LEGISLATIVE COUNCIL

Thursday 12 October 1989

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

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Tourism, for the Attorney-General (Hon. C.J. Sumner):

Government Management Board—Report, 1988-89.

By the Minister of Tourism (Hon. Barbara Wiese):

Department of Agriculture—Report, 1988-89.

Department of State Development and Technology—Report, 1988-89.

Veterinary Surgeons Board—Report, 1988-89.

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

Industrial and Commercial Training Commission—Report, 1988-89.

S.A. Harness Racing Board—Report, 1988-89.

QUESTIONS

CENTRE HALL

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before directing a question to you, Mr President, on the subject of functions in Centre Hall.

Leave granted.

The Hon. M.B. CAMERON: Today, a press conference was held in Centre Hall by the Minister for Environment and Planning (Hon. S.M. Lenehan). That function involved the use of television cameras within the Parliament building. I understand that there is a proviso that the permission of both Presiding Officers is required before any such press conference or function is held. My question to you, Sir, is: was permission sought from you as President before the holding of that press conference?

The PRESIDENT: I advise the Council that permission was sought from me this morning. I received a telephone call this morning from the Minister's office requesting permission to use the hall to launch a Kesab paper bank recycling campaign. I was quite happy with that. I, in turn, contacted my colleague, the Speaker of the other House. Because of the bans that have been imposed on the televising of Parliament, I advised the Minister's press secretary, or whoever it was, that the people involved had the permission of both myself and the Speaker. I said that the Minister should advise the television channels that they had my permission and that of the Speaker to televise the segment in Centre Hall.

HEALTH COMMISSION CHAIRMAN

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the Health Commission Chairman's salary.

Leave granted.

The Hon. M.B. CAMERON: In response to a question raised during the Budget Estimates Committees in the other place, the following information has been supplied about the salary and allowances provided to the Chairman of the Health Commission. I am advised that as at 30 June 1988 his salary was given as $79 915 per annum, with an associated allowance of $3 077. In all, that amounts to a total remuneration package of $82 992 a year.

Further, I am advised that the Chairman's salary had increased to a total package of $97 522 by 30 June 1989. (Some of us might want to leave this place and join the Public Service). That is an increase of $14 530 in the space of 12 months, or a rise of 17.5 per cent. In view of the Federal Government's insistence on the need for wage restraint and of keeping award increases to within the range of about 6 per cent, and in the light of the long-running campaign by the Government to denigrate larger wage rise claims such as those of the Pilots Federation that we all know about, will the Minister indicate what circumstances justified the head of the Health Commission's gaining a 17.5 per cent wage increase? Will the Minister indicate what specific additional tasks and responsibilities and/or trade-offs in other areas will the Chairman of the Health Commission assume for his 17.5 per cent award increase?

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

HENLEY AND GRANGE COUNCIL

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Henley and Grange council.

Leave granted.

The Hon. L.H. DAVIS: In July the Local Government Advisory Commission handed its recommendations on Henley and Grange, Woodville and West Torrens councils to the Minister of Local Government. I understand that the Commission recommended by a vote of three to one that Henley and Grange council be abolished and split between Woodville and West Torrens councils. As members know, the commission's advice was not given the same treatment as that on the city of Flinders. The commission's advice in regard to Henley and Grange was referred back to the commission. The Minister said at the time that she would ask the commission whether it felt there had been sufficient consultation. It is history now that the city of Flinders proclamation was signed by the Governor only a matter of days after it was received by the Minister. There is now, of course, a committee of review effectively holding up further work on all amalgamation proposals, including Henley and Grange.

Did Cabinet discuss the commission's advice regarding a decision on Henley and Grange council? Secondly, did the Minister, without Cabinet discussion, refer the Henley and Grange matter back to the commission? Thirdly, will the Minister make public her submission to the commission that it should review its original decision to abolish Henley and Grange council?

The Hon. ANNE LEVY: As I have said, there are none so deaf as those who will not hear. I have already told this Council on numerous occasions—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I have already told the Council on numerous occasions that I received the report from the Local Government Advisory Commission on the Henley and Grange proposals at a time when there was a great deal of concern in the Blackwood area because, it was claimed, there had been insufficient consultation. In the light of that, while I was taking account of the concerns in Blackwood

regarding opportunities for consultation, I referred the matter back to the Local Government Advisory Commission, regarding Henley and Grange, and asked whether it felt there had been sufficient consultation in that area. As the question of the adequacy of consultation had been raised in the Blackwood area, it seemed desirable to check whether there had been sufficient consultation in the Henley and Grange area.

It would seem to me that had I not done so I would be open to criticism on the basis that all the people who were complaining that there had not been sufficient consultation in Blackwood would say that neither had there been sufficient consultation in Henley and Grange. For that reason I referred it back to the advisory commission to ask whether it was satisfied that there had been sufficient consultation. I certainly referred it back, on my own decision, to assure myself that the commission was happy that there had been sufficient consultation.

Nothing of what I have just said is any way new. It has been stated on numerous occasions in this Chamber as part of debates on motions, as part of debates on Bills, in a lengthy ministerial statement, as well as in answer to questions. I will not change my response, since I have no intention of misleading the Chamber. I have stated the truth of what has happened and why it has happened on numerous occasions and I will continue to do so on every occasion that the Opposition persists in asking me exactly the same question.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Can I repeat the question? Did Cabinet discuss the commission's advice regarding the decision on Henley and Grange Council, yes or no?

The PRESIDENT: That is not really a supplementary question.

The Hon. ANNE LEVY: First, Cabinet discussions are not made public, and the honourable member knows this as well as anyone else in this Chamber. Secondly, I have already told the Chamber on numerous occasions—five if not six times before—that I referred the report on Henley and Grange back to the Local Government Advisory Commission and asked it the question: was it satisfied that there had been sufficient consultation in the area regarding the proposals put forward before it reached any conclusions on the recommended boundaries for local government in that area?

Members interjecting:

The PRESIDENT: Order! The question has been asked and the Minister has answered it.

MARINELAND

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Local Government a question about Marineland and the West Beach Trust.

Leave granted.

The Hon. K.T. GRIFFIN: In a letter dated 2 February 1989 to the Minister of State Development from Elspan International Limited, the consultants to Zhen Yun Limited, in relation to the redevelopment of Marineland, Elspan sets out the initiatives it has taken to encourage investment in the project. That letter includes the following:

We have encouraged our clients that they should prevent the collapse of Tribond by:

- Purchasing the shares of Tribond Developments Pty Ltd and as a result pay all creditors including the Government guaranteed amounts. These two items will require an expenditure of about $4.2 million capital.
- Build and operate the new expanded Dolphin Ocean and Aquarium Centre (all now in compliance with the Animal Exhibition Act of New South Wales).
- Build and operate a 200 to 300 4-star room international and tourist hotel and conference centre.

The total investment is now about $50 million to $55 million. To enable the company to be purchased and these investments to materialise agreement with the West Beach Trust is necessary. From October to January we have prepared and costed in conjunction with Wallace Planning Consultants of Adelaide five proposals each necessary to induce West Beach Trust to consolidate an acceptable land lease and area sufficient to meet all statutory regulations—this has not yet been achieved.

For each month that passes Marineland costs in excess of $50 000 in overheads and in addition Zhen Yun and ourselves have spent many thousands of dollars investigating and reporting on this investment. The situation has now been reached where your ministerial direction is necessary to resolve any misunderstandings that exist between your Department, West Beach Trust and Zhen Yun (Australia) Pty. Ltd.

This confirms the claims I made in explanations to questions I asked several weeks ago about the West Beach Trust and its Chairman, Mr Virgo, namely, that he kept shifting ground in negotiations and was difficult to deal with, not to get a better deal for the trust as the Minister suggested on one occasion, but because he was being difficult for the sake of being difficult.

When a significant development of importance to South Australia was ready to proceed, the West Beach Trust was dawdling. The claim has been made to me that, in the dealings with the West Beach Trust, the West Beach Trust and its Chairman were not dealing in a professional or business-like way in order to get this important development moving. My question is: were not the Chairman and the trust being difficult and failing to conclude an arrangement in relation to Zhen Yun Limited and Tribond Developments Pty Ltd because the Government had decided to withdraw from its commitment to Marineland and Tribond Developments Pty Ltd?

The Hon. ANNE LEVY: The honourable member is somewhat in the category, 'Have you stopped beating your wife yet? Answer "Yes" or "No".' He presumes on no evidence whatsoever, that the Chair of the West Beach Trust was being difficult. The honourable member states, as fact, what to me is certainly not proven. I do not accept on this matter that the Chair or the members of the West Beach Trust have been or were difficult. As regards negotiations with the Government, these would be negotiations involving the Department of State Development and Technology, and I shall be happy to refer the question to the Minister responsible and bring back a reply.

TOURISM DEVELOPMENT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism a question about tourism in South Australia.

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday the Premier's statement about what he saw as being South Australia's future indicated that tourism was one of the major planks. Some concerns have been raised with me, not about whether or not tourism itself is a good or bad thing but more particularly about what style of tourism we will have. For example, concerns have been raised, that what South Australia has tried to do is have developments that attract tourists, such as the cable car, marinas, a resort such as Wilpena in the national park, and so on, and that in the Government's enthusiasm to do these things it has been willing to override development plans, the hills face zone, park management plans and the like.

I asked friends who had been bushwalking in Wilpena only four days ago how they had found the experience and whether they had seen many people. They said, 'No, it was wonderful. We walked for days and didn't see anyone, but the damn planes going overhead really mucked things up.' They wondered what it would be like up there with the further development, and they were not sure, if it were further developed, whether they would want to continue to go there. Some people have suggested that if we are to bring tourists to South Australia we should be striving to produce a unique South Australian experience and trying to attract people with our landscapes, animals and plants. We must be careful that areas such as the Barossa Valley do not become kitsch—that it does not become more German than Germany and no longer the Barossa Valley we know.

The Hon. Diana Laidlaw: What about Hahndorf?

The Hon. M.J. ELLIOTT: It has happened in Hahndorf to some extent already, I think. I am reminded of an article that I read many years ago in the tourism pages of the *Advertiser*, where a person had discovered a new island somewhere in the Pacific and related how wonderful it was, talked about the people, what he saw and how the beaches were. The final line was, 'Get there before the rest of the tourists.'

It seems something of an irony that here on a tourist page they have found a place that has been untouched and they say, 'Get there before the tourists do,' recognising that tourism does have the capacity to destroy the very things that the tourists go to see. In this grand vision that the Premier now has for us in this State, what is the style of tourism envisaged? Will it be a unique South Australian experience? Will we continue to destroy the landscapes that people come to see? What exactly is the plan?

The Hon. BARBARA WIESE: In order to save the time of the Council, I should probably just offer to send to the honourable member the tourism development documents which Tourism South Australia has produced during the past 18 months and which, I believe, indicate clearly the development philosophy of this Government with respect to South Australia's growing tourism industry. In fact, we have spent an enormous amount of time, during the past year in particular, clearly putting together documents which will not only indicate to the general community what style of tourism development and approach to tourism development this Government believes is appropriate but which also will assist planners—whether they be in Government or local government, or potential developers and investors. As part of that documentation, the development of an environmental code for development has occurred. With each of those documents—and there are four of them so far, with another to come later in the year—I believe that the picture is building clearly to give people the sort of message that we would like to give about the type of development that is appropriate for South Australia.

In general terms, we would like to see in South Australia development which is not only economically sustainable but also environmentally sustainable and which provides authentic experiences for people. There is no doubt that all the trends in the tourism market, and everywhere else in the world, indicate that increasingly people are moving away from the old style of tourism experience of hopping on a coach and running along to see sights and visit artificial developments. More and more people are looking for authentic experiences which will enable them to learn something about the history, culture, and heritage of the place that they are visiting and be able to experience a natural environment, or whatever is the particular attraction of that place.

Therefore, we are looking for the sort of development that works with, and not against the environment, which is suitable for the location in which it is placed, and which provides a legitimate experience. When I talk of a legitimate experience, I mean that we would, for example, not support some Austrian castle development somewhere in South Australia, because that is not a part of the South Australian experience but a development which is perhaps in keeping with the outback—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —or wherever it might be located. That sort of thing would be appropriate. So, if the honourable member would care to look at the documents to which I have referred in conjunction with one another, I believe he would get a clear picture of the sort of tourism development that this Government will be encouraging during this next decade. As a beginning, in this process of encouraging the sort of development that we think is appropriate here, officers of Tourism South Australia have during the past year identified some of the gaps in our tourism product.

