LEGISLATIVE COUNCIL

Thursday 24 August 1989

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General): I move:

That the sitting of the Council be not suspended during the continuation of the conference on the Criminal Law (Sentencing) Act Amendment Bill.

Motion carried.

PETITION: HARTLEY LANDFILL

A petition signed by 29 residents of South Australia praying that the Council urge the Government to undertake any necessary action to stop the proposed sanitary-type landfill at Hartley gaining approval; to stop the development of the proposed landfill at Hartley; and to ensure that the councils involved, namely, Stirling, Onkaparinga, Mount Barker, Strathalbyn, and other councils adopt total recycling and reuse of refuse as the only environmentally sound alternative was presented by the Hon. I. Gilfillan.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner)—

Disciplinary Appeals Tribunal—Report, 1988-89.

South Australian Government Financing Authority—Report, 1988-89.

By the Minister of Local Government (Hon. Anne Levy)—

Random Breath Testing in South Australia—Operation and Effectiveness in 1988.

QUESTIONS

ROYAL ADELAIDE HOSPITAL

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about Royal Adelaide Hospital.

Leave granted.

The Hon. M.B. CAMERON: I have been informed that Royal Adelaide Hospital is still experiencing recurring problems with a shortage of hospital beds. I am advised that, while about 30 of the 76 beds which were closed in April-May this year due to budgetary problems were reopened about a fortnight ago, it is still not clear when the balance of the beds can be put back to use. I point out that it will be nearly five months since some of those beds were closed.

The Hon. R.J. Ritson interjecting:

The Hon. M.B. CAMERON: That is right. Recently I read something from Royal Adelaide Hospital that all the beds would be reopened within a fortnight. Today I understand there were, for all practical purposes, no spare beds left in the hospital by lunch time. A small number of beds were available in the hospital's psychiatric section. However, as these are not movable, they are not suitable for patients who have to be hospitalised. I am advised that elective surgery has also been cancelled today in two specialties in order to cope with the emergency surgical cases and, as late as last week, surgeons were still being asked to cancel at least one of their surgical lists per week. I am advised that Royal Adelaide Hospital is still turning away patients—something it has not done for 150 years until April this year—from other hospitals that have been trying to transfer them. Recently, Royal Adelaide Hospital has had to refuse patients that the Lyell McEwin Hospital (itself having bed shortages) wanted to transfer.

The Hon. R.J. Ritson: It's pretty dangerous—

The Hon. M.B. CAMERON: It sure is. As it is now some time since the Premier announced his supposed rescue package for hospitals facing budget problems, the question arises about just when these major restrictions will end. Will the Minister indicate on how many occasions during this financial year the Royal Adelaide Hospital has had no spare beds for patients—or, for all practical purposes, was full? Will the Minister indicate how many elective operations have been cancelled at the Royal Adelaide so far this month due to bed shortages at that hospital?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

REPLIES TO QUESTIONS

The Hon. BARBARA WIESE: I seek leave to have the following replies to questions inserted in *Hansard* without my reading them.

Leave granted.

ROYAL DISTRICT NURSING SOCIETY

In reply to the **Hon. M.B. CAMERON** (17 August).

The Hon. BARBARA WIESE: On Thursday 17 and Tuesday 22 August 1989 the Hon. Martin Cameron, in this place, asked questions of the Minister of Health, in another place, regarding the Royal District Nursing Society. I referred the questions to my colleague and he has provided me with the following answer.

The decision to discharge patients to the care of their parents is a clinical decision. If parents accept to carry out technical procedures, they are taught these procedures prior to the child's discharge. Discharge home with parents carrying out procedures allows children to lead as normal a life as possible. Two groups of children receive this care.

- One group of children receive total parental nutrition (via a Broviac <central venous catheter>) at home.
  - — Parents of these children agree to home management prior to discharge. They are taught to put up a drip, flush the line and withdraw blood for blood tests. The parents' competence is assessed prior to discharge and the parents identify their willingness to manage the child at home.
- A second group of children with cystic fibrosis or requiring oncology therapy are discharged with the agreement of their parents. With a Portacath (a subcutaneous well under the skin) which needs flushing.
  - — Parents are taught to inject drugs into the Portacath and to flush it once a month. The parent elects to be taught the procedure or to come to the Adelaide Children's Hospital monthly for a registered nurse to carry out the procedure.

- Each patient's home is checked prior to discharge for the adequacy of refrigeration, power points, and table to provide a clean area.
- Continuing support and advice is available from medical and nursing staff at the Adelaide Children's Hospital at any time of the day or night.

On a more general note, the Government is aware of the pressure on community nursing services provided by the Royal District Nursing Society and has considered the organisation's needs in the context of today's State budget. $150 000 has been made available to RDNS for additional staff.

The South Australian Health Commission will continue to assess the situation in the context of the 1989-90 budget to determine if any further assistance can be given to RDNS. The commission, in conjunction with RDNS, continues to monitor the workload of RDNS nurses to ensure the continuation of high quality service delivery.

FEDERAL BUDGET AND HOSPITAL FUNDING

In reply to the **Hon. M.B. CAMERON** (16 August).

The Hon. BARBARA WIESE: It would appear that the explanations previously given to the Council have continued not to be understood. As has previously been advised, the means by which the Commonwealth allocates funds to the States changed in 1988-89, and one needs to recognise this if one wishes to have a logical understanding of the allocations. Using the Opposition's 'accounting model', the State Government of New South Wales also signed a new Medicare agreement so that it could take funding cuts in 1988-89. This was clearly not the case but highlights the folly of the argument.

The amount of moneys from the Commonwealth available for the State to allocate to health services has continued to increase. The major Commonwealth funding allocation to the State Government is by way of a Financial Assistance Grant. A new formula for establishing the level of a Financial Assistance Grant to each State was agreed at the 1988 Premiers' Conference. In essence the Commonwealth distributes the total pool of Financial Assistance and Hospital Funding Grants to the State on the basis of relativities determined by the Grants Commission.

From this notional allocation the actual Hospital Funding Grant to be paid to the State is deducted and what remains is the Financial Assistance Grant. So what happened in 1988-89 is that South Australia's Hospital Funding Grant was lower than the previous combined Medicare and Health Grants but, rather than disappearing, these funds were provided to the State as part of an increased Financial Assistance Grant.

As can be seen from the attached tables drawn principally from the Commonwealth budget document, there has been a continued increase in the funds allocated by the Commonwealth to the State and in the allocations made by this State Government to the health system.

COMMONWEALTH PAYMENTS TO SOUTH AUSTRALIA

	$m				
	85-86	86-87	87-88	88-89	89-90 (est.)
GENERAL REVENUE GRANTS					
Financial assistance grants	1 037.2	1 147.1	1 233.3	1 301.1	1 390.1
Special revenue assistance	34.2	18.0	3.0	14.9	—
Health grants	195.9	216.8	233.7	—	—
TOTAL	1 267.3	1 381.9	1 470.0	1 316.0	1 390.1
SPECIFIC PURPOSE PAYMENTS FOR HEALTH					
Medicare	111.9	117.3	126.6	—	—
Hospital funding grant	—	—	—	276.7	300.2
	111.9	117.3	126.6	276.7	300.2
Health program grant	—	—	0.5	12.3	14.1
Hospital enhancement	—	—	—	2.0	4.3
Other	7.8	13.9	18.1	16.0	17.9
TOTAL COMMONWEALTH FUNDING	1 387.0	1 513.1	1 615.2	1 623.0	1 726.6

SOURCE: Table 59, Commonwealth Budget Paper No. 4, 1989-90

STATE GOVERNMENT PAYMENTS TO SAHC

	$m				
	85-86	86-87	87-88	88-89	89-90 (est.)
TOTAL SAHC GROSS PAYMENTS					
Recurrent	761.5	837.5	941.0	1 014.5	1 061.5[a]
Capital	28.7	43.8	37.7	49.2	74.9

SOURCE: SAHC Annual Reports, 1989-90 Budget Papers

[a] plus salary and wage increases as they occur

COMMONWEALTH PAYMENTS TO SOUTH AUSTRALIA

$m

	85-86	86-87	87-88	88-89	89-90 (est.)
OTHER HEALTH PAYMENTS					
Transfer Pathology Lab.	—	0.426	—	—	—
Hosp. waiting list reduc.	—	—	2.500	2.317	—
Nurse education	—	0.937	0.952	1.582	3.211
Home and community care	—	4.578	6.349	7.231	8.625
Blood Transfusion Services					
Recurrent	1.657	1.561	1.599	1.691	1.823
Capital	0.107	0.256	0.235	0.413	0.383
Drug education campaigns	1.372	1.346	1.435	1.516	1.715
National diseases control	0.036	0.04	0.042	—	—
Funds to combat AIDS	0.421	0.551	0.685	0.904	1.485
National better health	—	—	—	0.037	0.210
Teaching Hospitals Equipment Program	4.206	4.206	4.206	—	—
Youth health services	—	—	—	—	0.085
Women's health screening	—	—	0.145	0.329	0.338
TOTAL OTHER	7.799	13.901	18.148	16.020	17.875

SOURCE: Table 59, Commonwealth Budget Paper No. 4, 1989-90

ELECTION ENROLMENT

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about enrolment for State elections.

