a hand-out. All they want is to know that they can go on in the family farming manner.

I have expressed my grave reservations as to what this measure is doing. I am the first one to say, 'Stop the rorts.' No-one has been tougher on that than I. I want it firmly on the record that this is not going to cut out the genuine people whom we want to get into farming. All this nonsense about a business relationship has just crept into it. That is the first time I have ever heard of it. Some Treasury official has determined that a person must have a business relationship. That could mean anything. Many people left their farms years ago to do other things and they will come back only if they are given some land to enable them to have some security of tenure. In many cases the farmer's son or daughter will not come back onto the land, after giving up their job because the farm could not support them, if they do not have security of tenure.

In many cases, unless you are a very close-knit family, as I am privileged to be a part of, you will not say, 'It is all right, I will get it for four bucks when Mum and Dad flick onto the next world,' because that is not the security they want and that is not the message we want to send them. The message should be: please come back, let us get the average age of farmers down, and let us get farming going again because, whether or not we like it, farming is the backbone of this State. We can talk about manufacturing, but what has done more for this economy in the past 12 months and what did more damage to the economy—apart from the Labor Government—in the previous three or four years? It was the rural situation.

The low commodity prices and droughts devastated the coffers of the Treasury. What will lift the State's growth rate in the next few months is a booming rural economy in commodity prices. Some other aspects are not too good, but the longer term outlook is still good for farming. In no way am I criticising the Treasurer or the Minister, but I believe we have fallen for the Treasury line, the three-card trick: chip away, chip away. Treasury has no vision for this State whatsoever. It has never had any vision for this State in any of my dealings, and I will fight very hard to make sure that this is Liberal Party and Liberal Government policy for the next 10 years I am in this place, and that will help the farming communities in South Australia.

The Hon. S.J. BAKER (Treasurer): I thank members for their contribution, particularly the members for Napier, Custance, Light and MacKillop. A number of issues have been raised but the one that has dominated discussion has been the matter of the concessions that exist in relation to stamp duty for intergenerational farm transfers. There are a number of other important provisions in the Bill.

Mr Foley interjecting:

The Hon. S.J. BAKER: I will address the vision in a minute. I want to pay great tribute to my Treasury officials and to the people in the taxation office. I believe, Sir, that in South Australia you would find the most professional and well-respected Treasury and taxation officers in Australia because, even when a person is wrong, they get a fair deal. The situation is clearly explained. If it is a policy matter, it is the Government's responsibility and, if it is a machinery matter, it is the responsibility of the taxation office, and I know from the feedback I receive from the business community that officers in both areas are regarded as highly professional and seen to be doing an outstanding job. I put that on the record, because it is something in which I believe. Both sets of officers have tuned up to a level of professionalism that does credit to this State.

In relation to the change in superannuation, the CHESS scheme, involving the stamp duty arrangements, was inadequate, because those arrangements did not also include the CUFS scheme, and that matter is being remedied in this Bill. It also stops rorts where people split securities by taking a security for stamping which does not represent the value in the total contract. A number of important, meaningful and responsible changes are addressed in this Bill. As I understand it, there is no difference of opinion about those matters. The member for MacKillop put a point of view about Treasury. My Treasury officials have a strong sense of vision, because they understand the Government's program—

Mr Clarke: It was probably referring to you, not your officials.

The Hon. S.J. BAKER: It may well be referring to me. I am not too fussed whether it refers to me or my Treasury officials. I simply say that the essence is that people should work together to the common good of the State. There is no doubt that officials in my department work their proverbial backsides off to get a result that will be to the benefit and credit of this State in the longer term. Anybody who looked at the improvements, the focus and the assistance offered to departments by officials over the past two years would see that some good things have happened in South Australia, particularly in the Treasury and Taxation Offices. These people have a vision for a better South Australia, and they are assisting me in my task as Treasurer to meet that requirement. Whilst we can all improve, the progress we have made has been to the credit of everybody concerned.