In fact, they have put together preliminary feasibility studies on five proposed developments that we believe will assist in enhancing South Australia's image as a destination, and on all—

The Hon. M.J. Elliott interjecting:

The Hon. BARBARA WIESE: None. We have looked not at locations but at styles of development. Interest has been expressed by developers and investors in those five proposed developments and, hopefully, very soon at least some of those proposals will become reality and will assist in raising the profile of South Australia, providing appropriate accommodation and other facilities for certain segments of the tourism markets, and enabling us to build on the good reputation that South Australia is already developing as a tourist destination in Australia.

The Hon. M.J. ELLIOTT: I wish to ask a supplementary question. What do these clear guidelines tell us about developments in parks and about cable cars?

The Hon. BARBARA WIESE: The question whether developments will or will not occur in parks is primarily the responsibility of the National Parks and Wildlife Service and the Minister for Environment and Planning. This Government has already approved and supported a development within the Flinders Ranges National Park and, hopefully, that development will proceed soon. There are good arguments why it should proceed. The property on which the development will take place was purchased primarily for that purpose: it was not part of the original national parks area. It is not a pristine environment but an area that has been degraded over a number of decades by grazing. It was purchased to provide an appropriate tourism development, which will help us to build the image of that part of the State and attract tourists to South Australia. It will also provide revenue for the National Parks and Wildlife Service: funds can be ploughed back into the national parks to protect the resource. That is one of the key objectives of the National Parks and Wildlife Service.

As the honourable member would be aware, a small scale development in the Flinders Chase National Park has already been proposed. Whether that will go ahead is a matter for the developer. There has been some speculation about that in recent months. As far as I am aware, the National Parks and Wildlife Service does not have plans for developments in other national parks in South Australia at this time and has no intention of looking at other national parks, at least in the near future.

The policy of Tourism South Australia, to the extent that it recognises the issue of development in national parks, indicates that support would be forthcoming for appropriate development in selected parks should that be the policy of the Government, but it is not something on which we would want to lead the charge or particularly advocate. However, we would advocate that a development, whether inside or outside a national park, was sensitive to the environment in which it was located: it should work with the environment and not against it.

MINISTERIAL STATEMENT: TYPOGRAPHICAL ERROR

The Hon. ANNE LEVY (Minister of Local Government): I seek leave to make a statement about a typographical error.

Leave granted.

The Hon. ANNE LEVY: In providing a response to Question on Notice 61 (2), asked by the member for Hanson in another place, it was indicated that the Minister of Local Government's approval was given for the West Beach Trust to sign the lease with Zhen Yun Australia for a term exceeding 10 years on 6 March 1988. That date was incorrect due to a typographical error; the year should have been shown as 1989. My officers have informed the member for Hanson of the correction. He had already realised that it was a typographical error. However, I have made this statement so that the *Hansard* record is correct.

QUESTIONS RESUMED

WESTERN SUBURBS NURSING HOMES

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister for the Aged in another place, a question about nursing homes in the western suburbs.

Leave granted.

The Hon. M.S. FELEPPA: I raise this matter in the Council conscious of the fact that this is a matter of Federal Government responsibility. It has been brought to my attention that the Saint Hilarion Nursing Home, which is located on Henley Beach Road at Lockleys, has been negotiating with the Commonwealth Department of Community Services and Health for the purchase of the Serene Nursing Home, which is also located at Lockleys. As members would be aware, the Commonwealth provides capital funding ranging from 2 to 1 to 4 to 1 for the establishment of nursing homes by appropriate organisations.

The Hon. Diana Laidlaw: The honourable member voted against the motion in this Parliament condemning the Federal Government's attitude to senior citizens.

The Hon. M.S. FELEPPA: I invite the honourable member just to listen quietly.

The Hon. Diana Laidlaw: You have changed your tune.

The Hon. M.S. FELEPPA: No, I have not changed. The honourable member should listen to the rest. The Saint Hilarion group made application to the Department of Community Services and Health for funding earlier this year and was encouraged by the department to proceed with the purchase, to the point that the department requested, by letter, that Saint Hilarion arranged for a copy of the contract between Saint Hilarion and the vendors of Serene to be forwarded to them. At this point, the only unresolved issue was whether the capital funding would be provided on a 2 for 1 basis or a 4 for 1 basis.

The Hon. J. F. Stefani: Have you checked that with the department?

The Hon. M.S. FELEPPA: I appreciate the interjection. In June this year, the Saint Hilarion group was confident, due partly to the department's attitude, that the capital funding would be provided at one level or another. In a letter dated 15 June 1989, the department advised Saint Hilarion that the proposal had been submitted to Canberra and that a reply was expected on or about 19 June. Whilst a reply was not received by that date, Saint Hilarion was verbally advised later in the month that a 2 for 1 grant would be made available under the normal terms and conditions. At this point the department proceeded with a valuation and inspection report. Following this, the process stalled. The people at Saint Hilarion repeatedly asked the department to provide notification so that the project could proceed, but nothing was forthcoming.

Finally, at a meeting on 5 September 1989 at the Department of Community Services office, the Saint Hilarion group was told that the proposal had been dropped. In fact, the Saint Hilarion people were told that the proposal had been scrapped because the two nursing homes, Saint Hilarion and Serene were too closely located and that this would tend to create a ghetto in the area. To enable members to understand the whole subject a little better, I should like to quote a few paragraphs from the letter written by the Department of Community Services and Health to the Saint Hilarion group, as follows:

> Your organisation's proposal to purchase Serene Nursing Home argued that the facility's proximity to Saint Hilarion Nursing Home would offer your organisation certain economies of scale in operating both facilities.
>
> Upon consideration, it is the view of this office that, while the close proximity of Serene Nursing Home to Saint Hilarion Nursing Home may result in the economic benefits you outlined, it would also result in a concentration of Italian specific nursing home services within a small locality that is not considered desirable.

By way of response to these remarks, I want to quote one paragraph from the Administrator of the Saint Hilarion Nursing Home to the Department of Community Services and Health:

> It is abhorrent to think that people receiving specific services should be considered as being segregated from the so-called mainstream community. The people receiving such services are part of the Australian community and not second-rate citizens forced to live in dispersed areas—

The Hon. L.H. Davis: Why don't you speak during debate on the Appropriation Bill?

The Hon. M.S. FELEPPA: That is an interesting interjection; I hope that *Hansard* has recorded that. The letter continues:

> —for fear of creating 'undesirable over-concentration'.

Apparently, some pressure had been placed on the department by some other groups in the community which considered that Saint Hilarion's proposal would lead to an 'undesirable concentration' of people of Italian background in the area.

My questions to the Minister are as follows:

1. Can the Minister inform the Council of the specific criteria used by the Commonwealth Department of Community Services and Health in determining funding for aged care services?

2. Does the Minister believe it appropriate that some groups or individuals should be able to influence the Department of Community Services and Health in the manner in which they appear to have done in this case?

3. Does the Minister believe that the purchase of the Serene Nursing Home by the Saint Hilarion group would lead to the establishment of a 'ghetto' in the western area of Adelaide.

4. Will the Minister contact the Federal Minister responsible for aged care services and ask that the Saint Hilarion group be treated in a fair and appropriate manner and that the department not be influenced by the racist tendencies of some individuals in our community?

The Hon. BARBARA WIESE: The honourable member's interest in this area of aged care has been long-standing and is well known in the community. I am sure that the Minister for the Aged will want to provide a report on the issues that the honourable member has raised as quickly as possible. I will refer the questions to him for that purpose.

OFFICE PAPER RECYCLING

The PRESIDENT: I should like to provide a reply to a question asked by the Hon. Mr Gilfillan on 28 September concerning the recycling of office paper. First, I want to correct the statement made by the honourable member that the paper has 'been dumped in bulk'. This has not been the case as far as the Legislative Council is concerned. Until now the paper has been sorted into newspapers and scrap paper and has been taken by our Messengers to a recycling depot, namely G. & H. Hines Pty Ltd. We are fortunate in that our Messengers have been quite mindful of the need to recycle large amounts of scrap. However, recent advice from the recyclers has indicated an unwillingness to accept office paper because of the glut on the world market and the decline in price.

In relation to the honourable member's suggestion about using the Kesab paper bank project, I would advise that today I was a party to the opening of that campaign by the Minister for Environment and Planning. I have spoken to the person from Kesab who is in charge and requested that the literature relating to the boxes that Kesab is distributing be forwarded to me for distribution to members. I will be raising this matter and discussing it with my officers of the Council and taking the matter further. I hope to make a further response later.

MULTICULTURALISM

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Ethnic Affairs a question about the 1989-90 budget.

Leave granted.

The Hon. J.F. STEFANI: The Government recently printed and circulated a pamphlet on the multiculturalism and ethnic affairs budget for 1989-90. In the pamphlet the Minister of Ethnic Affairs, Mr Arnold, claimed that, apart from the $200 000 allocated for the capital component to establish a new office for language services, an additional $285 000 has been allocated to improve the quality and availability of interpreting and translating services. In addition, during the Budget Estimates Committee procedures, the Minister advised that an additional $109 000 had been provided in this year's budget to assist clients seeking the recognition of their overseas qualifications. Page 178 of the Program Estimates shows the total budget expenditure for 1989-90 for the provision of language services will be $1.473 million, which indicates an additional allocation of only $5 000 over last year, and not $285 000 as claimed by the Minister. Furthermore, when answering a question during the examination of the budget estimates, the Minister advised the member for Murray-Mallee, Mr Lewis, that the additional expenditure of $371 000 was allocated for the promotion of multiculturalism and covered the additional costs of appointing the new chief executive officer, clerical support staff, administrative services costs, upgrading of telephone facilities and transferring other staff to promote multiculturalism.

Therefore, my questions are, first, where does the additional allocation of $285 000 appear in the budget papers and, secondly, can the Minister confirm his published statement that an actual additional sum of $285 000 has been provided for the language service program? Finally, which expenditure program includes the additional $109 000, that he claimed the Government had allocated for the upgrading of the Overseas Qualifications Unit?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

HOMESTART LOANS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Housing and Construction, a question about HomeStart.

Leave granted.

The Hon. I. GILFILLAN: Members will clearly recall the flamboyant announcement that Mr Bannon was throwing a lifeline—as it was described in the *News*—of $1 000 million boost to struggling home buyers in South Australia. Without arguing the pros and cons of whether or not the long term economics of that would be advantageous to the applicants individually, I know that it was widely recognised around South Australia that the Government had proposed a scheme to facilitate financing of Australians—particularly young Australians—who were looking for finance to set them up in their own home. It therefore caused me some distress and surprise when I was approached by a constituent yesterday, who indicated that he, a single parent, is at risk of losing a home, the estimated capital value of which is over $80 000, with a debt a little over $30 000, through his inability to get finance to see him through in the short term. He had approached the State Bank, which in turn referred him to HomeStart. He had been advised by an officer of the Housing Trust to see what help he could get from HomeStart, but the State Bank, for some reason of its own, will not have anything to do with the actual detail of HomeStart. It may feel the matter is too hot to handle. It passes on inquiries to the HomeStart finance office in King William Street.

My constituent was stunned to find that the application for his immediate help would not be considered until April 1990, and that the staff and resources provided by the Government for dealing with HomeStart applications are so small that applicants will have approximately a six month wait before even having an interview to have their request discussed. I believe that that shows the fraud behind the promise that has been made: that money is available for people in need. It poses the question, as my constituent raised with me; 'How is it that, with this promise, the Government has not provided enough people or facilities to deal with my desperate situation before six months, by which time I will have lost my home in a forced sale and could have lost a lot of money?'

I was so concerned that I rang HomeStart and got confirmation that this was indeed the case, that the situation

would not be dealt with until April. I then identified myself and said that I felt that what had happened was unsatisfactory. The officer with whom I was talking discussed the matter with the manager and, a little later, back came the information that, if my constituent registered by the end of the week, his case (interestingly, the officer assumed my constituent was female) would be considered next month. Without taking into account the circumstances, or who had made the request, I was relieved for my constituent that his crisis could be dealt with next month, but it still remains quite unsatisfactory that those who do not have the intercession of a Democrat politician—or, perhaps, any other politician in this context—will be left to wait for six months. The lives of young families in South Australia could be ruined—

Members interjecting:

The PRESIDENT: Order! The House will come to order.