Leave granted.

The Hon. L.H. DAVIS: My attention was drawn to the fact that literature and publicity relating to enrolment for South Australian State elections inadvertently may be misleading. The South Australian State Electoral Department enjoys a well deserved reputation for its efficiency and effectiveness in pursuit of its important duties. But, as the Attorney well knows, enrolments at State elections are voluntary, whereas enrolment for Commonwealth elections is mandatory.

Given that there is a joint Commonwealth-State enrolment form, my attention has been drawn to the fact that the distinction between the Commonwealth and State enrolment requirements is not properly made on the form. In fact, the electoral enrolment form which I have in front of me states that voting is compulsory in Federal and South Australian State elections and you may be fined if you do not vote, but nowhere does it make the point that it is compulsory to enrol for the Commonwealth electoral roll and voluntary at the State level.

I accept that publicity put out to schools makes the point that enrolment for State elections is voluntary, but if persons who have turned 18 do not enrol at first they get a reminder with a final warning on it, which gives a clear indication that they will be fined if they do not enrol.

It is quite plain from the information I have sought and from the form from which I have read today that the enrolment form does not make it clear that you must enrol for the Commonwealth elections but not for the State elections. That is a matter of some concern. The position should be properly stated so that people who do not wish to enrol have that option clearly spelled out to them. That is not the case. Of course, as I have indicated, I do not want that in any way to be a reflection on the South Australian State Electoral Department.

Will the Attorney-General take steps to ensure that in future pamphlets and publicity issued by the State Electoral Department, either by itself or in conjunction with the Australian Electoral Commission, point out that enrolment for State elections in South Australia is voluntary, as distinct from the Commonwealth, where it is compulsory?

The Hon. C.J. SUMNER: The best thing I can do is take up the honourable member's question with the Electoral Commissioner. I do not have in front of me the pamphlet to which he is referring. I will do that and bring back a reply.

STIRLING COUNCIL

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about Stirling council.

Leave granted.

The Hon. K.T. GRIFFIN: On Tuesday and Wednesday of this week the Minister of Local Government was asked questions about the settlement of claims against the Stirling council, arising from the 1980 Ash Wednesday bushfires. Those questions included questions about the fast track procedures being pursued by Mr E.P. Mullighan QC. Yesterday the Minister of Local Government indicated to me that she had answers to several questions on the subject that I asked about on Tuesday. I hope that time will permit me to ask for those answers today; but that is not the subject of this question.

The answers to the questions raised yesterday were not as detailed as I would have expected and did not provide the information to which I believe the public is entitled. I wanted to know what fast track procedures were used to determine the extent to which Mr Mullighan QC was required to assess all the evidence given in court by the Casley-Smiths, the defendants and others which purports to refute the claims, or at least to raise serious doubts about the amount of the claims.

The questions are prompted by doubt that has been thrown upon the sustainability of the Casley-Smith claims which were settled for $9.5 million, including costs. That settle-

ment ultimately will be funded by taxpayers, whether at the State or local government level.

Many people from the Adelaide Hills have raised doubts about the validity of the claims that were ultimately settled. Even the award of $1 million to Nicholas Casley-Smith, on the basis of the alleged relationship of the fire to the onset of schizophrenia, has been seriously questioned by medical practitioners. Claims such as those for the loss of trees and produce allegedly destroyed in the fire and loss of production (when it is alleged that prior to the fire the trees were old and were not significant producers) and the loss of vegetable production (when there was not significant production prior to the fire) have been questioned.

Claims in respect of the loss of horse yards, which it is alleged were dismantled prior to the fire, have been disputed, as has the value of a holiday shack destroyed in the fire. The quality and number of horses lost as a result of the fire and the loss of profit alleged to have been incurred, likewise have been questioned. Many questions have been raised by residents about the sustainability of the claims that have now been settled. My questions to the Minister are as follows:

1. What evaluation was made by the Government of the evidence of all witnesses and prospective witnesses prior to settlement and prior to the decision to agree to the significant settlement figure?

2. Was a requirement placed on Mr Mullighan QC to check the sustainability of each aspect of the claim?

3. Was it a responsibility of the Crown Solicitor to make any assessment and, if so, was that done?

The Hon. ANNE LEVY: In responding to those questions, I will give what information I can at the moment, but I will be happy to seek a more detailed report for the honourable member. As I understand it, the Crown Solicitor had no responsibility whatsoever. The Crown had discussions with Mr Mullighan as to the procedure he would follow and what the Crown was asking him to do, but the Crown Solicitor certainly was not a party to an evaluation or examination of any evidence. I understand that Mr Mullighan had available to him not only the proceedings which had already taken place in court but also the evidence and documentation that would have been used in court, had the court case continued.

There was agreement by the plaintiffs and the council, that they would instruct their lawyers to cooperate to the fullest extent with Mr Mullighan. As I understand it, the parties did so instruct their lawyers, and their lawyers cooperated fully with Mr Mullighan. I certainly heard no suggestion that there was anything other than the fullest disclosure to Mr Mullighan of all the relevant material.

I take it that it was on that basis, having fully examined all the material, that Mr Mullighan made his recommendations about the value of the claims. I point out that the $9.5 million is not for the Casley-Smith family alone; it is for the whole group of Anderson claimants, about 12 in number. That amount certainly includes about $3 million of legal costs, so about $6.5 million is available for distribution amongst the 12 claimants.

The Hon. K.T. Griffin interjecting:

The Hon. ANNE LEVY: About $6.5 million is available for the dozen or so Anderson claimants, of whom the Casley-Smiths were one. Certainly, the advice from Mr Mullighan was that the proposed settlement figure was reasonable in the light of the examination that he had undertaken. I will see if I can get any further information and provide that to the honourable member.

COUNCIL RATES

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister of Local Government a question about council rates.

Leave granted.

The Hon. CAROLYN PICKLES: I have been approached by a number of constituents who are ratepayers in the Woodville council area. They are concerned because they were issued with rate notices and were later forwarded amended notices asking them to pay an amount over and above the original amount. I am informed that a large number of other rate payers are in the same situation. The extra amounts required are apparently based on re-evaluations or amended valuations put out by the Valuer-General's Office.

Under the Local Government Act a council may adopt valuations of the Valuer-General for rating purposes. Section 171 (3) *(a)* states:

> Where a council adopts valuations of the Valuer-General, the most recent valuations available to the council at the time that the council adopts its estimates of income and expenditure under Part IX will govern the assessment of rates for the financial year.

I am informed that the date of adoption of its income and expenditure estimates by Woodville council was 13 June this year. I am further informed that the amended rate notices were based on valuations received by the council from the Valuer-General's Office after 13 June. I am also told that charging a rate based on a valuation received by the council after that date may well breach the Local Government Act, in particular section 171.

Will the Minister seek advice from the Crown Solicitor and inform the council of the substance of that advice in relation to the following question? Can a council which adopts valuations from the Valuer-General for rating purposes use valuations it receives after it has adopted its estimates of income and expenditure under Part IX of the Local Government Act?

The Hon. ANNE LEVY: I thank the honourable member for her question. This matter has been drawn to my attention, and it affects not only one council but a number of councils that are involved in these amended rate notices. I understand that it is not a new matter. In the past, when similar revaluations or amended valuations have been received by councils they have sometimes sent an amended notice only if the amendment was in the ratepayer's favour as opposed to its being in the council's favour. However, it is a tricky matter because it relates to the interrelationship between the Local Government Act and the Valuation of Land Act. It is apparently a complicated legal matter to determine what the situation is.

My department has sought advice from the Crown Law Office in relation to this matter, but we have not yet received this advice. As soon as this advice is to hand, I shall be happy to let the honourable member know and, more importantly, let all councils know what procedure, if any, they should follow in this sort of situation. Obviously a number of councils and ratepayers are concerned, and the sooner the matter can be satisfactorily determined the better.

VOLUNTEERS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Community Welfare, a question about volunteering.

Leave granted.