In terms of the provision itself, I can assure the member for Custance—as I have received assurances from the Commissioner of Taxation—that the genuine cases are catered for under this Bill. If the relationships are of a longstanding nature and have been broken, they will not be affected by changes in this Bill. It frustrates me that anybody in this House would take the attitude, 'You have to put up with the occasional rort', at the same time as my taxation officials, on their own initiative, are driving the process that ensures that everybody pays their just dues regarding taxation.

The point should be made clear: if sections of legislation are inadequate and I do not take action, I am failing in my duty. Before we came into Government, a number of people asked, 'So many areas of taxation are not being pursued; what

will you do about it?' We sat down with the business community under the leadership of Mike Walker, and we listened to those people. We talked to them and asked, 'How can we work together to make the system more simple, the response times better and make sure everybody is paying their just dues?' Again, it has been an outstanding success, as we have seen in areas where rorts were taking place. We are starting to close the doors on those rorts. It would be wrong of me to say, 'I'm going to leave aside a certain area, because someone suggests that the *status quo* should remain.'

I remember that I sat on a select committee into rural poverty. Whilst I was visiting the farming communities, one of the stark things that came out time and again—as well as all the transgressions by banks, farmers and everybody concerned during the 1980s—was that our farming population was ageing dramatically. The average age was 55 years then, and I understand the last statistic showed it to be about 57. In that select committee I insisted that we do something constructive other than talk about the never-ending problem of farmers on the land who are ageing.

I put my pen to that paper very strongly, and it was appreciated and agreed with by the whole committee. There are two things you have to do—and I know the member for Eyre was right in there, too: first, we have to provide some capacity for those people to pass on property to their sons and daughters so that they are not stuck in a poverty loop for ever and a day—and that is by way of stamp duty, which could be costly; and, secondly, we have to make strong representations to Canberra to change the social security rules, because people were asset poor (in terms of their returns) and certainly revenue poor. We had a range of circumstances.

However, 30 per cent of those farmers were going out backwards and, for the other marginal 30 per cent, there was this never-ending problem of how to make ends meet, and that was very compelling. In visiting those rural communities, I said, 'Something constructive has to be done; we have to make life easier for people.' That was where the initiative came from. We had the solid support of the member for Eyre in that process and the acclaim of the rural communities. The select committee operated during the term of the former Government, but its recommendations for change have been picked up by this Government.

So it is true that I, in conjunction with the Minister for Primary Industries, developed that policy. Importantly, the policy had been read, inwardly digested, and picked up immediately by people within the Treasury and Taxation Offices. When we came to power, they asked, 'You've made this promise; how do you want to make sure it's kept?' The initiative was not put in the bottom draw. The matter was raised with me very early in the term of this Government and action was taken—much to the credit of the people involved. It was not a matter of my pushing for something: it was immediately accepted that this was a genuine policy by the Government, and there was an acceptance of the need to implement it. Anybody who suggests that my officers have not shown vision and initiative in this matter is wrong.

A cost is involved. We would expect about $2 million to $3 million to be collected in the normal scheme of things, so that is a revenue forgone. The price over 1994-95 is about $12 million. The impact of our not doing anything at all runs into hundreds of millions of dollars, simply because, if we do not allow the system to change and bring younger, more vigorous people with new ideas and farming techniques onto the land, we have lost the productive capacity of this State. There was never any doubt about my commitment to that change or a commitment to see some change in Canberra to get some fair rules for farmers who are suffering losses and could not access some small level of support on the land. That was the history of the change in the legislation, and I hope that everybody recognises that.

In terms of the genuine cases, I invited anybody who wished to express a point of view to do so. The Commissioner of Taxation was available for any discussion to ask, 'Do these circumstances prejudice my case?' I have had outside legal opinion as well which supports what we are attempting to achieve here, that is, to keep the genuine cases within the system but cut out the rorts. Quite clearly, the South Australian Farmers Federation has given the Bill a tick. It has had the legislation, and it has been able to look at it and say, 'We believe that you can't have rorts in the system; if you have rorts in the system, that brings it into disrepute.' The quickest way I know to force Governments to change is to allow rorts.