The Hon. I. GILFILLAN: —because of a lack of consideration. I am sorry that the issue has stirred such emotional outbursts from members of both sides of the Council. I hope this puts pressure on the Government; that is the point of the question. Obviously, the HomeStart structure is grossly inadequately resourced to deal with the demand. Will the Minister urge her colleague to upgrade the facilities immediately and increase the staff to ensure that there is a dramatic reduction in the waiting time? It seems quite unacceptable to impose a waiting time longer than a month on an application from these people in urgent circumstances. Will the Government take immediate action to improve the situation?

The Hon. BARBARA WIESE: I do not know whether the situation is as the honourable member has outlined but I will certainly refer his questions to the Minister of Housing and bring back a reply as soon as possible.

ECONOMY

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Acting Leader of the Government in this Chamber a question about the Australian and South Australian economies.

Leave granted.

The Hon. T. CROTHERS: It does my heart good when I read what the South Australian business community thinks of the economic management of the Bannon Labor Government in South Australia or, as an aside, indeed the obverse: what must a business community think of the South Australian Liberals after the effort of the past few days? I was pleased to note in the 6 October issue of *Business to Business*, a locally produced magazine distributed to South Australian business owners, senior executives and managers of both the corporate and public sectors, yet another glowing endorsement of the economic policies of the South Australian Government. This follows a similar glowing endorsement of the Bannon Labor Government in the South Australian Chamber of Commerce's—

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation.

The Hon. T. CROTHERS: It is no wonder that a curtain of darkness has descended on the Opposition. They do not listen. This follows a similar glowing endorsement of the Bannon Labor Government in the South Australian Chamber of Commerce's September issue of *South Australia in Business*, which referred to the chamber's six monthly survey of the South Australian economy. Honourable members may recall that I referred to this article on 24 August. In the *Business to Business* article called 'Vital Signs—the Economic Indicators in South Australia', Mr Chris Chalke points out:

> South Australia can again boast about its strike record with the latest figures from the Australian Bureau of Statistics.

Honourable members, particularly the Hon. Mr Stefani, may wish to note the following:

> In the 12 months to June, South Australia lost only 59 working days per 1 000 workers, lower by almost 200 than New South Wales.

So much for industrial relations under the Greiner Government! On a national level the article quotes the respected forecasting group, BIS Shrapnel, which has predicted a rosy long-term future for the Australian economy. Over the next 15 years they expect 'a healthy growth pattern with average GDP rising 3.4 per cent faster than inflation and exports growing faster than imports'. The article also pointed out that the demand for home loans in South Australia increased by 10 per cent in the first two weeks of September. That point is fairly germane, I believe, in the light of the last question that was asked in this Chamber.

All these indicators, in both the Chamber of Commerce's six monthly survey of the South Australian economy and also in the *Business to Business* magazine, seem at variance with the gloom and doom peddled by the State and Federal Liberals. My questions to the Acting Leader of the Government in this place are:

1. Does the she know why the South Australian Liberals continue to try to damage the South Australian economy by refusing to recognise the sound economic performances of the Bannon Labor Government?

2. Does the publication of these articles indicate that the South Australian business community has lost any confidence it may have had in the Liberal Party's ability to soundly manage the State's economy?

The Hon. BARBARA WIESE: The publications from which the honourable member has quoted speak for themselves in terms of the attitudes of people in business in South Australia and their attitudes to both the Liberal Party and—

An honourable member interjecting:

The Hon. BARBARA WIESE: Chris Chalke, as I understood it, whomever he is—the Bannon Labor Government. I must say from my own experience in meeting people in the business community in South Australia that, as much as they would like it to be different, they certainly largely find it impossible to support the Liberal Party in South Australia because they do not see them as a legitimate or appropriate alternative Government and are very happy to support the efforts of the Bannon Government during these past few years in working in a planned way to restructure and build the South Australian economy. The statements that are made from time to time by members of the Liberal Party against the Bannon Government's economic performance and the state of the economy here just do not ring true in the ears of people in the business community because they know that things are not as they are being described by members of the Liberal Party.

It is important to note in this context that yesterday the Premier released a document entitled 'Securing the future' which sets out the Government's intentions during this next few years in building on the work that has been done in the past seven years.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: It was interesting to note that we had the usual negative responses to this document coming from the spokespeople of both the Liberal Party and the Australian Democrats, but it was even more note-

worthy that the representative from the Chamber of Commerce was complimentary about the document and about the Government's intentions. The Chamber of Commerce, as I understand it, represents the interests and the views of the South Australian business community. So it is interesting that, as recently as yesterday, there was yet another expression of confidence in the performance of this Government and its economic management.

It is also important to draw to the attention of honourable members the feature that appeared in the *Australian* newspaper yesterday on South Australia and the South Australian economy. That, too, was a glowing tribute to the work that has been achieved in this State during the past few years in rebuilding from the very depressed state in which South Australia found itself when the Bannon Government came to power in 1982.

Members interjecting:

The PRESIDENT: Order! There is too much conversation. The honourable Minister has the floor.

The Hon. BARBARA WIESE: So, there is plenty of evidence that people in the business community support this Government and the work that it is doing, and there is equally plenty of evidence that they find the alternative just too unpalatable.

MARINELAND

The Hon. K.T. GRIFFIN: I understand that the Minister of Local Government has an answer to a question I asked on 27 September 1989 in relation to Marineland.

The Hon. ANNE LEVY: As the lease between West Beach Trust and Tribond Developments Pty Ltd is registered over certain land which is the subject of the lease between West Beach Trust and Zhen Yun Australia Hotels Pty Ltd, it is not possible to register the latter lease until the former lease is removed from the title. Despite their best and continuing efforts, the West Beach Trust's solicitors have not as yet been successful in obtaining the agreement of the solicitors representing Tribond Developments Pty Ltd for the surrender of their lease. Every endeavour to have this problem resolved is continuing.

ROAD FUNDING

The Hon. PETER DUNN: I understand that the Minister of Local Government has an answer to a question I asked on 7 September 1989 about road funding.

The Hon. ANNE LEVY: I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

Responsibility for the maintenance of local roads in incorporated areas rests with the relevant local government authority. Government aid is provided to all councils through the allocation of quite significant grants distributed on a formula basis to individual councils.

Notwithstanding this, the South Australian Government was sympathetic to the plight of councils whose local roads were seriously damaged by the heavy rains earlier this year and decided that some form of assistance was appropriate. Concessional loans were considered as an option, but in this instance, it was decided that a far more useful type of assistance would be in the form of a grant.

As a consequence, Cabinet approved a Government grant of $500 000 toward the cost of repairing damaged roads in council areas on Eyre Peninsula and the Mid North. The Premier has requested the Local Roads Advisory Committee to examine councils' applications for assistance and to provide recommendations on the distribution of the grant.

The committee has also been requested to examine and report on the feasibility of incorporating contingency funds in its annual allocation for local roads, as a means of providing for the repair of such damage caused by extraordinary natural events in the future.

SANTOS LIMITED (REGULATION OF SHAREHOLDINGS) BILL

The Hon. BARBARA WIESE (Minister of Tourism) obtained leave and introduced a Bill for an Act to regulate shareholdings in Santos Limited while that company, or a subsidiary of that company, engages in the recovery and production of petroleum within the State; to repeal the Santos (Regulation of Shareholdings) Act 1979; and for other purposes. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

INTRODUCTION:

The Santos (Regulation of Shareholdings) Act was passed in 1979 to ensure the future security of energy supplies in South Australia. It was then, and still remains, a most significant piece of legislation.

The company, Santos Limited, has a highly significant and strategic involvement in petroleum and natural gas assets in South Australia. Santos is the operator and major partner in the Cooper Basin. The company has taken the lead in an agreed accelerated gas exploration program within South Australia and long-term supply and pricing arrangements have been established.

One of the most effective ways of ensuring this State's future energy supplies is to ensure that ownership and control of the company cannot be dominated by those with different objectives and with no inherent interest in the industrial development of South Australia. In this respect, the maintenance of an independent Santos board is an important consequence of this Bill.

THE COOPER BASIN AND SANTOS—BACKGROUND DETAILS:

The contribution of Cooper Basin oil and gas production to the State economy in 1987-88 for gas was $270 million and for oil, condensate and LPG was $420 million, making a total value of production of almost $700 million. Total supply of gas was approximately180 petajoules per annum and of oil and LPG was approximately 2.4 million tonnes.

Direct employment in the Cooper Basin itself is estimated at around 3 000. The activities in the Cooper Basin are highly capital intensive but, to give some idea of relative size, these figures can be compared with employment in the non-metallic mineral products manufacturing industry (manufacture of glass and glass products, clay products and refractories, cement and concrete products: 3 400 employees in 1986-87.)

Oil and gas exploration expenditure in the Cooper Basin region was approximately $80 million in 1988, and it has varied between about $50 million and $90 million in recent years. The Cooper Basin makes a further contribution to the State's economy through interstate and overseas exports. Total interstate sales of gas, crude, condensate and LPG are approximately $300 million, while overseas exports total approximately $80 million. In other words, around 50 per cent of Cooper Basin production is sold outside South Australia, thereby generating local employment and income.

South Australian households and industry have a substantial reliance on natural gas, with about two thirds of the State's consumption being used by ETSA for electricity generation. The other one third is marketed and distributed by Sagasco for both industrial and domestic purposes.

With regard to electricity generation, approximately 60 per cent is based on natural gas and 40 per cent on Leigh Creek coal. Several large South Australian industries are dependent on Cooper Basin sourced natural gas. They are:

- Cement manufacturing.
  A $110 million plant expansion is planned at Birkenhead. An assured supply of gas at reasonable prices is required and any substantial or sudden price increase could threaten these expansion plans.
- Steel manufacturing.
  A spur line has recently been constructed from Port Pirie to Whyalla. This involved the construction of an 83 kilometre pipeline at a cost of more than $11 million. Delivery of gas commenced earlier this year to the steel manufacturing plant, to the Port Bonython liquids plant, and to the City of Whyalla. There is potential for considerable expansion in gas use by the steel industry.
- Petroleum refining.
- Glass manufacturing.
- Chemical manufacturing.
- Fertiliser manufacturing.

These examples indicate that price stability and security of supply of natural gas are fundamental to the long-term growth and development of major local industries—industries with a strong export orientation. They are vital factors in encouraging new industrial development. Price stability and security of supply are clearly also important to households.

Furthermore, price stability and supply security of natural gas are fundamental to the development of the energy sector itself. They influence the timing and choice of technologies for future power stations. Uncertainty on the supply side has now been overcome, at least in the short term, with the recent signing of new gas contracts with the Cooper Basin producers, which provide five years of forward cover for the State, rising to 10 years by the end of 1991.

Greater price stability has also been achieved. Negotiations on the price of gas with the producers have resulted in an agreement that the price of $1.73/GJ would apply from 1 July 1989, and that the price will be escalated annually at 95 per cent of the CPI. To put this in context, it is important to realise that the price of $1.73 is more than 15 per cent lower in real terms than the price that prevailed in 1985.

Santos Limited is the major partner in the consortium of 11 Cooper Basin partners. It has a special function, having the role of operator, with day-to-day control over the world-scale Cooper Basin operation, in accordance with the unit agreement between all partners. Santos Limited's percentage ownership in the major unit block, where all gas has so far been produced, is over 50 per cent (including holdings by subsidiary companies). In the Murta Block, the total Santos interest is also over 50 per cent, and just under 50 per cent in the Patchawarra South West Block. These three blocks are the ones from which gas production is already undertaken or is currently planned.

The Port Bonython hydrocarbon liquids project, which was proposed by Santos Limited on behalf of the Cooper Basin producers, made its first overseas exports of liquids in February 1983. This project was one of the largest resource development projects ever undertaken in this State. The 659 km pipeline for the transport of the liquids from Moomba to Port Bonython cost about $100 million. The construction of facilities at Moomba and the fractionation plant at Stony Point cost over $600 million. The wharf and associated facilities cost about $50 million.