The Hon. DIANA LAIDLAW: All members will appreciate that volunteers play a vital role in the provision of services in South Australia. An Australian Bureau of Statistics survey, released earlier this month, on unpaid voluntary work in South Australia in the three months ended October 1988 identified that 30 per cent of our population aged 15 years and over undertook some form of voluntary work regularly. On average, each volunteer donated approximately 4.5 hours a week, adding up to 15.6 million hours for the three-month period. Notwithstanding that large numbers of South Australians are volunteering regularly—numbers which, I understand from the survey, are increasing—the Volunteer Centre of Australia, which is the peak body in this respect, is being starved of operating funds. It appears to be the victim of a traditional bureaucratic problem which plagues organisations such as this centre whose activities span a range of Government agencies.

I have received correspondence on this matter from the Executive Director of the Volunteer Centre to which I want to refer. The Executive Director notes:

> Some years back when funding was rationalised we were allocated to the Department for Community Welfare. For organisations such as ours this presents difficulties. The Community Welfare Grant Scheme has insufficient funds to contribute to areas wider than welfare, and our agency deals with volunteering right across the board. Other departments now feel that we are not their responsibility.
>
> In February we wrote to all human service Ministers with respect to funding for our generalist training position. Whilst they were supportive of our work, they said they were not able to assist with funds. The request has been placed before the Human Services Standing Committee of Cabinet, but as yet we have had no response.
>
> We have requested an appointment with Dr Hopgood and hope to discuss the options fully.

I understand that Dr Hopgood has not had the time or the opportunity to see representatives of the Volunteer Centre about this matter, which is of considerable concern, especially as the centre has recently been advised that its funds have been further cut by the loss of half a training officer. When does the Minister intend to make time to see the Volunteer Centre about a funding situation that is reaching crisis proportions for this organisation; and will he, on behalf of the Volunteer Centre, seek to gain the co-operation of the human services Ministers to see whether funds can be gathered from a variety of sources to help the Volunteer Centre initiate training programs and the like that are essential if volunteering is to be effective in this State and if volunteers are to appreciate their role in working in programs with paid officers? Ministers will appreciate the importance of this exercise at a time when we are faced with considerable difficulties in respect of the operations of St John Ambulance.

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

SOUTH AUSTRALIAN ECONOMY

The Hon. T. CROTHERS: I seek leave to make an explanation before asking the Attorney-General, in his capacity as Leader of the Government in this Chamber, a question about the state of the South Australian economy.

Leave granted.

The Hon. T. CROTHERS: I draw to the attention of members the September issue of the South Australian Chamber of Commerce and Industry's monthly magazine *S.A. in Business.* The cover story of this issue reports upon the chamber's six-monthly survey of the South Australian economy. I shall quote some extracts from the cover story for the benefit of all members. It states:

> The mid-year 'South Australian Economic Review' has just been published and it has revealed an economy which has grown strongly throughout 1988-89.
>
> Over the past 12 months growth in employment, sales and capital expenditure in South Australia has been remarkably strong with that growth generally increasing throughout the period. Total survey base employment grew by 9.4 per cent over the 12 months . . .

This glowing endorsement of the Bannon Labor Government's economic policies is quite remarkable, as it stands in direct contrast to the claims made by the Leader of the Opposition and other members of the Liberal Party in South Australia. The report notes that interest rates are a concern to a number of industry sectors, but the report also states:

> It appears that many firms have seen the current high borrowing costs as only a temporary setback and have not altered their long-term plans.

The report goes on to say that over the next 12 months there are 'good growth prospects' for a number of vital South Australian industry sectors, such as motor vehicles, household appliances, and industrial machinery.

In the light of this, my questions to the Leader of the Government are:

1. Does the Government concur with the Chamber of Commerce and Industry's assessment of future growth prospects for vital South Australian industry sectors?

2. Will the Bannon Labor Government continue to place a high priority on continued employment growth, similar to that experienced in the past 12 months?

The Hon. C.J. SUMNER: I thank the honourable member for his question and his reference to the Chamber of Commerce and Industry report. Certainly, it does confirm what the Government has been saying about the South Australian economy and certainly it indicates that the immediate future growth prospects are very good.

The honourable member asks whether the Bannon Government will continue to give a high priority to employment growth similar to that which has been experienced in the past 12 months. The fact is that the consistent policy approach of both the State and Federal Labor Governments has contributed to the dramatic improvement in key areas of South Australia's economy over the past six years since the election of the Government on the first occasion. Up to March 1989, South Australia recorded a jobless rate of 7.7 per cent, almost 3 percentage points less than the double digit level of 10.6 per cent during the Liberal Government's recession of 1982-83. Almost 11 000 persons have been removed from South Australia's jobless tally. While there were 69 unemployed persons for every job vacancy in May 1983 there are now only 16.

Real progress has been made towards lowering teenage unemployment. The youth unemployment rate has been slashed by 10 per cent from a staggering 27 per cent in the three months to March 1983 to 17 per cent in the three months to March 1989.

Of course, there have been other achievements compared to that time, but certainly with respect to the employment issue, which the honourable member has specifically raised, one has only to look at the employment numbers, seasonally adjusted, between 1983 and 1989. In 1983, 545 400 were employed in South Australia.

In 1989 the number was 643 700, an increase of 98 300 in the number of jobs created in South Australia. Unemployment went from 64 600 in 1983 to 53 900 in 1989, a reduction in unemployment of 10 700. As I have indicated, the unemployment rate has come down from 10.6 per cent to 7.7 per cent, a reduction of 2.9 percentage points from what it was in 1983 when the Government first came to office. Youth unemployment has come down from 27.1 to 17.1 per cent, again an improvement of 10 percentage points

during that period. Job vacancies as at May 1989 are up significantly, compared with May 1983. The inflation rate for the City of Adelaide is down significantly. The Chamber of Commerce report has generally confirmed that that trend, which has been evident since 1982, has continued and is still evident.

The optimistic outline for the South Australian economy given by the chamber confirms the general approach to economic management taken by the Government. The situation relating to unemployment—which has come about as a result of the historic prices and incomes accord, which has replaced industrial confrontation with industrial conciliation—has generally achieved results in producing growth, and in expanding demand, thereby increasing jobs, and at the same time containing inflation.

That generally optimistic position has also come about as a result of the State Government's pursuing restructuring policies for the South Australian economy, which have seen a number of new industries established in South Australia, with South Australia becoming an Australian centre for certain types of high technology manufacturing, particularly in the area of defence equipment. Of course, that has been supplemented and expanded by recent announcements relating to South Australia's share in the recently announced frigate project.

To answer the honourable member's question, I note the Chamber of Commerce's comments and I certainly feel that they indicate good prospects for the South Australian economy over the coming months.

WATER RATES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Water Resources, a question about water rates.

Leave granted.

The Hon. M.J. ELLIOTT: I wish to bring to the attention of the Minister a particular case, of which the Minister is already aware, involving water rates. I cite the case of a J.R. Grosse, who lives in Paringa, a small town across the river from Renmark. I quote from a letter that J.R. Grosse wrote to the *Murray Pioneer* on 22 August which clearly states the case:

> The E&WS refused our request to lay a water main to our property some years ago.
>
> I was left with no alternative but to place a small pump and motor at the river, lay a rising mainline some 460 metres up a steep cliff and since that time have paid ETSA my home and garden pumping costs.
>
> In 1985 the E&WS, despite their adamant statement of no mainlines in my direction, did in fact lay a mainline past my property.
>
> Shortly after this the E&WS begun sending 'water rate' accounts to me despite the fact we do not have a water meter and have never used one litre of their mains water. In order to see some justice done concerning this matter I began writing to local and then city E&WS offices stating my case as I believed that one does not pay for goods and services that have not been rendered. In short I was informed that the E&WS took no notice of complaints such as mine and to pay up. I then began an exchange of letters with the Minister for Water Resources, Ms Susan Lenehan.
>
> The Minister read my views and complaint against the E&WS and their iniquitous charges. After an exchange of correspondence the Minister's verdict was against me and she further stated that the E&WS had the power to restrict the water meter at my office on Renmark Avenue (even though water rates have always been paid up on that property).

This person was under threat of having his water supply cut off at his commercial premises and store in Renmark. He saw that he had no choice but to pay up a total of $707. The Council should consider that,when water services were not available, these people were forced to instal a large amount of pipeline and pumps, and these are still there, and they are drawing no mains water. Therefore, I ask the following questions:

1. Will the Minister reconsider those charges, in particular, either by making an allowance for the cost of the equipment that has been installed or, alternatively, allowing for some period before water rates are charged? Obviously, that person's equipment will run down in the future and that person will have a chance to change over to mains water.

2. Do we just have a case of sheer bloody-mindedness?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply.

HEALTH BUDGET

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister representing the Minister of Health a question about the Federal budget and hospital funding.