People will clamour and say, 'You have a special allowance in here', or, 'Somebody is getting a special privilege; they are rorting the system. What are you doing about closing it off?' I will not allow that, because I believe the scheme is achieving what we want it to achieve. As Treasurer, I intend, without fear or favour, to close every loophole that is possible within the spirit of the Act and with a clear understanding of what we are trying to achieve. What we were trying to achieve was clear, and I believe that we are achieving it. We want to allow transfers to take place in a constructive fashion and in a way that was not possible because of the cost of stamp duty. It has been highly successful. Indeed, it has been more successful than in any other State in Australia. We have the statistics on what changes and movements have taken place.

I am not going to prejudice that scheme by allowing the smarties of this world—legal people and accountants—to utilise what they see as loopholes. We have had two cases before the courts in which we have said, 'This is not consistent with the scheme that we designed; this has nothing to do with generation to generation transfer; this has nothing to do with reducing the age of farmers: it is just a cute little scheme,' and the courts have said that the legislation does not require that to be established.

We are left with the situation that we will have more and more of these schemes with smart practices involved which will not add one iota to productivity on the land. Even if there were some suggestion that by allowing rorts to go through they would have a positive result, I would not favour it by any means. In fact, I would oppose it. At least there would be some redeeming feature, but there is no redeeming feature in allowing such rorts to occur.

I can assure members that genuine cases will survive this legislation. We are saying, 'If you are dead, you cannot pass on your interest in a way that captures the stamp duty concession.' There has to be a genuine relationship, and that genuine relationship could have been long-standing, but it cannot be five minutes before a transaction is made to avoid stamp duty. It cannot occur and I will not allow it to occur.

I thank all members for their contributions. If members have particular examples about which they are concerned—I have already issued this invitation to everybody—I am more than happy to have them tested in the Parliament or during the passage of the legislation through the two Houses, and the Commissioner for Taxation is available for consultation at any stage. If there are any problems—though none has come to pass—we will have a look at them. I believe I have

satisfied all prudence on this issue. I commend the Bill to the House.

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

[Sitting suspended from 5.46 to 11.5 p.m.]

RACING (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3, line 18 (clause 4)—Leave out 'five members' and insert 'not less than five nor more than seven members'.

No. 2. Page 4, lines 34 and 35 (clause 4)—Leave out subclause (1) and insert new subclause as follows:

'(1) A quorum of RIDA consists of one-half the total number of its members (ignoring any fraction resulting from the division) plus one further member and no business may be transacted at a meeting of RIDA unless a quorum is present.'

No. 3. Page 26, lines 18 to 22 (clause 13)—Leave out the clause and insert new clause as follows:

'Amendment of s. 76—Application of fractions by TAB

13. Section 76 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) TAB must pay to the RIDA Fund the amount of fractions retained by TAB under section 73(4) or, if subsection (1)(a) applies, the balance referred to in subsection (1)(b).'

No. 4. Page 26, lines 26 to 30 (clause 15)—Leave out the clause and insert new clause as follows:

'Amendment of s. 78—Unclaimed dividends

15. Section 78 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) Subject to subsection (1a), TAB is not, after the expiration of 12 months commencing on the day on which a race is held, liable to pay a dividend on a totalizator bet made with it in respect of the race.;

(b) by striking out subsections (2) to (4) (inclusive) and substituting the following subsections:

(2) An authorised racing club is not, after the expiration of 12 months commencing on the day on which a race is held, liable to pay a dividend on a totalizator bet made with it in respect of the race.

(3) Any amount accruing—

(a) to TAB by virtue of subsection (1); or

(b) to an authorised racing club by virtue of subsection (2),

must be paid to the RIDA Fund.'