In addition, Santos Limited makes a significant contribution to other aspects of South Australian community life. The company makes extensive contributions to community activities, particularly in the tertiary education, arts and charities areas. Notable amongst these contributions are grants to the Art Gallery of South Australia, the State Theatre Company and the Australian Dance Theatre. Support has also been given to the Flinders Medical Centre Research Foundation and to the National Centre of Petroleum Geology and Geophysics at Adelaide University. A wide range of charities is supported.

EFFECTS OF THE 1979 LEGISLATION:

The 1979 legislation has been particularly effective in providing for the security of energy supplies for South Australia. Furthermore, it is clear that in the time in which the Santos Act has applied, the company has strengthened and consolidated its activities in this State. The company has taken the lead within the Cooper Basin in further developing a major resource, successfully establishing the liquids project and developing substantial markets both domestically and overseas. It has also undertaken a substantial company acquisition program which has given it a dominant or very influential position in the South Australian and South-West Queensland sectors of the Cooper Basin, in the Amadeus Basin and offshore areas of the Northern Territory and in the Timor Sea.

There has been criticism from time to time that the Santos (Regulation of Shareholdings) Act has shielded the company, its management and its board from the normal competitive pressures of the market. However, a high proportion of major Australian companies have worked to achieve protection from takeover by various means. It could be argued that many of these companies are more immune to outside pressures than Santos Limited.

Overall, the 1979 Act has been successful in retaining the independence of Santos Limited to operate, develop and expand, without being diverted into unproductive and unnecessary share battles.

NEED FOR CHANGE:

Over the past few months, there has been continuing speculation in the press and approaches from many sources on the future of the Santos (Regulation of Shareholdings) Act. Most approaches involved proposals to overturn the legislation to allow for take over of the company. This has necessarily had an unsettling effect on the company and has put the company in a difficult position.

The South Australian Government wants to keep Santos in this State. Our natural resources need to be protected, particularly as so much of our industry is reliant on natural gas. Consequently, a major aim of the legislation is for the State Government to declare quite clearly that it is going to confirm the legislation, rather than let the speculation continue. It needs to be clearly understood that there is no significant change in direction, nor any significant change in the State Government's policy in the Bill. In fact, the Council may recall the second reading speech to the House of Assembly in 1979 made by the Deputy Premier at that time. He said:

> This is one of the most important pieces of legislation introduced in the history of the State. It has not been introduced lightly. The Government believes that what is involved is the future security of energy supplies in South Australia and the future development potential of the State.
>
> Industry in South Australia, and therefore the employment of our people, depends on assured sources of gas and electricity which can be made available at prices comparable with the major industrial markets of Sydney and Melbourne. As members will

appreciate, gas from the Cooper Basin is supplied principally to Sagasco and to the Electricity Trust of South Australia. Its cost affects, therefore, the welfare of South Australian consumers and the economic position of all South Australian industry.

The decision having been made to confirm the legislation, it became apparent that the 1979 Act needs to be updated and tidied-up and, given the current state of contention about Commonwealth legislation, it is thought advisable that the new Santos Act be expressed to apply to the company while it continues to engage in the recovery and production of petroleum in South Australia, rather than be based on its incorporation in this State. It is considered that the definitions and provisions should be made much cleaner and tighter. One of the key areas of improvement in the Bill is to bring the Santos legislation into line with the Companies (South Australia) Code by matching the definitions as far as possible with definitions applicable in the Code. As an example, an associate is now defined by reference either to the definitions in the Code, or, as under the current Act, where, in the Minister's opinion, persons are likely to act in concert with a view to taking control or acting otherwise against the public interest.

The 15 per cent shareholding limit is now to be measured by reference to the number of voting shares to which a person is entitled. An entitlement to voting shares includes those shares in which a person and an associate have a relevant interest, as defined by the Companies (South Australia) Code. Significantly, an interest in shares is now extended to persons who may not be direct shareholders in the company. This is considered necessary to cover the possibility of a person, not being a direct shareholder in Santos Limited, still being able to exercise control over a parcel of shares through various formal or informal arrangements or relationships. Under the 1979 Act, there is no specific provision for review of a Minister's declaration. One of the major features of this Bill is the addition of such a section. The Minister will be able to review a declaration in the light of further information brought to his or her notice. Questions would be resolved with considerably less time delays than if a review were to be undertaken before the courts. The Minister's initial declaration will continue to stand during the review period. To clarify the provisions, there is now specific inclusion of any unincorporated society, association or body in this Bill. Provisions concerning requests for information have been clarified and improved. The possibility of a person providing information, which in the opinion of the Minister is false or misleading, is addressed in this Bill. The 1979 Act gives a minimum six month period in which a shareholder may sell or dispose of shares above the 15 per cent specified maximum number. This Bill reduces that minimum period back to three months. It is considered that three months would give adequate time for a shareholder to obtain a fair and reasonable price for shares in the market. Any declaration made by the Minister requiring disposal of shares, including the time period specified for divesting, is of course also subject to appeal and review. At the time of introduction of the 1979 Bill, there was considerable debate over the ability of the Minister to annul resolutions of a general meeting of shareholders, where such resolutions, in the opinion of the Minister, were contrary to the public interest; that is contained in section 7 (1) *(b)*.

The current Bill allows the Minister the option of annulment of resolutions, only where there has been an admission of votes that should not have been admitted, as a result of a prohibited shareholding, a failure to provide requested information, or provision of false and misleading information. There is no power in this Bill for the Minister to annul a resolution of a general meeting based on an assessment of the public interest. These are the more significant improvements and alterations to the 1979 Act. It is confined, once more, that there is no significant change in policy or approach to securing South Australia's future energy requirements in this Bill. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 sets out definitions of terms used in the measure and other interpretative provisions. Attention is drawn to the definition of 'relevant interest' and subclauses (2), (3) and (4) of the clause. These provisions together extend the range of shareholding interests in Santos Limited which will be taken into account in determining whether a person exceeds the 15 per cent maximum shareholding interest in the company.

Under the current Act—

(a) the shares of shareholders who constitute a group are aggregated for the purposes of determining whether the 15 per cent limit is exceeded;

(b) a person is a shareholder if the person has a legal or equitable interest in the share;

(c) shareholders constitute a group if—

(i) they are associates;

(ii) they are associates of a person who is not a shareholder;

or

(iii) they are, in the opinion of the Minister, likely to act in concert with a view to taking control of the company or otherwise against the public interest;

(d) persons are treated as being associates according to criteria that are similar to those contained in the Companies (South Australia) Code.

By contrast, the provisions in this clause follow the approach adopted in the Companies (South Australia) Code for the purpose of determining substantial shareholding interests in a company under Division 4 of Part IV of the code. Under the provisions of this clause—

(a) the 15 per cent limit is measured by reference to the number of voting shares to which a person is 'entitled'—significantly, such a person need not be a shareholder;

(b) under clause 3 (4), the shares to which a person is entitled include those in which the person has a 'relevant interest' and those in which an associate of the person has a 'relevant interest';

(c) 'relevant interest' has the same meaning as the expression has for the purposes of Division 4 of Part IV of the Companies Code, this being a wide concept based principally on the question whether a person has power, through formal or informal arrangements or relationships, to exercise, or control the exercise of, voting rights attaching to shares, or to dispose of, or exercise control over the disposal of, shares;

(d) a person is an associate of another if—

(i) the person is an associate of the other for the purposes of Division 4 of Part IV of the Companies Code;

or

(ii) as under the current Act, the Minister is of the opinion that the person and the

other are likely to act in concert with a view to taking control of the company or otherwise against the public interest and the Minister, by notice in writing served on the Company, declares the person to be an associate of the other.

Subclause (6) provides that regulations may be made, if necessary, to allow certain relevant interests, or classes of relevant interests, in shares in the Company to be disregarded for specified purposes in specified circumstances and subject to specified conditions (if any).

Clause 4 provides that the measure applies in relation to the Company only so long as the Company, or a subsidiary of the Company, engages in the recovery and production of petroleum within the State. Subclause (2) of the clause is designed to ensure that the measure applies whether relevant transactions, agreements, arrangements, understandings or undertakings are entered into or made within or outside the State and whether shares are registered within or outside the State.

Clause 5 provides that a person has a prohibited shareholding interest in the Company if the person is entitled to voting shares in the Company that together constitute more than 15 per cent of the total number of voting shares in the Company. The clause excludes the possibility that the Company might be taken to have a prohibited shareholding interest in itself.

Clause 6 provides that it is unlawful for a person to have a prohibited shareholding interest in the Company.

Clause 7 provides power for the Minister, or a director or the secretary of the Company, to require information for the purpose of determining whether a person has, or is taking action to acquire, a prohibited shareholding interest in the Company. Such information may be sought from a person who has, or is suspected of having, a relevant interest in shares in the Company. A notice requiring such information may require that the information be verified by statutory declaration. The clause provides that where a person fails to provide information as required, or where information provided is, in the opinion of the Minister, false or misleading in a material particular, the Minister may, by reason only of that fact—

(a) declare that the person is an associate of another, or that another is an associate of that person;

(b) declare that the person, or such other person, has a relevant interest in specified Company shares;

(c) declare that the voting rights attaching to such shares are suspended;

(d) declare that the person, or such other person, has a prohibited shareholding interest in the Company.

Written notice of any such declaration by the Minister must be served on the company and any person to whom the notice relates and, in the case where voting rights attaching to shares are suspended, on the holder of the shares.

Clause 8 provides that where the Minister has declared under clause 7 that a person has a prohibited shareholding interest in the company, or, apart from clause 7, forms an opinion and makes a declaration to that affect, the Minister may declare that specified persons may dispose of such shares as are necessary to cause the person to cease to have a prohibited shareholding interest in the company. Written notice of such a declaration must be served on the company and the person or persons required to dispose of shares. Failure to comply with such a notice results in forfeiture of the shares to the Crown.

Under the clause, any transaction with respect to shares in the company that would result in a person being entitled to more than 15 per cent of the voting shares in the company is illegal and void. Any such shares transferred as a result of the illegal transaction may be declared by the Minister to be forfeited to the Crown.

Clause 9 provides for a proportionate reduction in voting rights where a person has a prohibited shareholding interest in shares in the company. For that purpose, a declaration of the Minister that a person is an associate of another, or that a person has a prohibited shareholding interest in the company, has effect and is binding on the company in relation to any general meeting held after service of notice of the declaration on the company.

Clause 10 provides that the Minister may, by notice in writing served on the company, declare a resolution of a general meeting of the company to have been (at all times) null and void if, in the opinion of the Minister, the resolution was passed as a result of votes that should not, by virtue of a declaration of the Minister under clause 7, or by virtue of clause 9, have been admitted. Such notice must also be served on the person whose votes should not, in the Minister's opinion, have been admitted. A notice under the clause does not have effect in relation to a resolution unless served on the company within one month after the date of the resolution.

Clause 11 deals with the making, review and revocation of declarations by the Minister. The clause provides that the Minister may make a declaration under the measure on the basis of such information as he or she considers sufficient in the circumstances. The clause provides that a declaration (other than one requiring the disposal of shares or forfeiting shares to the Crown) has effect when notified to the company. The clause provides for a right to have the Minister review a declaration. Such right may be exercised by the company or ay person served with notice of the declaration. The Minister may, on such a review, or in any event, of his or her own motion, vary or revoke a declaration conditionally or unconditionally and with effect from the date of the declaration or some other date. Under the clause, a declaration continues to have effect unless the Minister determines otherwise notwithstanding that application is made for review of the declaration and notwithstanding that other proceedings are commenced in relation to the declaration.

Clause 12 provides that shares forfeited to the Crown are to be sold by the Corporate Affairs Commission and that the proceeds (less reasonable allowance for the costs of forfeiture and sale) are to be paid to the person from whom the shares were forfeited. Where the shares forfeited were transferred as a result of an illegal transaction and the transferor has not received the full consideration agreed upon, the proceeds (less the deduction for costs of forfeiture and sale) must be applied in payment to the transferor of the amount or value of the consideration not received by the transferor and the balance (if any) must be paid to the transferee.