Leave granted

The Hon. M.B. CAMERON: First, I thank the Minister for the prompt way in which the reply to my question asked on 16 August was provided. At the beginning of this explanation I would like to quote from that reply, because in it the Minister stated:

> It would appear that the explanations previously given to the Council have continued not to be understood. As has previously been advised, the means by which the Commonwealth allocates funds to the States changed in 1988-89, and one needs to recognise this if one wishes to have a logical understanding of the allocations.

I wish to indicate to the Minister that I have a full appreciation of the way in which the funding models were changed. I am fully aware of the changes that occurred in relation to funding and the fact that there were new arrangements made so that health related grants were no longer the way that money was allocated from the Commonwealth; that there was a combined amount given: combined financial assistance grants, special revenue grants and health grants.

The Minister went on to compare the situation in New South Wales, and in the final paragraph of that reply stated:

> So what happened in 1988-89 is that South Australia's hospital funding grant was lower than the previous combined Medicare and health grants but rather than disappearing, these funds were provided to the State as part of an increased financial assistance grant. As can be seen from the attached tables drawn principally from the Commonwealth budget document, there has been a continued increase in the funds allocated by the Commonwealth to the State and in the allocations made by this State Government to the health system.

I am certainly starting to understand why hospitals are in trouble because the problem is that both this State Government and the Health Commission in particular do not seem to have heard of the word 'inflation'. If we examine the actual amounts involved, there is always an increase but, when one relates that increase to inflation, we have a totally different story. I have here the table that the Minister has just provided me with in respect of general revenue grants. It indicates the following totals:

	$ Millions
1985-86	1 267 000
1986-87	1 381 000
1987-88	1 470 000
1988-89	1 316 000
1989-90	1 390 000

That all sounds good until we look at those figures in real terms, as follows:

	$ Millions
1985-86	1 267 000
1986-87	1 276 000
1987-88	1 277 000
1988-89	1 076 000
1989-90	1 070 000

In terms of total Commonwealth funding, the Minister gave the following figures:

	$ Millions
1985-86	1 387 000
1986-87	1 513 000
1987-88	1 615 000
1988-89	1 623 000
1989-90	1 726 000

We had an increase in each of those years. However, in looking at the figures in real terms, we get the following situation:

	$ Millions
1985-86	1 387 000
1986-87	1 398 000
1987-88	1 403 000
1988-89	1 327 000
1989-90	1 329 000

Compared with 1985-86, both 1988-89 and 1989-90 have decreased by 4 per cent in real terms. That is exactly what I have been saying. Yesterday when I asked the question on this matter, I was out by $3 million in a one billion dollar budget—I apologise. In fact, there has been a 4 per cent decrease in the total allocation from the State and Commonwealth to the health system. Therefore, my questions to the Minister are:

1. Does the Minister understand the word 'inflation'?

2. Does the Minister ever take into account that the inflation figure has to be added to the allocation each time to determine the real term amount allocated and to find out exactly what has happened to health spending?

3. If so, will the Minister now apologise for the attempt to deceive the public in South Australia by trying to pretend by using actual amounts and not real terms amounts that health spending in this State has been slashed by $60 million a year for the past two years which is proven by the figures that he has just given me?

The Hon. BARBARA WIESE: The Minister of Health is fully aware of the meaning of the word 'inflation' and knows exactly what inflation is all about. If he has anything in addition to the reply that he has already given, I will give him the opportunity of providing that information by referring that question to him.

STIRLING COUNCIL

The Hon. K.T. GRIFFIN: Has the Minister of Local Government the reply to the question that I asked on Tuesday 22 August about Stirling council?

The Hon. ANNE LEVY: Stirling council's debenture for the loans to settle claims provide for a floating rate of interest that, in effect, equates with the actual cost to the State Government. The interest payable is calculated at monthly rates, at the reference bank bill rate applicable on the day each month that the interests sum is calculated. That rate, which is today 17.99 per cent, represents the simple average of the buying and selling rate for 30 day bank-accepted bills of exchange.

HINDMARSH HOUSING ASSOCIATION

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Corporate Affairs a question about the Hindmarsh Housing Association.

Leave granted.

The Hon. J.F. STEFANI: On 15 March 1989 I asked the Minister four questions relating to the Hindmarsh Housing Association. On 17 July 1989 I received a written answer to questions 1 and 2 which I had raised in this Chamber; questions 3 and 4 remain unanswered. When making his ministerial statement on 14 March 1989 the Minister tabled the Report on Port Adelaide and Hindmarsh Housing Associations prepared by the Office of Housing and Construction (Sacon). The report states:

> Hindmarsh Housing Association was late with its returns because of a delay with its auditor. Hindmarsh has since lodged its return.

From the written answer which I have received from the Minister, it is clear that no returns had been lodged by the Hindmarsh Housing Association as at 14 March 1989. However, the Sacon report by its inference would have us believe otherwise. The fact that the 1986 and 1988 returns had not yet been lodged as at 17 July 1989 and the 1987 return had only been lodged on 4 April 1989, is in total conflict with the information contained in the report tabled by the Minister.

My questions are as follows: who directed the examination of the Hindmarsh Housing Association books by the internal auditor of the Housing Trust? Did the internal auditor report that none of the financial statements for the years 1986, 1987 and 1988 had been audited or presented for adoption at any annual general meetings of the association, as required by its constitution? Will the Minister table the internal auditor's report as previously requested by me on 15 March 1989?

The Hon. C.J. SUMNER: I will seek information on those questions and bring back a reply.

EDUCATION DEPARTMENT WASTAGE

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister representing the Minister of Education a question about waste in the Education Department.

Leave granted.

The Hon. R.I. LUCAS: I want to refer to three recent examples of significant wastage within the Education Department. In the first example, in recent months a 16 page glossy document entitled 'Our Schools Values—Position Paper' was prepared for circulation to all schools in South Australia. It was a blue printed document sealed in packages ready to be sent to schools in South Australia. For some reason, all of those documents were removed from the sealed packages and destroyed, being subsequently replaced by another document entitled 'Our Schools Values'—the same document.

The only difference was that the introduction to the second document was written by Dr Ken Boston, Director-General of Education, and there was a covering letter from Dr Boston. The first document, the 16 page document produced by the department, had a foreword by Mr Garth Boomer, Associate Director-General of Education, and a covering letter from him. The only changes were to put Dr Boston's covering letter and foreword, and all the old 16 page glossy booklets were destroyed and replaced by the new one.

Two weeks prior to that, I am advised that a document headed 'Curriculum Bulletin No. 1—April 1989', again from the Associate Director-General, Mr Garth Boomer, a six page, very nicely printed document, again in packages ready to be sent to schools in South Australia, was removed from the sealed packages and all—not all; a few got away—all the documents were meant to have been destroyed. I am informed from sources within the department that there is a major power play currently being conducted within the Education Department between the Director-General (Dr Boston) and the Associate Director-General (Garth Boomer).

If that is the case, hopefully it can be done without significant cost to the taxpayers. The third example of wastage was last Friday, when the Director-General (Dr Boston) authorised the despatch through a private courier service—Action Couriers—of a letter to all teachers within South Australia in relation to the curriculum guarantee package. The Education Department has on a daily basis its own courier which delivers mail and documentation to all schools in the metropolitan area. Last week, on that Friday morning, the Education Department courier did despatch its normal correspondence to all schools, but Dr Boston, the department and the Government undertook the extra expenditure of hiring a private courier firm to get an extra letter to teachers through Friday morning.

It is clear from those three examples—and they are but three of very many—that the Government, through the department, is condoning the wastage of thousands of dollars in the Education Department. Will the Minister investigate these examples of waste and, for each case, indicate the reasons for the decisions taken and the amounts of money being squandered by the Bannon Government within the Education Department?

The Hon. ANNE LEVY: I will be happy to refer that question to my colleague in another place and bring back a reply.

LIBERAL PARTY LEADER

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about Mr James Porter.

Leave granted.

The Hon. R.R. ROBERTS: Members would be aware of recent media reports that the present Federal member for Barker (Mr James Porter) will soon move into the position of Leader of the Opposition in South Australia following the McLachlan *coup d'etat* in Barker. This concerns me, because, as members would be aware, we may be required to make some appointments in this place on select committees in the near future.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: It would be disastrous if we were to appoint people to committees and then find that they were being replaced at very short notice. Does the Leader of the Government in this place consider it appropriate for second-hand, failed ex-Federal politicians to hold the most important role as Leader of Her Majesty's Loyal Opposition in the South Australian State Parliament? Secondly, can the Leader enlighten the Council or can he make inquiries as to who will voluntarily retire from Parliament to allow Mr Porter to take his place as Leader of the Opposition?