No. 5. Page 26, line 35 (clause 17)—After 'is amended' insert the following:

'—

(a)'.

No. 6. Page 26 (clause 17)—After line 36 insert new paragraph as follows:

'(b) by striking out subsection (9) and substituting the following subsection:

(9) Unclaimed dividends to which TAB is entitled under the agreement must be applied in accordance with section 78.'

No. 7. Page 36, lines 14 to 16 (Schedule 1)—Strike out from the table the entries relating to section 78(1) and (2), section 78(3) and (3a) and section 78(4).

No. 8. Page 40, lines 13 to 15 (Schedule 1)—Strike out from the table the entries relating to section 146(2)(b), section 146(2)(c) and section 146(3).

Schedule of the suggested amendment made by the Legislative Council

Page 30—After line 15 insert new clause as follows:

'Amendment of s. 146—Hospitals Fund

45A. Section 146 of the principal Act is amended—

(a) by striking out paragraphs (b), (c) and (d) of subsection (2) and substituting the following paragraph:

(b) money paid by TAB to the Treasurer and credited to the Fund pursuant to section 69; and;

(b) by striking out subsection (3) and substituting the following subsection:

(3) The Treasurer may approve amounts to be debited from the Hospitals Fund and credited to the Consolidated Account towards amounts appropriated by Parliament and paid from the Consolidated Account for the purposes of the provision, maintenance, development or improvement of public hospitals or equipment for public hospitals.'

Consideration in Committee.

Amendments Nos 1 and 2:

The Hon. G.A. INGERSON: I move:

That the Legislative Council's amendments Nos 1 and 2 be agreed to.

These two amendments were moved by the Government in another place. They enable the RIDA board to be extended from five to seven members if need be. Amendment No. 2 changes the quorum status if board numbers are increased from five to seven members. At some stage in the future the development board for some reason might want to have its membership increased for a short period and the amendments enable this to occur.

Mr FOLEY: As the Minister indicated, these amendments were moved in another place to tidy up the legislation and slightly increase the size of RIDA. The Opposition supports that.

Motion carried.

Amendments Nos 3 to 8:

The Hon. G.A. INGERSON: I move:

That the Legislative Council's amendments Nos 3 to 8 be disagreed to.

These amendments were moved in the Legislative Council. They seek to pick up unclaimed fractions and dividends to make sure that in the long-term process the fractions and dividends will be made available continuously as extra funds to the racing industry. The Government recognises clearly that extra funds need to be paid into the racing industry and it is the Government's view that it ought to be paid in as part of the budget process. In making that statement, the Government recognises that $2.9 million is the sum available under the Legislative Council's amendment, and the Government does not agree to that. However, the Government is in a position to advise the Committee that it believes that $2.5 million ought to be placed into this special development fund on a yearly basis for the next two budgets, applying from the next budget period, and the Government makes that budgetary position clear this evening.

In making that statement, the Government wants to make sure that the funds do not automatically flow through to the industry because in terms of accountability there has to be strong control over any new funds. That is why the money can go only to the development board. The board will have tight restrictions and they will be decided by Cabinet and the Minister. The sorts of things that I will be putting to Cabinet will be the use of these funds specifically for any special areas such as a potential increase in stake money or an increase in the use of funds for marketing. It will be absolutely specific and will be controlled at the direction of the Minister and through the Cabinet process.

Clearly, in making this statement, the Government recognises that more funds should be made available to the industry, but we do not believe that the Legislative Council should, through this amendment, be placing budgetary expenditure onto the Government in any particular case. I am making the Government's position clear so that everyone is

aware of it. Secondly, it is important that, in making this statement, we get the support of the Opposition in another place so that the Government's position can be put there and so that the sorts of changes that need to be made in the other place are recognised by acceptance of the Government's position.