Clause 13 protects the Minister, the Corporate Affairs Commission and the company and its officers and auditors from liability for any act or omission in good faith in the exercise or discharge, or purported exercise or discharge, of a power or duty under the measure.

Clause 14 provides for the service of notices.

Clause 15 provides for the making of regulations.

Clause 16 provides for the repeal of the Santos (Regulation of Shareholdings) Act 1979.

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

GALLERY BEHAVIOUR

The PRESIDENT: Before we proceed any further, it has been brought to my attention that it appears that there was an illegal taping of Question Time in the gallery. A person was seen removing a tape recorder contrivance from behind a pillar. I draw to the attention of members and the public that this is quite contrary to Standing Orders. At this time we are not sure who it was, or exactly what was involved, but it occurred in the public gallery.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 28 September. Page 974.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Bill before us is an annual event brought on by the Government of the day. I must say that I am again disappointed in the nature of the budget. It is quite clear to all of us that the budget is a budget for the next few weeks to try to sell a Government that has failed: it is not a budget for the future. It shows no vision; it shows no concept or planning for the future of this State. I guess my particular interest, as always, is in the area of health. It has become clear to me that the Government has miserably failed the State during the past 12 months in this area, and more particularly during the past few months where we have seen a drastic situation for the people in this State who need hospitalisation. If there is ever any need for an indication of where the money goes in this State, perhaps it is reflected in the answers that were received to questions that were put during the Lower House Estimates Committes. I know the Government says, 'Well, where will you get the money?' whenever the Opposition raises a criticism of the Government. I will detail the questions put and the answers given in relation to one matter: accommodation for the Health Commission. The question put was:

> Could the Minister detail the recurrent costs of the Health Commission in 1988-89 in leasing two additional floors of the CitiCentre building to accommodate staff initially overlooked in occupancy calculations?

Members opposite may not be aware that when the Health Commission shifted to the new accommodation in the CitiCentre there was a slight problem, since it had forgotten about 80 people who worked there. Those 80 people had to be accommodated. Unfortunately, they were the forgotten members of the Government—public servants who in the minds of the administrators of the Health Commission and the Government did not exist.

We found that the Government had to lease extra floors in the CitiCentre building: floors 9 and 10 were finally leased in addition to the accommodation already allocated to the Health Commission. The rental for the additional areas was $210 000. That sum would have been very useful in the hospital system. The additional rental for 1989-90 and subsequent years is estimated to be $251 000. That would not be so bad, I suppose, given that these people had been found a home in the CitiCentre building: they could not just sit on the footpath. We further asked:

> What is the status of the Health Commission's long-term lease for the State Bank of office premises in the State Bank building, which is on the corner of Rundle and Pulteney Streets?

The reply was:

> The current lease, the 20 year term, on the accommodation previously occupied by the Health Commission in the State Bank building will expire on 31 January 1993.

This means that accommodation is available in the State Bank building that has already been leased by the Health Commission. We further asked:

> What would be the cost of terminating that lease?

The reply was:

> An offer of $400 000 has been made to the State Bank on behalf of the Health Commission to enable the current lease to be terminated and release the Health Commission from future rental commitments on that accommodation.

So that involves an extra $400 000. The next question was:

> If it has not been terminated, what is the ongoing cost?

The answer was:

> The rental on the State Bank accommodation up to 31 January 1989 was approximately $270 000 per annum. If the termination of the lease cannot be negotiated to a settlement acceptable to Sacon and the Health Commission, the accommodation will be subleased to generate income to help defray the rental costs.

Thus there is a wonderful situation in which another two floors of the CitiCentre building have been taken up but we are still paying about the same amount, that is, $270 000, for accommodation which is not needed by the Health Commission and which, I assume, is empty. It was also stated:

> The bank is seeking to increase the rental on this building, but the increase has been rejected by Sacon in view of asbestos and fire safety problems in the building.

So the Government of the day is prepared to sublease this accommodation in relation to which asbestos and fire safety problems have been identified. Whenever Government members ask me, 'What would you do? Where would you find the money to do the initial things you want?' my reply is that we would not need many lots of $400 000 to ensure that the State hospital system was not decimated, as it was by this Government from April until almost October this year. This Government has the most disgraceful and worst record in health management of any Government in the history of the State. It is absolutely appalling that so many people have been denied hospitalisation; people have been denied elective surgery because of a Government that cannot manage its affairs.

Let me take the Government back through last year, when I asked questions in this Council and received considerable abuse from the Minister of Health for daring to question the fact that the Government seemed unaware that the health system was running into budgetary difficulties. I started asking questions in October—November 1988, and there was an absolute denial that there was any problem at all at that stage. In fact, it was inferred that I was mischief-making for daring to raise the subject. In January 1989 I again raised the matter and indicated to the press that I had received information that the major metropolitan hospitals were in considerable difficulty with their budgets. The answer from the Chairman of the Health Commission, from Sir Humphrey, not from the Government (and the Government is pretty careful: it always puts forward Sir Humphrey when it feels it will get into trouble), was, 'There is absolutely no problem. It is normal for budgets not to be on line at this time of the year. We make adjustments later in the year. There is no problem.' They are the words used. Again, I was wrong. Suddenly, in April, down came the axe—bang. There had been absolutely no planning whatsoever during that period for the obvious problem that was looming. The axe came down on the hospitals. They were told, 'You will receive nothing. You must cut services. You must stop recruiting and replacing staff who are leaving the system. You will just have to manage with the money you have.'

The Hon. R.J. Ritson: They are pretending now that there was some sort of natural staff shortage, but who under-recruited?

The Hon. M.B. CAMERON: That is right. We cannot expect staff to come back having been thrown out of the system by the Government. The Hon. Dr Ritson is quite correct. That was the first time that the Royal Adelaide Hospital and the staff who serve that hospital had to turn away a patient in need. They were actually turning away people for the first time in 150 years. I wonder whether members of the Government are proud of that: I wonder whether they realise that that will go down in the records of this State as being a first—a world first in terms of South Australians. There was a Minister in this place who repeatedly said, 'This is the first time in the world . . .' This is the first time in South Australia that that has happened.

It then became clear to everyone that waiting lists, or should I say booking lists—and we all know the pedantic attitude of the Minister in that regard—would explode. What happened then? The hospitals were persuaded not to take any more patients into their outpatients area. They cancelled all outpatient bookings to ensure that those people were not listed on the waiting list, that they did not get into the famous computer system. Thus the hospital system was forced to stop adding to the waiting lists.

Since then, of course, the Minister has said, 'Despite all this, waiting lists have reduced.' That is totally and absolutely dishonest, because the Minister knows as well as I know that patients do not stop getting sick. They do not stop needing elective surgery. At present the waiting lists are out in the waiting rooms of the hospitals that would normally refer people into the hospital system, but they are not able to do that. They were not able to do that during that period. Goodness knows how many people were left wanting during that period.

I have made various estimates, none of which have been denied, and I believe that they have not been denied because, presumably, they are accurate. I believe that, if outpatient bookings had continued during that time, the waiting list would involve 9 000 or 10 000 people. That represents an explosion since 1984 from 4 300 to 10 000. That is a very proud record for a Government that is to seek re-election shortly and it is one that will be highlighted during the coming campaign—let me assure members of that—because, whether the Government likes it or not, it cannot get away with that sort of record without being exposed to the public. It will be exposed, and it will constantly be reminded of this matter.

I now refer to a matter that I raised this afternoon in Question Time relating to what has happened to salaries and wages during that time. I was surprised to find that the Chairman of the Health Commission has had a 17.5 per cent increase in one year. I presume that under the guidelines laid down by the Federal Government there would have to have been a productivity increase to justify that rise.

The Hon. R.R. Roberts interjecting:

The Hon. M.B. CAMERON: I am not sure of that, but I would presume that everyone has to lie within the guidelines. If not, how on earth would one justify that 17.5 per cent increase?

The Hon. Barbara Wiese interjecting:

The Hon. M.B. CAMERON: I presume that the Government insists that people keep within the awards. If they do not, I would like to know something about it. If we as a group of members of Parliament went along and asked for a 17.5 per cent increase, one can imagine what would happen out there in the streets—there would be riots at the moment. There would be absolutely no point in trying to justify that to the public. I understand that some other people in the Public Service have had even greater rises than the Chairman of the Health Commission. I understand that the Director of the Premier's Department, or whatever he is called now, has had a 25 per cent increase over the period involved.

The Hon. R.J. Ritson: Is he a pilot?

The Hon. M.B. CAMERON: He must be. He is on $103 000. I have the distinct impression these days that we all went into the wrong part of the system. Somehow or other we all made a mistake. We should have gone up through the other part of the system, the part that houses the Sir Humphreys. They are way in front of us. It is no wonder that Sir Humphrey laughs at the Minister on the series that we see on the television. They must be laughing at us, too, when they see the salaries of members of Parliament. This question of salaries is one that I trust the Government will be able to explain to the Parliament, because, frankly, I cannot see how such increases can be justified. It is just not possible.

I now refer to the question of tuberculosis. Members opposite might think that this is irrelevant in a budget debate. Nevertheless, this relates to a question that was asked in the Lower House. It is a matter that Governments both federally and at the State level must answer for. We asked the following question in the other place in relation to tuberculosis:

> Can the Minister indicate what was the increase in cases of tuberculosis detected in South Australia last year?

The answer was that the number of cases of tuberculosis notifed in South Australia in 1988 was 68. Some 60 per cent of those cases were born outside Australia and came, in the main, from developing countries such as Vietnam and the Philippines. Because 30 per cent of the migrant intake from South East Asia is infected with tuberculosis, although not infectious at the time of entry into Australia, the potential for breakdown and development of an infectious state is increasing as the numbers of migrants increase. I will be very interested to see what happens about this.

The answer also indicated that the annual number of notified cases could climb in the next decade if adequate post migration screening was not provided. It should be noted that the increase in AIDS cases will also result in an increase in the cases of tuberculosis. It was indicated in an answer to another question that the matter has been raised in a number of ways over the past few years, including South Australia's listing it as an agenda item for the 1987 Health Ministers' conference. It was indicated there that there would be a voluntary system for migrants and that there would be some evaluation of that system. I think this is a very important issue and one which we in South Australia—bearing in mind the trouble we went to to ensure the eradication (or near enough to it) of tuberculosis in this State—must take very seriously. We should be taking up the matter at a much more urgent level to ensure that there is proper screening and treatment of migrants coming into this country.

The Hon. Carolyn Pickles: We are screening them.

The Hon. M.B. CAMERON: We are not. I will give the honourable member a copy of the answer to the question.

The Hon. Carolyn Pickles interjecting:

The Hon. M.B. CAMERON: Yes, but it is voluntary—that is the problem. I will give the honourable member the answer to the questions provided in the Lower House, which clearly indicates that we have a problem in this area. I am indicating to the Council that we must take up the matter at a much more urgent level.

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order! If the Hon. Mr Cameron addresses the Chair he will do better.

The Hon. M.B. CAMERON: I am not particularly interested in that interjection. The point is that we must ensure that people coming into this country are properly screened. If we do not do this we will be compounding a problem for ourselves, and there is absolutely no point in that.

I also note from the response given to a question in the other place that it appears that some considerable extra assistance is being provided for the office of the Minister of Health. I would appreciate some of this additional assistance for myself, and certainly some other members on this side would appreciate it. An amount of $55 000 has been spent on two items—temporary extra assistance, $15 000, and employment of an additional ministerial officer and clerical officer, $40 000.

Just recently I wrote to you, Mr President, and asked for one small item, a shredder for the lower ground floor. I cannot recall the exact cost, but it was about $2 000. The answer came back quite promptly from you, Sir, that the matter would have to be referred to the Minister of Public Works (Hon. T.H. Hemmings). That was done, and the reply from the Minister was that there was no money in the budget this year for the purchase of an additional shredder for the lower ground floor and that the request was rejected.

In view of the fact that an additional $73 000 in total has been provided to the Minister of Health's office—on top of a fairly heavy expenditure of $482 000—I find it somewhat surprising that an extra $2 000 could not be provided to the office of Leader of the Opposition, who also happens to be the Opposition spokesman on health. Also, I would be willing to share any such shredder with any person in this building who wanted to use it. It seems to me that there are some strange ways in this Parliament in relation to members of the Opposition. Worse than that, members of Parliament now have to provide the majority of their own office equipment. I will give an example: downstairs I provide my own personal computer, in order that my correspondence can be done in a modern way.