The Hon. C.J. SUMNER: I have not heard of this particular scenario. One hears many potential situations with respect to the Liberal Party and, of course, the future of its leadership. At various times, the Hon. Ted Chapman has been going to resign to allow the return of Mr Dean Brown, so that Mr Dean Brown can assume his rightful place as Leader of the Opposition, a position he undoubtedly would have had following the 1985 election had he not been so soundly defeated by Mr Stan Evans, an Independent Liberal at that time.

That scenario has not eventuated, but it is an example of the sort of speculation that occurs with respect to the leadership of the Opposition in this place. Obviously, I am out of touch with the various machinations of the Liberal Party, because I had not heard of the proposition that Mr James Porter was going to enter State Parliament. Consequently, I have made no inquiries about the matter and am not thereby able to answer the honourable member's question. However, speculation continues about the future of Mr Olsen, and there are, obviously, various moves and scenarios put forward and discussed within the Liberal Party that deal with his position as Leader at the present time.

I must confess I am not surprised by that. I am even less surprised having seen him on television last night trying to tell the South Australian public that a confidant—'a close confide-ant', he said—of the Premier had given details of the State budget to Mr Olsen. Even Mr Olsen could not really keep a straight face at the cameras when putting that quite ludicrous proposition.

The fact of the matter is that Mr Olsen fabricated that statement for the purposes of television, and it was patently obvious to anyone watching that no such confidante existed that Mr Olsen knew about. If that is the sort of performance that Mr Olsen relies on to get into Government, I am not surprised that these various scenarios are being canvassed about the future of the Leader of the Opposition.

ESMOND MOOSEEK

The Hon. K.T. GRIFFIN: I direct my question to the Attorney-General. Is he able to say, or will he say, whether the police or the National Crime Authority have interviewed, or plan to interview, Esmond Mooseek, who is now in custody in the Philippines and who, according to the late Mr X, in evidence given to police last year, was responsible for a heroin distribution network set up in South Australia in 1985?

The Hon. C.J. SUMNER: I do not know and I cannot say. I assume that, if I directed the question to the National Crime Authority, it would not indicate whether it intends to interview this individual. However, I will certainly make inquiries in the light of the honourable member's question and, if it is possible to reply by indicating one way or another what are the intentions of the police or the NCA about Mr Mooseek, I will do so.

STIRLING COUNCIL

The Hon. J.C. IRWIN: Has the Minister of Local Government an answer to a question that I asked on 22 August about the Stirling Council?

The Hon. ANNE LEVY: I hope that Opposition members are impressed by the fact that on 24 August I am supplying an answer to a question asked on 22 August.

A precondition of the agreement by the various parties—that is, the council and the Anderson claimants—was that details of the individual claims on which Mr Mullighan was asked to provide advice were to remain confidential. The

advice from Mr Mullighan includes extensive comments on those claims, therefore, his report cannot be tabled. Separate from Mr Mullighan's detailed report, he provided advice which effectively summarised his views, and concluded that settlement of the Anderson claims on the basis that has now been publicly announced is reasonable.

ATTORNEY-GENERAL

The Hon. R.I. LUCAS: My question is directed to the Leader of the Opposition in relation to a rumour circulating widely in Parliament House that the Attorney-General intends for a variety of reasons within six months or 12 months after the next election to retire from Parliament. I wonder whether the Leader of the Opposition would like to respond to the rumour that is circulating, as I am very concerned about the membership of committees.

The Hon. M.B. CAMERON: There is always a first in this place: this is the first time I have ever been asked a question. I have been watching with some fascination the Dorothy Dixers that have been emanating from Government members about supposed rumours of this situation. Following the replies given by the Attorney-General in this place, nothing would surprise me. If his performance in the past three days in reply to Dorothy Dixers is any indication of his supposed stature as the Leader of the Government in the Council, I would say that, as the longest-serving member of the Council, it is time that he got out of the place, because his performance has been absolutely disgraceful.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Legal Practitioners Act 1981. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

It incorporates several amendments to the Legal Practitioners Act 1981. The amendments concern the following matters:

1. Payment of Penalty Interest

The amendment to section 31 enables the payment of penalty interest where legal practitioners place trust moneys in non-trust accounts. The amendment was requested by the Law Society. Concern was expressed that from time to time legal practitioners pay trust money into a non-trust account. In many instances the practitioners gain an interest benefit during the period that the money remains in the non-trust account. The amendment ensures that a practitioner will be liable to pay penalty interest on the amount paid into the non-trust account. The penalty interest received or recovered by the society must be paid into the statutory interest account. Provision is made for the penalty to be remitted or reduced in proper circumstances. The amendment ensures that a legal practitioner will not benefit from the placing of trust moneys in a non-trust account.

2. Right of Appearance

The amendment to section 51 gives a right of audience before the courts to solicitors employed by community legal centres. The South Australian Council of Community Legal Services Inc. (SACCLS) has made a number of ongoing representations to the Attorney-General to the effect that the Legal Practitioners Act ought to be amended to enable legal practitioners who are employed by a community legal centre to appear before the courts.

By virtue of section 51 of the Act, such legal practitioners are excluded from the right of appearance. In consequence of this, community legal centres are effectively required to retain solicitors who practise on their own account and the additional costs associated with this have become excessive and will continue to do so.

This matter was raised with the Law Society and in November 1988 the Law Society Council resolved it did not object to section 51 being amended to allow a right of appearance for legal practitioners employed by community legal centres. The amendments will grant legal practitioners employed by community legal centres a right of audience before courts and tribunals.

3. Payments from the Guarantee Fund

The Legal Practitioners Guarantee Fund is established by section 57 of the Act. The fund is applied for a variety of purposes, and no payment can be made from the fund except upon the authorisation of the Attorney-General. One problem which is often encountered in authorising payments out of the fund relates to the gaining of information and details as to why the payment is required. If the matter is one being dealt with by the complaints committee, the provisions relating to non-disclosure of information (section 73) apply.

Provision is made by these amendments for the Attorney-General to be included in the class of persons to whom information can be divulged in section 73 (2). In addition, section 57 is amended to make clear that the Attorney-General can request information and explanations authorising payments from the fund.

4. Amendment to section 77 Legal Practitioners Act

The Legal Practitioners Complaints Committee has been involved for some time in a lengthy investigation. The conduct of the investigation and attendant court proceedings have highlighted some deficiencies in provisions of the Legal Practitioners Act relating to the conduct and reporting of committee proceedings. The committee is prohibited from divulging any information relating to its affairs except as permitted by the Act.

Section 77 of the Act provides that the committee must report to the Attorney-General if satisfied that evidence of unprofessional conduct exists. The section has been amended to provide that the committee must also report to the Attorney-General where it is satisfied that there are reasonable grounds to suspect a legal practitioner has committed an offence. The Attorney-General may request additional information and, if criminal proceedings are indicated, is empowered to take any action that may be appropriate for that purpose. This may include passing the information on to State or Federal prosecuting authorities. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3 amends section 5 of the principal Act to insert the definition of 'comunity legal centre' which is currently in section 57a (6).

Clause 4 amends section 31 of the principal Act to provide that a legal practitioner who fails to deposit trust moneys in a trust account as required by the section is liable to pay the society interest on the amount of those moneys

at the prescribed rate. When received or recovered such interest must be paid into the statutory interest account. The society may remit interest for any proper reason.

Clause 5 amends section 51 of the principal Act to give a legal practitioner employed by a community legal centre and acting in the course of that employment a right of audience before the courts and tribunals of this State.

Clause 6 amends section 57 of the principal Act to give the Attorney-General power to require the society, the Legal Practitioners' Disciplinary Tribunal, the Legal Practitioners Complaints Committee or any person engaged in the administration of the Act to provide such information and explanations as to the reason for a proposed payment out of the guarantee fund as the Attorney-General may reasonably require before authorising the payment.

Clause 7 amends section 57a of the principal Act to remove the definition of 'community legal centre', consequential on the transfer of the definition to section 5 of the principal Act.

Clause 8 amends section 73 of the principal Act to authorise a member of the Legal Practitioners Complaints Committee or a person employed or engaged on work related to the affairs of the committee to divulge information that comes to his or her knowledge by virtue of his or her position to the Attorney-General.

Clause 9 amends section 77 of the principal Act. New subsection (4) provides that if, in the course or in consequence of investigation of a complaint the committee is satisfied that there are reasonable grounds to suspect that a legal practitioner has committed an offence, the committee must immediately report the matter to the Attorney-General.

New subsection (5) requires the committee to furnish the Attorney-General (at his or her request) with any material in the committee's possession that is relevant to the investigation or prosecution of the suspected offence.

New subsection (6) provides if it appears to the Attorney-General from a report or material so furnished that criminal proceedings should be taken against any person, the Attorney-General may take any action that may be appropriate for that purpose.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

SUPPLY BILL (No. 2)

(Second reading debate adjourned on 23 August. Page 537.)