Mr FOLEY: The Opposition agrees to the Government's position. The Opposition, both in this place last night and in another place a short time ago, moved that we should make the full 100 per cent of unclaimed dividends and fractions available to the racing industry. That money was clearly intended for that industry and therefore should be appropriated to it. I can understand that a Treasurer of this State would be somewhat reluctant to part with that money, and I accept that the amount was probably around $3 million *per annum*. The Minister has made a clear statement tonight that the budget process will appropriate $2.5 million to RIDA over the next two years.

That amount of money is close to, but perhaps not quite as close as I would have liked, the balance of the unclaimed dividends fund. The Opposition, in the spirit of compromise, is prepared to accept that. It is disappointing that the Government was not prepared to make that commitment beyond two years. The Opposition is prepared to support that funding should we be sitting on the Treasury benches in two years. We certainly give that commitment.

The Government's decision tonight to make that amount of money available to RIDA is welcomed. However, it highlights the fact that RIDA will need discretionary funding. Whether $2.5 million is sufficient, I do not know, but I suspect it is not. Perhaps the Minister could confirm whether I misheard him, but he indicated tonight that the Government will be looking at the way the capital needs of the racing industry are addressed as a separate issue to the funding of RIDA and, given that the Racecourses Development Fund had previously been used for the capital expenditure requirements of the racing industry, it is important to note that the Government, perhaps for the first time, has indicated that it will look at the capital needs of the racing industry quite separate to that appropriation of moneys provided to RIDA.

We have two wins tonight: the $2.5 million to RIDA, and a commitment from the Government that the most major capital needs of the industry can be looked at in the context of the overall capital budget of the Government, and that is a significant concession from the Government. Again, in the spirit of cooperation, the Opposition will support that. It tidies up what has been a reasonable, if not a very welcome, Bill by the Government and one the Opposition will monitor with interest to see how it is implemented. We will be doing what we can to ensure that the implementation is smooth and, at the end of the day, achieves the results that the Minister is attempting to achieve.

The Hon. G.A. INGERSON: It is important that I comment on the member for Hart's last statement. Clearly, the Government recognises that many capital works programs will have to be looked at over the next five to 10 years. They will be extraordinary capital works programs, and they will have to be looked at in the context of this budget and any future budget of the Government. I do not want the member for Hart to have the view that it would be automatic. That would have to be looked at in the budgetary process, and every Minister would have to argue their case in the process of capital works as far as the Government is concerned.

I place that on the record because an impression might have been created that it would automatically occur, whereas that is not the case. An exceptional capital works program in the venue area may have to be looked at. That would be well into the future, because at this stage there has been a lot of talk but no programs have been formulated. That matter would have to be looked into. Like all Ministers, the Minister for Recreation, Sport and Racing would have to stand in line in any capital works program in the future.

Mr FOLEY: I acknowledge that I did not want to give the impression that that was automatic by any stretch of the imagination. I was simply commenting on an acknowledgment by the Government that it is prepared to consider the capital needs of the industry as a separate issue to the funding requirements of RIDA, or the former Racecourse Development Fund. I do not want to pre-empt the Government's right to have its own capital budget round each financial year, and clearly the Minister for Racing, like all other Ministers, will have to put in his or her bid for the appropriate capital works. It is a substantial shift in Government thinking to say that it is prepared to consider extraordinary capital needs as a separate requirement other than the way it has been funded previously, which essentially has been to borrow funds and have much of that debt serviced by the Racecourse Development Fund. It is the principle that I am acknowledging; I am not necessarily saying that it is automatic.

Motion carried.

Suggested new clause:

The Hon. G.A. INGERSON: I move:

That the suggested new clause be disagreed to.

Motion carried.

The Hon. S.J. BAKER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

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

That the time for moving the adjournment of the House be extended beyond midnight.

Motion carried.

RACING (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendments Nos 3 to 8 and the suggested amendment to which the House of Assembly had disagreed.

ADJOURNMENT

At 12.14 a.m. the House adjourned until Wednesday 10 April at 2 p.m.