The Hon. Carolyn Pickles: What does it look like?

The Hon. M.B. CAMERON: Come down and I will show it to you. I understand the honourable member's feeling. The Hon. Ms Laidlaw provides her own system in the same way. We have a fax machine which we provide ourselves.

The Hon. Carolyn Pickles: There is one upstairs.

The Hon. M.B. CAMERON: Yes, upstairs: you want to try going up and down stairs to deliver faxes on a constant basis. Also, what discretion does one have with personal and confidential faxes that come in? Will there be someone sitting up there who tears off a fax when it comes in, looks at it, photocopies it and then delivers it? All members would have to share that fax and it would not work. I must say that I think in this area the Government has a lot to answer for.

The Hon. Carolyn Pickles interejcting:

The Hon. M.B. CAMERON: I know what happened in the past. I think that the way members of Parliament have been treated by Governments both past and present is absolutely disgraceful. It is time that this matter was straightened out. I have heard people get cross with me about the matter of the separation of the Houses.

One of the worst things we ever did was join together in the matter of electoral offices because, if we had our own separate line in relation to our own members, we would not have the Government of the day dictating to us what we could have in our own offices. We would be separate.

I ask Government members to remember that, when one gets into the hands of the Executive and the Government, one ends up in the hands of the other place, and that members of this place are always the forgotten few. That is exactly what is happening now. We must rely on the Minister in another place to provide us with the facilities that we as members of the Parliament should enjoy. This matter should be straightened out very quickly. A Minister is able to get an additional $55 000 without asking anybody and without Parliament having to give any approval at all and yet, when it comes to us as members of Parliament seeking our own facilities, the answer is, 'No, we have not got $2 000 to spend on you.' We have $400 000 to wash the outside of the flaming place—

The Hon. R.I. Lucas: And flood the inside.

The Hon. M.B. CAMERON: Yes—but we do not have $2 000 to provide what would be considered a normal facility.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: Computers, which everybody else in this town would regard as normal office furniture these days, are not provided. What do we get? Absolutely nothing. I say to people in another place, and to the Ministers and others who are having a shot at us, that they can all go and get lost, because the more separation that occurs between the Chambers the better it will be, because we know what we need. We do not expect, and indeed have not received, much consideration from people in another place.

I hope that members clearly understand my point of view on this matter. Some of us, as older members, will not be here much longer (although I am not indicating that I intend to retire yet), but I ask members to remember in the future that there are good practical reasons, as well as historical reasons, for the separation of the Houses. Those reasons relate to the fact that we are regarded as the forgotten end of Parliament if we put ourselves in the hands of the other place.

I have no doubt that the budget will be examined in more detail in an Estimates Committee of this Chamber although, I must say, to give some credit to the Government and to Ministers, that questions have been replied to much more promptly this year than in the past. I indicated privately to some Government members yesterday that I had not received any answer to questions at that stage. However, last evening I received replies of a fairly detailed nature to many questions that I had put in another place.

The Hon. R.I. Lucas: You are lucky; I haven't received any replies.

The Hon. M.B. CAMERON: I am not sure what happened to answers to other people's questions.

The Hon. Barbara Wiese: Another six have been handed to your colleagues in another place today.

The Hon. M.B. CAMERON: That is an enormous improvement on the past and I hope that attitude will prevail in other areas such as education where, from what my colleague tells me, it appears that we still have some problems. It is important that the matter of estimates be clearly understood, that is, that answers must be given. The Estimates Committees have been established to enable Opposition and Government members to ask detailed questions on the budget. All of us are asking those questions on behalf of the shareholders of this Government, that is, the people of this State, who deserve answers. We cannot ascertain the answers any other way because the Government of this day has wimped out of freedom of information legislation. It does not support that and is not prepared to put up the money for what in every other State will shortly be regarded as the basis of democracy. Even in New South Wales, where promises have been made for a number of

years, freedom of information is now a fact of life. One can now obtain pamphlets from Government departments, explaining how to use the provisions. The Bill has been passed in the House. However, this Government does not seem to believe in freedom of information or in what I regard as the very basis of democracy.

This Government has an extremely poor record in relation to taxes. All of us will remember quite clearly the Premier's promise prior to the 1981-82 election, when he said when he came to office that the ALP would not reintroduce succession duties, would not introduce new taxes nor increase existing rates during its term of office. That tax record is one of the worst records of any Government in this State, in terms of broken promises. I remember some bad ones in my day. Mr Virgo, a former Minister of Transport, used to have a vivid imagination: at one stage he envisaged trains flying over the hills at 130 kilometres per hour. That never happened. He always intended to introduce some new transport system; we were to have dial-a-bus systems that would operate throughout the city, but they lasted only two days. However, that pales into insignificance in relation to the deliberately dishonest promise that this Premier gave the State prior to the 1982-83 election. It was one of the worst broken promises in South Australia's political history. He also indicated that there would be a tax inquiry. However, there has never been a tax inquiry and, indeed, there was never any intention to have such an inquiry.

The only South Australians who have escaped the tax grab of this Labor Government are those who do not own a house, a car, a bank account or a gas cooker, who do not smoke or drink, and who are asleep before lighting up time. There are not many of them around. With those few words, I indicate that I support the Bill, subject to questioning in the Estimates Committee.

The Hon. R.J. RITSON secured the adjournment of the debate.

The Hon. M.B. CAMERON: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

RIVER TORRENS (LINEAR PARK) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 October. Page 1059.)

The Hon. L.H. DAVIS: I support this Bill which extends the expiry date of the Act from the end of 1989 for three years, to the end of 1992. That will enable land acquisitions to continue to the end of 1992, when it is hoped that the River Torrens linear park and flood mitigation scheme will be completed. It is worth noting that the flood mitigation work along the length of the Torrens River and the linear park, which I understand is at least 30 km in length, was an initiative of the Tonkin Liberal Government. It was designed to be a sesquicentenary project. It was initially hoped to be completed in 1986. This Government was unable to fulfil that promise. It was extended once to the end of 1989 and we find again that the Government has broken this promise, something with which we on this side of the Chamber are not unfamiliar. Therefore, it is necessary to extend the period for completion of those twin programs—flood mitigation and the linear park—by a further three years.

Most certainly this was a very exciting initiative for which the Minister of Water Resources in the Tonkin Government (Hon. Peter Arnold), and the then Premier (David Tonkin), should take credit. Flood mitigation work along the Torrens River should not be underrated. It is often forgotten that it is one of the critical components of the legislation we are now discussing. From time to time floods can cause severe damage to property and vegetation along the banks of the Torrens. This work, along the length of the river, will minimise the impact of future flooding.

The flood mitigation program was made possible because the riparian councils met with the Tonkin Government and agreed with what proved to be a historic plan. The Engineering and Water Supply Department project team, after a lot of discussion and preliminary work, has implemented the flood mitigation scheme along the length of the Torrens. The linear park, of course, is much more visible. It is now, I understand, the longest linear park in Australia. It is a very exciting initiative indeed. I can remember walking along the Torrens River in 1981 when the O-Bahn debate was taking place. It was not possible to walk between Darley Road and Hackney Road because the Torrens River was so overgrown, and it was actually a quite sickening sight to see the rubbish being thrown over back fences. In fact, some of it nearly landed at my feet as my wife and I walked along the banks of the Torrens. We saw rats, we saw infestation and it was not a pretty sight.

I understand that section of the river, near Hackney, had not been available for easy public access for some 60 years. Now, for people who wish to ride cycles, walk, or journey by the O-Bahn (which, of course, was another historic Liberal initiative), that part has become an attraction, I suggest, not only for the people who reside in those adjoining suburbs but also for visitors to South Australia. I hope the Minister of Tourism takes note of the fact that the O-Bahn can really be billed as a visitor attraction. I suspect sometimes not enough promotion is given to it. I am pleased to see that the program is still going ahead. I am not so pleased to see that it is necessary to extend the completion date by a further three years to 1992 but we accept the need for it. Indeed, as I said, the Liberal Government initiated it and therefore in Opposition, albeit temporarily, we support this Bill.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 11 October. Page 1060.)

The Hon. PETER DUNN: The Opposition supports the Bill, although I always have reservations when Governments place impositions on the general public, and that is what this Bill does. The second reading explanation states that an inquiry was conducted into problems in the heavy haulage industry; that the Government had increased the average permitted speed of haulage vehicles to 100 km/h; and another recommendation was that further restrictions be placed on the roadworthiness of heavy haulage vehicles.

I agree that, after having raised the speed at which large semi-trailers and road trains can travel to 100 km/h, speed restrictions should be policed and very strictly adhered to by these vehicles. A national highway, to the north of the area in which I live, allows vehicles to travel at very high speed because it is open and there are long distances between towns. All members know that high speed causes accidents, and that when drivers become sleepy—as can happen some 600 kilometres from Adelaide—the opportunity for rather

nasty accidents is increased. How does the Minister intend policing the speed of these trucks? I know that certain methods are used in the city, but I see these methods used rarely in the country, which is where most of the damage is done to the roads. I suggest that if Governments allow heavy vehicles to travel at high speeds they must maintain suitable roads on which these vehicles can travel.

I do not believe that roads with a single lane in either direction are suitable for high speed travel. I believe that more money has to be allocated for roads in this State, and that more money should be provided by the Commonwealth. It seems to me (and I will speak more about this when I speak to the next Bill) that Governments bleed motorists dry by imposing taxes on fuel but do not return that money to be spent on the roads. Those people who live far from the main cities pay heavy freight charges. The Hon. Ron Roberts would know that in Port Pirie freight is a big component of the cost of goods, particularly of groceries.

The second reading explanation also states that it is hoped to inspect about 20 per cent of vehicles in relation to their suitability or roadworthiness. The Bill provides that a police officer or an inspector can order heavy vehicles off the roads, and that they can direct the owner or the person in charge of the vehicle to produce it for examination at a specified time and place.

At present one can take one's vehicle—not only heavy vehicles but any vehicle that has been modified or changed—to South Road and for $30, I think, can have one's vehicle inspected by qualified inspectors. If a defect notice has been issued—and there are a variety of defects ranging from turning lights, braking lights and width lights not working, to other small defects—that defect must be rectified and another $30 paid for the vehicle to be inspected. But that is not the problem; it is a matter of booking a vehicle in.

If one is a heavy haulier from Port Augusta, Woomera or Pimba, it involves a fair bit of humbug to book one's vehicle into this South Road inspection point. The sooner the Government provides inspection points in the country for country hauliers the better. If one lives in the Far North I believe that one should be able to take one's vehicle to the nearest police station for inspection, and the police officer or an inspector there can clear the vehicle. I am sure that that procedure would not be too difficult. If qualified people are needed, surely it can be advertised that hauliers should be at a certain location at a certain time for their vehicles to be inspected.

If, for instance, a road train from Todmorden Station needs to be inspected it has to come to Adelaide, which is a 1 000 kilometre journey. If it costs, for example, $1 per kilometre that journey would cost $1 000 one way—just to have the vehicle inspected. Surely, that cost is not necessary. It would not cost that much for an inspector to inspect 20 or 30 vehicles in the Marla area.

The Hon. K.T. Griffin: They can bring them all to one location.

The Hon. PETER DUNN: That is what I am saying. Inspectors could go to Marla Bore, Coober Pedy and other isolated places that have a reasonable police station for inspections to take place. The Road Transport Association, the RAA, earthmoving contractors, livestock transporters and several individuals have been contacted by us, and they agree that there needs to be continuity in relation to heavy haulage vehicles, and they believe that that can occur only by way of Government inspection.

The Australian Commercial Transport Advisory Committee (CTAC) requested that these recommendations be put forward, and these amendments are now legal in New South Wales, Victoria, Queensland, Tasmania and Northern Territory, so South Australia is only falling into line with the rest of the Commonwealth.

The Minister in another place, when answering a question about when the Bill would be proclaimed, said that trailers had to come from New South Wales and that it would be some time in November before the Bill could be proclaimed. I query that. I cannot see why those trailers cannot be built in South Australia. Why do we have to go to New South Wales? Surely, if the specifications were provided to South Australian trailer makers, they could easily build them for the Department of Transport.