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

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 August. Page 455.)

The Hon. J.C. IRWIN: The Opposition supports this Bill. Any tax relief is welcome in the current climate in which South Australians, as individuals and families, have been squeezed financially by both the Federal and State Labor Governments since 1983. The experience of the past 6½ years indicates that this relief is only temporary under a Labor Government. The last occasion on which the Council had before it a package of revenue-raising measures was just before the 1985 election and, since then, the Premier has increased the total tax take by just over $450 million in money terms and, in real terms, it equals a 25.4 per cent increase.

So, here we are four years later, again on the eve of an election, and the great con trick continues. I think that the public and the press are becoming very cynical of the thimble and pea tricks of this Government—that is certainly my impression after extensive doorknocking in marginal seats over a number of months now. No one quibbles that there should be a tax on land. No-one that I know of likes paying any sort of tax. No doubt there are countless reasons, which I will not attempt to cover here, why there needs to be a tax on land. But, let us not forget that local government has the valuation of land and/or its buildings as the very basis of its rates, and local government rates are by far the biggest revenue raisers for local government.

Land valuation is the basis for water rates. The community is screaming blue murder about land tax, council rates—made worse this year by the Government's legislation, which was supported by the Democrats, in relation to minimum rates—and about water rates. They are all separate issues, but are nevertheless based on land valuation.

If the Government does not hear very loud noises about the increases in land, water and local government rates, it is deaf or hell-bent on destroying peoples' lives in its extraordinary desire to redistribute wealth and reorganise society. The Government does not realise that it is redistributing the so-called 'wealth' away from the people who cannot afford to lose the little hard earned money they have. That is why we often hear quoted, 'The rich get richer and the poor get poorer.'

I hope that the Minister of Local Government in Cabinet fights like crazy for those who are her responsibility under her local government portfolio. I refer not only to councils but also to those who make local government work, right down to the ratepayers and electors. Why do councils go all over the place looking for other ways of raising revenue? Why do we need the recently passed new provision in the Local Government Act to allow so-called entrepreneurial activities by councils? This occurs because the State Government has muscled in on the biggest area of revenue raising that is available to local government—the valuation of land. The Government squeezes the same people—property owners, small business and ratepayers—in several different directions at once. The old adage that land valuation means an ability to pay is absolute nonsense in today's economic climate.

I have said before in this place and I will say again now: local government is very responsible in the way in which it uses land values in its calculation of rates. First, it gives relativity and, secondly, it decides the quantum of rates that it needs for services, and so on, and applies a rate in the dollar on the valuation to get that quantum.

I stress that it works out its quantum and then applies a rate in the dollar. The Government is vastly different in its calculation, collection and use of land tax revenue. It certainly applies a rate or rates in the dollar to property valuation, but it has no idea where that revenue will finally be used. There is no defined funding objective, such as local government has. The revenue obtained is spread all over the place from the general revenue pool to fund various Government priorities.

The Premier is very clever when he puts out misinformation about land tax collections to rise by only 10 per cent this year, which is a 3.5 per cent increase in real terms. Why should this be more than inflation? Where is the fairness when land tax bills rise at rates double the move-

ment in property values? I do not expect the Premier or any of his Cabinet to understand this point, because they have never run a business for themselves.

I, and others, have given examples where land tax bills to individuals, small, medium and large businesses are much more than staying with inflation. It is a pity—in fact, a disgrace—that the Government does not apply its principles of raising everything by at least the rate of inflation so far as its revenue is concerned to concessions for local government rates and water rates for pensioners which have remained static at $150 and $75 a year, respectively, for about 15 years now. That matter is addressed frequently here by my colleagues, especially the Hon. Diana Laidlaw recently.

The Labor Party is committed to increased taxation income from land tax. This is enshrined in the Labor Party's platform. It commits a Labor Government to increased taxation on unimproved land values. When the last Liberal Government moved to reduce this impost on the family home, the Premier responded that his party was 'extremely unhappy about the Bill'.

Labor's attitude is that a Government is entitled to cash in on rising property values. Labor does not believe that its profit from rising property values should be indexed. Instead, it maintains that a Government is entitled to a much greater share of the profit that individuals make from the risk they take in investing in property. This is demonstrated by an analysis of how land tax revenue has increased since the election of this Government.

The rise since June 1982 has been 231.6 per cent—a real rise, taking inflation into account, of about 170 per cent. Over five years 170 per cent is not a bad increase, and this year again there is to be a real rise in revenue, even with the changes incorporated in this Bill. Land tax collections are budgeted to rise 10 per cent, which is a real rise of 3.5 per cent, as I have said.

However, if the Federal Treasurer's forecast of inflation for the current year is anywhere as out of kilter as for the past year, we can expect a higher rate than he has predicted. Indeed, on his record that is a distinct possibility.

Although this measure adjusts the rates, there is no increase in the threshold below which no tax is payable. It remains at $80 000. In the Victorian budget just introduced, that State's threshold has been increased to $140 000. In New South Wales the threshold is $135 000.

The Premier will say that in those States property values are much greater and that, therefore, property owners in this State, relatively, are not disadvantaged. Let us look, however, at the situation in the other States in terms of movements in revenue collections. South Australia's increase since 1982 of just over 230 per cent has been 80 per cent higher than in Western Australia and about 30 per cent higher than in Queensland. Victoria's rise over this period has been 98.6 per cent—over 130 per cent less than in South Australia.

I will pick out only one sector of industry—the hotel industry, because of its relationship with the tourism industry—and give the figures released by the Australian Hotels Association from 1986-87 to 1987-88 when there was an increase in land tax of 52.3 per cent. City and North Adelaide hotels experienced an average increase of 42.5 per cent, metropolitan hotels experienced an average increase of 66.8 per cent, and country hotels experienced an average increase of 31.2 per cent over that one year.

These figures are all way above inflation levels. They form part of a vicious circle created by ALP Governments, both State and Federal. They index upwards regularly the price of beer and spirits, lift the incomes of hotels, cause the price of everything attributed to the hotel industry to rise regularly, tax the hell out of everything that moves, and the cycle starts again based on rising inflation levels. Labor Governments squeeze the workers and the hotel owners of more and more revenue and have no regard whatever for the difference between gross income and costs. If ever there was a clear example, a clear attack on dwindling net income, we have seen it this week in the Pastoral Bill as it relates to pastoral rents—yet another tax on land and no relativity to the costs incurred in raising the revenue to pay for the lease.

There is no doubt that the method of valuation upon which this tax is raised needs to be reviewed. A Liberal Government will do this. The Premier is expecting real increases in collections from tax again this financial year, because of property revaluations. While there may be some relationship to property sales, there is no regard at all for property which closes down and cannot sell. Right along Norwood Parade, for example, property values have been increased by at least 30 per cent this financial year. It is the same along Unley Road and many other strips and roads in the metropolitan area. We have only to look around and see it. While values may be going up in some of the prime sites as people try to get into them, one has only to look at the number of shops not open at all. I have recently observed that in Jetty Road, Brighton, where seven or eight shops in a small stretch are closed. That has no relationship with the fact that the neighbours of those closed shops have rising land tax and valuation.

The matter of the rate of land tax also needs review to ensure that an unfair burden is not imposed on owners when property values are increased. Again, a Liberal Government will do this. We will seek to overcome the inequities associated with aggregation and bracket creep. We are also looking at options to ensure that land tax is not a disincentive to investment and job creation in South Australia. The reforms that I am foreshadowing show that the approach of a Liberal Government after the next election will be markedly different from that of the present Government.

We will not continue to regard land tax as a growth tax in the way this Government has done. We will ensure that it is applied fairly and evenly so that small business, in particular, can plan ahead with much more predictability. In short, whilst we support this Bill, it is, in effect, a cosmetic measure and does not address the basic inequities. We give the assurance that in government we will address those inequities. The Opposition supports this measure.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 23 August. Page 533.)

The Hon. PETER DUNN: The Opposition supports this small Bill which includes changes affecting just about everybody in this State who drives a motor vehicle. In the past there has been a 14-day period in which one has some grace if one fails to register one's vehicle. The vehicle can be registered and therefore no penalty is incurred. If one exceeded the 14-day period, the vehicle itself was not insured and that had great implications in the realm of third party. This Bill seeks to extend that period after the registration has expired to 30 days, during which the vehicle remains insured. It has another effect that I will explain later.

The 30-day period is wise because there have been some problems with people driving uninsured vehicles quite unintentionally. When one receives one's registration sticker it has no date on it; it just has a month on it and therefore it is very difficult to determine what day the registration expires, unless one looks at one's registration papers. So there are cases where registration may expire on the first day of the month and, although, one has a sticker (a green one for this year) with perhaps August on it, one may think that one still has until the end of August to reregister the vehicle.

There have been cases where owners have not received notification of expiry of registration because of some small mishap, I guess, in the Motor Registration Division. When that point was brought to the attention of the Minister in another place he explained that it was the obligation of the owner of the vehicle to have that vehicle insured. I suggest that if I do not receive a bill from somebody to whom I owe money then it is their problem if that bill is not paid. I think that the same situation ought to apply to the person who has not registered his vehicle, because the State receives the money for the registration.

The third party insurance component of that is a different matter. I still believe that when the two are put together, as has become the fashion since the State Government Insurance Commission has become the only insurer that takes on third party insurance, there ought to be a compulsion that the State must notify the person requiring the registration that his registration has expired. It has become part of, you might say, folk law that you expect your registration to be sent to your address.

I must say I have never had any trouble and I have never heard of anyone having trouble, but it certainly has been brought to our attention that there has been no notification of expiry of registration by the department to a few people. Because of that they have not registered the vehicle and so have become susceptible to losing their licence. They get a fine of $100 and automatically lose their licence for three months. To me it would be a pity if they were not aware of it. However, there are certainly a lot of cases (I understand there are nearly 3 500 every year), so there must be some cases of people deliberately not registering their vehicles. If that is the number of people who are caught then there must be a lot who are driving unregistered vehicles who do not get caught.

The Bill abolishes the minimum fine and, instead of suspending licences, the court will determine the fine and whether the person should lose their licence. That is reasonable in some cases, particularly when the vehicle is operated by a person other than the owner. The owner may not have reason to know whether or not the registration has been renewed, so the court should try to determine the facts before it imposes a fine. Owner-operators have a duty to know; they may deliberately not register their vehicles, so my amendment reintroduces a minimum fine for an owner-operator but allows the courts to determine what fine is appropriate for the operator only. That is fair and reasonable.

I am not generally in favour of minimum fines but in this case the third party insurance is very important. Somebody could be hurt in an accident resulting from negligence on the part of the other driver, and they should have a legal right to receive some recompense for an accident for which they may not have been responsible. They cannot receive that money if the vehicle is not insured. This small amendment provides that the owner-operator still be required to pay a minimum fine, while the operator should go to court and have the case determined there. For those reasons, I support the Bill.

Bill read a second time.

[*Sitting suspended from 4.44 to 5.15 p.m.*]

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

At 5.17 p.m. the following recommendations of the conference were reported to the Council:

As to Amendments Nos 1 to 3:

That the House of Assembly no longer insist on its disagreement to these amendments and that the Legislative Council makes the following consequential amendment to the Bill:

Clause 3, page 2, lines 3 and 4—Leave out '(referred to subsequently in this section as "the relevant principles")' and substitute '(the precursor of subsection (1))'.

and that the House of Assembly agree thereto.

Consideration in Committee of the recommendations of the conference.

The Hon. C.J. SUMNER: I move:

That the recommendations of the conference be agreed to.

As would have been obvious to members when the dispute between the two Houses arose on this issue, the principal issue in contention was whether or not the Government Bill should apply retrospectively, that is, to all prisoners sentenced since December 1986.

At the conference the managers of the Legislative Council refused to concede on the question of retrospectivity; that is, the position of the Legislative Council, to delete the retrospectivity clauses from the Bill, was maintained by the Legislative Council managers when the matter was considered in the conference. That placed the House of Assembly and, of course, the Government in the situation that, if the Legislative Council insisted on its amendment deleting retrospectivity and the House of Assembly insisted on its position, the Bill would fail. The House of Assembly then faced both the possibility of losing the Bill completely and, therefore, the potential for reductions in sentences in the future as well as in the past.

The managers of the House of Assembly determined that that position was not acceptable and indicated that the principles involved in the case of Dube and Knowles should be retained and that, if they could be retained only for the future, it was better to accept that position than to lose the entire Bill. So the House of Assembly then agreed essentially to the position adopted by the Legislative Council with respect to its amendments, namely, that the retrospective operations of the Bill should be deleted.

Two other issues were raised: the first is that, in the light of submissions made by such bodies as the Legal Services Commission which were referred to in the second reading debate in this Chamber about the drafting of the Bill, the question of whether or not the principles of Dube and Knowles should be reduced to statutory form and included in the Bill was considered. However, after some discussion it was decided not to attempt to formulate wording which would attempt to give effect to the decision in Dube and Knowles. The final wash-up of that was that it was considered that, in this respect, the Bill should proceed as originally introduced—that is, by specific reference to the case of Dube and Knowles—so that there could be no doubt that, for the future (from the date of proclamation of this Bill) the principles in the case of Dube and Knowles which had been applied from the date of that judgment in 1986 to the date of the High Court judgment on 30 June 1989

should apply to the future cases that will be dealt with after the passage of this Bill, that is, with respect to matters that have arisen following the passage and proclamation of this Bill.

The proposition raised in this Council and raised by the Legal Services Commission and others that we should attempt to put into statutory wording the principles of Dubes and Knowles was ultimately rejected. The other matter which was discussed and which the House of Assembly requested was that we should, in reporting to our respective Houses, try to indicate as clearly as possible what we saw as the intention of Parliament in passing this Bill.

The reason that request was made by the House of Assembly and agreed to by Legislative Council managers was that, although it is not permissible in South Australia for the courts to have reference to *Hansard* debates to assist them in determining the intention of the Legislature when considering a particular statutory enactment, it has become the practice in the High Court to refer to extrinsic aides, including *Hansard*, for this purpose. In the Hoare and Easton cases, the High Court did refer to *Hansard* and the judgment contains references to statements made by the Minister of Correctional Services in the House of Assembly in the 1986 debates. It was felt that, because it is possible that this Bill could again be before the High Court on a matter of statutory interpretation, it was important for us as a Parliament to indicate as expressly as we could our intention with the passage of the Bill, and that this could best be done by the managers reporting to their respective Houses in specific terms.

I believe that reference by the High Court to the second reading speech and the other debate that has occurred would indicate clearly to the court what the intention of Parliament was with respect to the Bill. It has been agreed that I should reaffirm that with the following statement:

It is the intention of Parliament that subsection (1)—

this is subsection (1) of section 12 of the Criminal Law (Sentencing) Act—

should be interpreted in accordance with the judgment of the Full Court in *The Queen v Dube* and *The Queen v Knowles* (1987) 46 SASR 118 and that sentencing authorities be required to take the remission provisions into account when determining the duration of the head sentence and the non-parole period in accordance with the principles and effect of this judgment.

That is the report from the conference of managers and that statement adequately and clearly expresses the intention of Parliament with the passage of the Bill and the principles that will apply to the sentencing of prisoners following that passage and the proclamation of the Bill in relation to cases that arise in the future.

The Hon. K.T. GRIFFIN: I am pleased that the conference of managers was able to reach an agreement on this Bill. That agreement is as the Attorney-General has outlined. The managers for the Legislative Council adhered to the view expressed in the earlier Committee stage of the consideration of the Bill that it was inappropriate as a matter of principle for the legislation to be given retrospective effect to apply to all prisoners sentenced since 8 December 1986 up to the present time.

I am pleased also that the managers for the House of Assembly were prepared ultimately to make a compromise that the substantive provisions of the Bill relating to sentencing should apply from the date of assent when the Bill comes into operation as an Act of Parliament and that it should not have retrospective application.

The Attorney-General has indicated that, in the course of discussion between the managers of both Houses, a statement of intention in relation to the substantive provisions of the Bill could appropriately be made in the event that the matter is again taken to the High Court and the interpretation of the Bill is again under consideration by that court. I concur with the statement made by the Attorney-General. For the record, I indicate that, from the Opposition's perspective, it is the intention of Parliament that subsection (1) of section 12 of the Criminal Law (Sentencing) Act should be interpreted in accordance with the judgment of the Full Court in the *Queen v Dube* and the *Queen v Knowles* (1987) 46 SASR 118 and that sentencing authorities be required to take the remission provisions into account when determining the duration of the head sentence and the non-parole period in accordance with the principles and effect of this judgment.

Earlier in the debate I said that, although the High Court did consider what was said in the 1986 debate on the amending legislation (which was the subject of review by the High Court in Hoare and Easton) that South Australian law does not permit that, the High Court nevertheless took the decision, without there being any objection either from counsel for the Crown or counsel for the appellants, to examine *Hansard* in order to endeavour to determine the mischief with which the 1986 legislation was designed to deal.