Will the Minister supply answers to the following questions at a later date? How many of these trailers will the Government purchase? How big are they? How many people will staff them? We do not know anything about this. In fact, it is quite defunct in that respect. I know there is a Bill which provides that 1 per cent of the registrations will go towards the manning and production of these trailers but, if they start to grow like topsy, we will need more than 1 per cent.

However, the Opposition agrees with the action that has been taken. We have raised road speeds, and I believe that those speed limits need to be policed correctly, as I know that heavy interstate haulage contractors' vehicles particularly, travel at very high speeds on our main highways at present—indeed, way above 100 km/h. I believe that a further dissipation of the inspection point for these vehicles needs to occur. I do not know why the trailers cannot be made in South Australia. Otherwise, the Opposition supports the Bill.

The Hon. G. WEATHERILL secured the adjournment of the debate.

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 October. Page 1060.)

The Hon. PETER DUNN: This Bill is consequential on the previous Bill, and it involves the method by which the money will be allocated to the establishment of, I presume, trailers and the personnel who will inspect these heavy haulage trailers. When one is paying to the Federal Government these huge amounts of money in petrol and diesel taxes and getting less than 35 per cent of that back for road maintenance and for the administration of the Road Traffic Act, etc., one has a lot of queries and worries about having to take 1 per cent, as this Bill allows, from the registration of motor vehicles to fund this process. If the Government is to use fuel taxes as a consolidated revenue raiser, in my opinion it has an obligation to put it back into the area from which it has come. We so often hear from the Government today that whatever action is taken by it must pay for itself. This not only pays for itself: it also pays for a lot of other things, such as social benefits, etc. I do not think it is terribly clever. We appear to be paying more and more for registration and for licences.

In relation to the registration of motor vehicles, it is my opinion that we should have a system similar to licences whereby we can register our vehicles for a minimum of two years if we want to. That may not suit a lot of people, but I believe that the administration of the Motor Registration Division, with about 350 employees, involves much money. I would have thought that, if we registered our vehicles for, say, two years, that would cut down the administration

costs each year on every vehicle in this State. I am not sure how many thousand vehicles there are in this State, but it is an enormous number, and the costs are astronomical. I believe it works out to about $30 per registration just to cover the administrative costs of the Motor Registration Division. I would have thought that, if we could extend the regulation period to two years, we would cut back that figure.

I also believe that small trailers and caravans should not have to pay registration fees. For instance, if a small amount was added to the motor vehicle registration fee, half tonne trailers and small caravans would be covered automatically for third party insurance, and they would also be covered by registration. So often these days the disc that is put on a half tonne trailer or caravan is shaken off, and one is then taken aside by a policeman and told that one has broken the law. I believe that we should have a system such as they have in England, whereby one registers one's car and what one tows behind it. There are regulations which provide that one can tow only a certain weight behind one's vehicle. That therefore restricts what one can tow behind a car. I believe that could be implemented, and it would save an enormous amount of money. The cost of registering a small trailer has gone from $14 a few years ago to about $30 today. I am sure that that is only because of administration costs. I support the 1 per cent of the registration fees going towards the administration of road vehicle inspections.

The Hon. G. WEATHERILL secured the adjournment of the debate.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENT AND POWERS) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 27 September. Page 937.)

The Hon. K.T. GRIFFIN: The Opposition supports the Bill. It is essentially of a technical nature and follows the passing of the Judicial Administration (Auxiliary Appointments and Powers) Act in 1988. It seeks to allow an auxiliary appointment to more than one judicial office, with one of those judicial officers designated as the primary office. The illustration is given in the second reading speech of an appointment to both the District Court and the Industrial Court as an auxiliary judicial officer, and that would provide greater flexibility.

I sympathise with that. If that could be carried across into the permanent appointments to the District Court and the Industrial Court, it would be marvellous. One of the criticisms that has been made, particularly in the context of delays in both courts, is that there is limited flexibility for judges of the District Court to sit in the Industrial Court, particularly in the workers compensation jurisdiction, and for judges of the Industrial Court to sit in the District Court. My strong view is that there ought to be that interchangeability and I am pleased that, at least in the area of auxiliary appointments, the Attorney-General has recognised the desirability of that.

The Bill also provides for temporary appointees to exercise power only when sitting. That overcomes the difficulty that was raised by the Chief Justice and the uncertainty as to what power an auxiliary appointee had when not sitting. The Bill also provides that temporary employees are not entitled to pension. That, too, is appropriate, considering that those appointees are generally retired judges or magistrates and are in receipt of pension in accordance with the relevant legislation.

I wish to raise one area with the Attorney-General. New section 6 (5) provides that a judicial officer who holds two or more concurrent appointments may not, except with the approval of the Attorney-General, resign from one or more of the relevant judicial offices without resigning from all of them.

A resignation, unless it is a resignation from all judicial offices, will not give rise to any right of pension, retirement leave or other similar benefit. What concerns me is that a judicial officer holding two or more concurrent appointments under this legislation has to get the approval of the Attorney-General to resign from one or more of the relevant judicial offices.

Under the principal Act the appointment is made by the Governor with the concurrence of the Chief Justice. It would be quite appropriate if retirement from one or more of the relevant judicial offices being served concurrently was made with the approval of the Governor or the Chief Justice. It is improper that the approval of the Attorney-General be required in regard to resignation. That would give the Attorney-General a measure of interference with the judiciary, and I believe that that is wrong in principle.

I suggest that the Attorney-General not be involved and that approval of the Governor or the Chief Justice, or both for that matter, be required. It seems to me that, if the appointment is made in that way, retirement or resignation should be dealt with in the same way. The Attorney-General may care to explain why reference to the Attorney's approval was inserted. Perhaps it was because some control was thought to be necessary but, if that is so, a more appropriate officer—the Governor or the Chief Justice or both—should be involved rather than the Attorney-General. Subject to that one matter being clarified, the Opposition is prepared to support the Bill.

The Hon. G. WEATHERILL secured the adjournment of the debate.

[Sitting suspended from 4.39 to 5.47 p.m.]

SANTOS LIMITED (REGULATION OF SHAREHOLDINGS) BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 1097.)

The Hon. K.T. GRIFFIN: Santos is a great South Australian company. It had its origin in fairly humble beginnings, but was established by Mr John Bonython whose vision resulted in a multi-million dollar company that is vital to the interests of South Australia. It has expanded throughout South Australia, interstate and offshore. The 1979 Santos (Regulation of Shareholdings) Act was designed to ensure that it remained South Australian but, more particularly, protected South Australian interests in respect of the supply of natural gas, upon which our economy depended so heavily.

In the time that Santos has been operating we have seen a considerable extension of its exploration activities, a significant extension of approved wells and supplies of both oil and gas, and the substantial development of what is now called Port Bonython after the founder of Santos, Mr John Bonython. Port Bonython or, as it was called in 1982, the Stony Point liquids project, was put in place by Santos with

the encouragement of the then Liberal Government. Members will remember that we passed through this Council legislation to ratify an indenture that was the basis for that significant development.

In 1979 there was a threat to the independence of Santos. It was the subject of a takeover activity, or what preceded takeover activity, by Alan Bond interests. The legislation put in place sought to fix a maximum limit on shareholdings of 15 per cent for any one shareholder or group of shareholders who were associated.

That legislation was challenged in the High Court by the Bond interests. When the Liberal Party came to office in 1979 the action was current but, as a result of negotiations without anything being given away, really, the High Court action was terminated. That action sought to establish that the legislation of 1979 was contrary to section 92 of the Constitution which, of course, provides that trade and commerce between the States must be absolutely free. There was probably some substance in the argument, but one must speculate whether that substance was sufficient to overturn this State's legislation.

I understand that there is now some movement in the share market which suggests that Santos is again becoming an object of some interest among other corporations, and there is a fear that this legislation either will be the subject of challenge again or will not be effective to ensure that the principle of 15 per cent maximum shareholding is maintained. It is in those circumstances that the Government has introduced this legislation, which the Opposition is prepared to support. What we will not address today is whether or not that 15 per cent limit should remain or whether any other limit should be imposed.

That issue was resolved back in 1979, and it would be quite destabilising to Santos and to the sharemarket if there were any precipitate decision taken either to vary or to remove that 15 per cent limit. The company has existed without suffering detriment and perhaps with some advantage in the 10 years since the present Act was enacted, and I see no reason now to explore any variation to that principle. As I say, it would probably be destabilising.

The interesting aspect about the legislation is that, possibly for purposes of confidentiality, the Director of the Stock Exchange had not been informed of it. I spoke to the Director this afternoon and arranged to send to him a copy of the legislation. I indicated that, because of the way in which the legislation is to be dealt with, there really would be no opportunity for Stock Exchange members or its board to consider that legislation today, but I feel confident that, as a result of receiving the copy of the legislation and the second reading speech from me, if there are any matters of concern apart from the question of the 15 per cent limit there would be an opportunity to pursue that, either with me next week or with the Minister of Mines and Energy who, I understand, has the responsibility for the conduct of this legislation in the House of Assembly.

It concerns me that the Stock Exchange received a copy of the Bill not from the Government but from me after the Bill was introduced this afternoon, and there had been no consultation with the exchange. In discussing the issue with the Stock Exchange, I was told that if any company sought to be listed with any limit on its holding of shares or on voting rights, it would not be listed under current Stock Exchange rules, but obviously that does not apply to Santos because it was already listed back in 1979 before the 1979 legislation was enacted. I personally could not see that this Bill would make any change to the Stock Exchange's current attitude towards the listing of Santos shares.

The Bill seeks to bring the legislation into line with the Companies (South Australia) Code. One does not know what will happen to that in light of the Commonwealth legislation to take over the law relating to companies and securities, but for the moment this legislation ought to be brought in line with the Companies (South Australia) Code. Presently, the 1979 Act relates to the old State Companies Act. The legislation is upgraded and widens the description of 'associates'. It introduces a review of the Minister's declaration that shareholders are associated. That was not contained in the 1979 legislation. The concern I have about that review is that it really involves an appeal from Caesar to Caesar: the Minister who makes the declaration is the Minister who also reviews. It deals with the annulment of resolutions of general meetings in a more limited way than the 1979 legislation provided. Other aspects of the Bill amend but do not adversely affect or materially change the principles in the 1979 legislation.

My concerns with the Bill relate to the appeal process. I will move an amendment seeking to give a shareholder a right of appeal to the Supreme Court in circumstances where a declaration by the Minister in relation to associated shareholders, for example, can be heard by the Supreme Court; the court then has power, if satisfied that the Minister has not made the declaration on proper grounds, to vary or quash that declaration. It seems to me that this legislation, which gives quite extraordinary powers to a Minister, should contain that right of appeal in addition to a right of review.

It is true to say that the prerogative writs are still available to shareholders, or to the company for that matter, who may be disenchanted with the Minister's declaration, but it is important to enshrine in the legislation some specific procedure rather than relying on the complexities and limitations of the prerogative writs. Members should note that in 1980 amendments to the Executor Companies Act were designed to reinforce the limitation on shareholdings in an executor company provided by that company's articles of association.

Legislation at that time protected those restrictions on shareholding. In 1982 it was indicated that there were some limitations in relation to the exercise of powers by both the directors and the Commissioner for Corporate Affairs and, as a result, an amendment was passed at the end of 1982 which gave a right of appeal. In relation to the Executor Company amendments in 1980 and 1982, the declarations as to associateship were made by the directors of the company and not by the Minister.

I know that when I was Minister of Corporate Affairs I was anxious to keep the Minister out of it and leave the power to the Directors but, under the 1979 Santos legislation, the Minister makes the declaration and this Bill oes not vary that provision. However, whether the declaration is made by the directors or by a Minister, the fact is that there should be a right of appeal to a properly constituted court, which then makes the Minister more accountable and ensures that any declaration made by the Minister is made only after careful consideration of all the evidence.

I am a great believer in ensuring that lower courts, Ministers and Government officials are properly accountable, and the principal way of doing that is to ensure that the courts, independent of the executive, have the final say. The amendment that I will propose later in Committee will, I believe, do that satisfactorily without prejudicing the operation of the company's business. When we deal with the amendment I will explore the consequences in more detail. Therefore, on that basis and without debating the principle of the 15 per cent limit, and because the Bill seeks to update

the 1979 legislation, I indicate that the Opposition supports the second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I would like to thank the honourable member for his contribution; and I thank him and members of his Party for agreeing to expedite this legislation through all stages today so that the matter can be dealt with expeditiously by another place as early as possible next week.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: Will the Minister indicate the date upon which it is proposed that the Bill will come into operation once it is enacted?