On the basis that this may may again be in the High Court, I am comfortable with the statement that I have made. I did, during the course of debate, raise some questions about the way in which this was drafted, but, as the Attorney-General has indicated, some consideration of alternative drafting which would express the principles was considered by the conference of managers. However, in the circumstances of the discussion that was not regarded as appropriate, and the Bill as amended by this Chamber was the preferred way of legislating. In those circumstances, the Bill as it left this Council with the amendments removing the retrospectivity is now what has been agreed with one technical amendment to clause 3 which tidies up the drafting without affecting the substance of the Bill. As a result of the report, I hope that the other place will finally support the agreement which has come from the conference on this issue. I support the motion.

The Hon. I. GILFILLAN: I am concerned about the decision which, it appears, is about to be made in this place. I have before me the text of the statement that was read into *Hansard* by the Attorney-General. I think that is indeterminate. It refers to a judgment which is not spelt out, it is not specific as to what part of the judgment is to apply in detail to sentencing judges in the future. The note which I have been kindly given by the Attorney-General appears to involve a change of wording from the original draft that has been read into *Hansard*.

The Hon. C.J. Sumner: Come on!

The Hon. I. GILFILLAN: This is very important, and I do not intend to be diverted by nonsensical interjections. If the interpretation of this Act is to depend on words which were crossed out and varied prior to being read in this place, what consistency will there be in the sentencing judgments in the years ahead? I refuse to stay here as a responsible member of this Parliament and watch what I believe is a very dangerous precedent. If we are to have legislation interpreted on words that may be inserted into *Hansard*, what ridiculous forms of interpretation of this legislation we will have in the future. This is a weak-kneed approach by both Labor and Liberal. If it is so important to put this principle into the Act, then put it into the Act in specific words. This is a pathetic break from tradition and I am most upset about it.

An honourable member: You're the one that has broken tradition.

The Hon. I. GILFILLAN: This is the matter about which I am concerned. Some traditions should be set up to be broken. If this Parliament cannot draft legislation that cannot stand on its own words for interpretation, something is wrong with the parliamentary draftsmen who are doing this job, or with Parliament's not being diligent in trying to work the words out.

This is the basis upon which we are to have the sentences imposed on our offenders in the years ahead—and it is not good enough if in future people must look not to the Act, but to some statement that has been read in after a conference of managers; that should not be the arbitrary factor because on some sort of spurious argument, the High Court quoted some passages from *Hansard* in its judgment. It did not make its definitive judgment on the words that it read from *Hansard*, this was just fleshing out the judgment. The High Court made its judgment on what it believed to be the accurate interpretation of the legislation—the words of the legislation. Therefore we are kowtowing to some sort of whim that in the future there will be an interpretation that suits both the shadow Attorney and the Attorney-General because they have fallen in love with the judgments of *R. v Dube* and *R. v Knowles*, as though that will be the panacea to offenders having longer sentences.

This is a very dangerous precedent to set, and I am concerned because I believe, if I understand the intention of the Government, that the whole principle of sentencing in South Australia will be put into a totally unjust and inconsistent pattern. Not only do the Democrats continue to be opposed to the whole substance of the Bill, but I repeat that I believe this so-called procedure which is allegedly patching up the deficiency in the legislation is pathetic.

It is a fatuous and indeterminate passage of words which will be, to my mind, no help to current interpretation of the legislation and sets a very dangerous precedent. If we are to rely on statements that may be inserted *ad hoc* into *Hansard* for future interpretations of our legislation, we are on very wobbly legislative ground. The Democrats will be opposing this measure and opposing, as we did before, the passage of this Bill in this place.

The Hon. J.C. BURDETT: I indicate support for the motion. I can report that the system of conferences of managers is alive and well. At one stage during the conference I doubted that, but it has come out very well indeed. There was a very great spirit of cooperation on the part of the managers from the House of Assembly, as is evidenced by the fact that the point taken by this Council was objection to retrospectivity, and that is no longer part of the Bill. It was a very great concession on the part of the House of Assembly to take out that principle.

As far as the Bill is concerned, it is there in substance in its original form without retrospectivity. It seems to me, therefore, that neither party can blame the other—neither the House of Assembly nor the Legislative Council. We have ended up with an agreed piece of legislation. It would not have been agreed if there had not been arguments, of course, but, in the event, it has been agreed. In regard to the agreed statement from the conference, I disagree entirely with the Hon. Mr Gilfillan and do not see why he is so worked up about it.

In the legislation one states what is to be legislatively stated, but what is the reason? Is there any reason why the Parliament cannot in addition express its intention in a way which is not intended to be part of the legislation? It is not a whim, as the Hon. Mr Gilfillan said. There is nothing wrong with it. We were simply trying to say what the intention was, and I must entirely disagree with the Hon. Mr Gilfillan's complaint about the statement having been altered.

Of course those statements will be altered: the original statement was put up by managers from the House of Assembly. We suggested some changes—they suggested some changes, and it was chopped around, as anyone who has been to a managers' conference would know that it would be. We are not going to end up with the first bit of paper that is put in front of us. I am pleased—and I would have expected—that the Attorney-General had the courtesy to show the statement to the Hon. Mr Gilfillan as he did. I am astonished at what I consider to be the outburst from the Hon. Mr Gilfillan. The statement was simply to indicate the intentions of the Parliament because, at least in the High Court, those intentions are taken into consideration, at least *de facto*. While it may be difficult to put this kind of thing into legislation, it is possible to say what our intentions are and what we are trying to do. If there is any problem about that, I suppose that the High Court will disregard it, although it seemed to be worthwhile doing.

I am quite astonished that the Hon. Mr Gilfillan should have taken umbrage at that. It was kicked around in the conference and changed. I am sorry that the Hon. Mr Gilfillan received the wrong piece of paper, but it was inevitable as there was no time to retype it and set it out.

The system of conferences between the managers of the Houses is alive and well. The House of Assembly was very amenable on this occasion in departing from its position. It must have been clear from the outset, from the debate in the Council and from what was reported in the messages from the House of Assembly that the House wanted to include retrospectivity. However, the House of Assembly agreed to take it out. We cannot ask for more than that. I have great pleasure in supporting the motion.

The Committee divided on the motion:

Ayes (18)—The Hons J.C. Burdett, M.B. Cameron, T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Diana Laidlaw, Anne Levy, R.I. Lucas, Carolyn Pickles, R.J. Ritson, T.G. Roberts, J.F. Stefani, C.J.Sumner (teller), G. Weatherill, and Barbara Wiese.

Noes (2)—The Hons M.J. Elliott and I. Gilfillan (teller).

Majority of 16 for the Ayes.

Motion thus carried.

MARALINGA TJARUTJA LAND RIGHTS ACT

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That, pursuant to section 43 (12) of the Maralinga Tjarutja Land Rights Act 1984, this House resolve that section 43 of the Act shall continue in operation for a further five years.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2)

Received from the House of Assembly and read a first time.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

It is intended to provide for technical amendments to the interpretation section 6 (1) of the Industrial Conciliation and Arbitration Act 1972, to make it clear that references in that Act to the 'Commonwealth Commission' and 'Commonwealth Act' mean the Australian Industrial Relations Commission and Commonwealth Indusrial Relations Act 1988, respectively.

The amendments are required as a matter of urgency to put beyond doubt the jurisdiction of the Full Commission to entertain a State wage case application, following the August national wage case decision of what is now the Australian Industrial Relations Commission.

The provisions of the Industrial Conciliation and Arbitration Act that provide for State wage case applications make reference to relevant decisions or declarations of the 'Commonwealth Commission'. The 'Commonwealth Commission' is, in turn, defined in section 6 to mean 'The Australian Conciliation and Arbitration Commission'. This body no longer exists. Since the Federal Industrial Relations Act 1988 came into operation on 1 March 1989, the Australian Conciliation and Arbitration Commission has given way to the Australian Industrial Relations Commission.

The Bill has been prepared as a matter of urgency, after consultation with the President of the South Australian Industrial Commission, employer groups and trade unions. Members of the Industrial Relations Advisory Council have also been consulted. All parties agree that the amendments are essential.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. It is proposed to provide that the measure will be taken to have come into operation on the day on which the Industrial Relations Act of the Commonwealth came into operation. Clause 3 replaces the definitions of 'the Commonwealth Act' and 'the Commonwealth Commission' with new definitions that are consistent with the new Industrial Relations Act of the Commonwealth.

The Hon. J.F. STEFANI: The Opposition supports the Bill, which simply brings into line the wording relating to the commission.

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

SOIL CONSERVATION AND LAND CARE BILL

Received from the House of Assembly and read a first time.

[*Sitting suspended from 6 to 6.40 p.m.*]

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

ADJOURNMENT

At 6.41 p.m. the Council adjourned until Tuesday 5 September at 2.15 p.m.