The Hon. BARBARA WIESE: It is the intention of the Government to proclaim the legislation as soon as practicable.

The Hon. R.I. LUCAS: I am interested to explore the reasons for the introduction of the legislation. In the two hours that I have had to read through the second reading explanation, in particular the pages under the heading 'Need for change', I am interested to know whether any claim has been put to the Government that there are currently persons or companies suspected of being over, or in contravention of, the current 15 per cent shareholding limit.

The Hon. BARBARA WIESE: Not at the moment.

The Hon. R.I. LUCAS: Is the Minister saying that there has been no evidence and no claim put to the Government by anybody, including Santos, that a group of companies or individuals are suspected of being in contravention of the 15 per cent shareholding?

The Hon. BARBARA WIESE: This legislation has not been brought forward to deal with any particular set of circumstances that has arisen. It is being brought forward at this time to deal with a number of general issues which have emerged over the period of 10 years since the legislation was enacted and which require revision and updating.

The Hon. R.I. LUCAS: Has any submission been made by Santos or its representatives calling for legislation along these lines? Who initiated the legislation before us?

The Hon. BARBARA WIESE: The legislation has been initiated by the Government. The company did not call for it but does support it.

The Hon. R.I. LUCAS: There was never an original submission from Santos or from one of its representatives for a tightening of this legislation? It was a decision taken by the Bannon Government that the legislation ought to be tightened?

The Hon. BARBARA WIESE: There was no specific request from the company for this legislation to be brought forward at this time, but there has been discussion with representatives of the company over a period of years about the practical application of the legislation. Based on those discussions, etc., the Bill before us has emerged.

The Hon. R.I. LUCAS: The Minister has indicated that, in those formal and informal discussions over 10 years, no claim has ever been made by Santos or its representatives that there were problems with the 15 per cent provision in the current Act?

The Hon. BARBARA WIESE: This Bill does not deal with the issue of whether the acceptable limit is 15 per cent or otherwise. The Bill does not address that issue—it addresses the practical application of various provisions of the current legislation. The 15 per cent aspect of the legislation is not one of the issues being dealt with.

The Hon. R.I. LUCAS: I find that rather confusing. There seems to be in the legislation before us, when we compare it with the current legislation, a considerable tightening. We will be considering amendments that will place some restrictions on the power of the Minister and the Government in relation to what companies or individuals may or may not be associated and what powers the Minister may have in relation to what the Minister would deem to be associated companies. I do not doubt what the Minister says, namely, that the legislation was never requested by Santos; that there is, and never has been, any concern put by Santos to the Government; that the 15 per cent provision was being, or was likely to be, got around. I can only listen to those statements or claims made by the Minister.

The other area I refer to under this general area concerns court actions and section 92 of the Constitution. I am wondering whether any claim has been presented to the Government or whether the Government itself has arrived at a view that the present Act could in any way be overturned by someone taking a matter to the High Court under a section 92 challenge. Is any part of that sort of argument the reason for the legislation presently before the Council?

The Hon. BARBARA WIESE: The Government is not aware of any claim that might be made under section 92 or of any claim having been made about that. I come back to the point that the honourable member raised previously about the legislation and why it might be coming forward at this time. The point about this legislation that I do not think the honourable member has fully understood is that it is intended to clarify and strengthen the current intentions of the existing legislation and also to make it relate appropriately to the Companies (South Australia) Code.

The honourable member is probably aware that in national business magazines in the past few months there has been some speculation as to whether or not the provisions of this legislation are effective, or as effective as they could be. That has had something of an unsettling effect on Santos Limited and in the marketplace. For that reason, the Government feels that it is important to clarify matters that might not be as clear as they could be, as provided for in the current Act. These are the issues that are dealt with in this Bill.

The Hon. R.I. LUCAS: If no concern has been expressed by Santos or, indeed, by anyone to the Government, why does the Bill have to be strengthened? Speaking theoretically, I can understand that, if problems were being raised about a certain piece of legislation, the Government would take the position that it needed to strengthen the teeth in the legislation, but what the Minister has indicated is that no concern has been expressed about the operation of the legislation. The Minister just referred obliquely to some press articles. If concern has not been expressed, why has the Government taken the view that the legislation needs to be strengthened?

The Hon. BARBARA WIESE: I have already answered those questions. If the honourable member does not understand what I am saying, I am not sure what else I can say to make the situation clearer for him. The Government has a duty to protect the interests of the State, to protect the resource that Santos Limited deals with, and in the Government's opinion it is necessary at this time to address some of the issues which have been raised over a number of years and which have been questioned recently, as I indicated, in articles in national business magazines and in other places, in order to give a clear message to the marketplace of the Government's intention. The Government does not intend to change its position on the question of the legislation. In making this clear statement the Government

is also improving, strengthening and clarifying various parts of the legislation that require such change.

The Hon. R.I. LUCAS: In her second reading explanation, the Minister stated:

> However, a high proportion of major Australian companies have worked to achieve protection from takeover by various means. It could be argued that many of these companies are more immune to outside pressures than Santos Limited.

Will the Minister clarify, or further explain, what she means by that statement?

The Hon. BARBARA WIESE: That statement is simply designed to indicate that cross-shareholding arrangements are already in place for many companies in Australia that would make it very difficult for any other company to mount a takeover of their affairs. The legislation provides two alternative methods to ensure the same end: one is a legislative measure and the other is cross-shareholding arrangements.

Clause passed.

Clause 3 passed.

Clause 4—'Application of Act.'

The Hon. R.I. LUCAS: Will the Minister clarify the background to the change to the legislation envisaged under subclause (1), which provides:

> This Act applies in relation to the company only so long as the company, or a subsidiary of the company, engages in the recovery and production of petroleum within the State.

The Minister pursued that a little further in her second reading explanation, but not very much further. I would appreciate a further explanation of that change to the legislation.

The Hon. BARBARA WIESE: The application of the Act was based on the issue of incorporation alone. Questions have been raised about that issue and the Government felt it was important to clarify that the purpose of the legislation is to apply to the company as long as it engages in the recovery and production of petroleum within the State. The Government is relating the legislation to the recovery and production of petroleum rather than to the incorporation, in order to be quite clear that that is the purpose for which the legislation has been enacted.

The Hon. R.I. LUCAS: It is still not clear to me. Was there a problem in the operation of the Act which, as the Minister has just said, was based on incorporation?

The Hon. BARBARA WIESE: It was the Government's intention to make clear that the legislation is about protecting the resource. Should the question of incorporation arise at any time, it can be clearly understood that that issue need not be taken into consideration because this legislation is about the protection of the resource.

The Hon. R.I. LUCAS: As the Minister will know, Santos has interests in other States and in the Timor Sea. Is it the intention of this provision to distinguish between Santos interests within the Cooper Basin in South Australia and Santos interests in other States?

The Hon. BARBARA WIESE: It is not the intention of the legislation to distinguish between holdings inside and outside the State. However, it makes it clear that we are talking about the protection of a resource and of a company within the State.

The Hon. R.I. LUCAS: If there were to be some reorganisation of Santos along the lines of resources within and outside South Australia, what effect would the provision have on such a reorganisation?

The Hon. BARBARA WIESE: The legislation would apply whether or not the company was restructured as long as it still had an interest in petroleum production within South Australia.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—'Power to require information relating to entitlement to shares in the company.'

The Hon. R.I. LUCAS: Most of the other provisions in the legislation refer to the powers of the Minister, yet clause 7 (1) provides:

> The Minister, or a director or the secretary of the company, may, by notice in writing served on a person who has, or is suspected by the Minister, director or secretary, as the case may be, of having a relevant interest in shares in the company, require the person to furnish information specified in the notice for the purpose of determining whether that person or any other person has, or is taking action to acquire, a prohibited shareholding interest in the company.

Most of the other provisions give power to the Minister. Will the Minister clarify why in this clause the power is given to a director or the secretary of the company who, if they suspect that someone has a relevant interest in the shares, can require that person to furnish information?

The Hon. BARBARA WIESE: This provision is included as a matter of practical efficiency. The company keeps the share register and it has a keen interest in the application of these things. It is the most convenient way to organise it.

Clause passed.

Clauses 8 to 10 passed.

Clause 11—'Making, review and revocation of declarations by Minister.'

The Hon. K.T. GRIFFIN: I move:

Page 6—

Line 34—Leave out 'or that any other proceedings are commenced in respect of a declaration'.

Line 36—Leave out 'or proceedings'.

The amendments are consequential on the substantive amendment that provides for the insertion of a new clause 11a. It is appropriate that I outline the basis for the new clause, which prompts the incidental amendments to which I refer in clause 11. As I indicated during the second reading debate, I was concerned that the review of a decision of a declaration by the Minister is actually the responsibility of the Minister, and wherever this has occurred in legislation I have always taken a fairly strong view that it was inappropriate. From the time I first came into this Chamber I have sought to ensure that adequate rights of appeal have been available to citizens or other bodies against the decisions of Ministers. I do so again in this circumstance, particularly as it affects property rights in respect of the ultimate forfeiture of shares to the Crown and the sale of those shares by the Corporate Affairs Commission.

While I leave in the right of a shareholder or company to seek a review of a declaration by the Minister, I believe it is important also to include a right of appeal to the courts. My substantive amendment gives to the company, or to any other person on whom a notice of declaration of the Minister has been served, a right of appeal to the Supreme Court against the declaration within 21 days after the notice has been served. That does not apply to a declaration by the Minister annulling a resolution of a meeting of shareholders because the annulment declaration depends on an earlier declaration, for example, that shareholders are associated.

The appeal must be instituted within 21 days. There has been some discussion outside the Chamber as to whether that should be 28, 21 or 14 days. I have a very strong view that 21 days is the absolute minimum and, although those who may wish to appeal may have been marshalling their facts and resources as part of their attempts to avoid the consequences of this legislation, the fact is that I think 21 days is reasonable given that shareholders may be overseas, interstate or not readily available and there is a considerable

amount of work to prepare an appeal and the accompanying documents.

On the appeal, if the Supreme Court is satisfied that proper grounds for the Minister making a declaration do not exist, it can quash or vary the declaration. During the time that the appeal is being made and heard and before the determination by the court, the consequences of the Minister's declaration remain, except in respect of a declaration requiring a person to dispose of shares or a declaration which forfeits shares to the Crown. The company is a party to the proceedings either as an applicant or as a respondent, in addition to the Minister and, apart from that right, the declaration of the Minister may not be challenged or called in question.

The appeal process is fair to shareholders as well as to the company. It protects the interests of the company and the interests of shareholders, both the shareholder applicants and those other shareholders in the company who may not be party to the proceedings. The amendments are fair and reasonable.

The Hon. BARBARA WIESE: The Government will support the amendments. There has been some discussion about whether or not the measures are desirable or required, and I should point out that there is an extension of the appeal provisions within the existing legislation, because this Bill provides for a review of a Minister's decision. Of course, under the prerogative writ process an appeal is possible and, in the Government's view, that would be adequate to protect the rights of people.

However, the Hon. Mr Griffin wants to take that a little further. Since he has already compromised to some extent on his original desires in this regard and despite the fact that the Government still feels that the 21 day period during which an appeal must be instituted is actually a little too long, nevertheless, in the interests of compromise, we will accept these amendments to ensure that this Bill passes through Parliament quickly.

Amendments carried; clause as amended passed.

New clause 11a—'Appeal against declarations of Minister.'

The Hon. K.T. GRIFFIN: I move:

Page 6, after line 40—Insert new clause as follows:

Appeal against declarations of Minister

11a. (1) The Company or any other person on whom notice of a declaration of the Minister is served under this Act may appeal to the Supreme Court against the declaration.

(2) An appeal does not lie against a declaration under section 10 annulling a resolution of the Company.

(3) An appeal under this section must be instituted within 21 days after notice of the declaration under appeal is served on the appellant and that period of limitation may not be extended.

(4) Where an appeal is instituted by a person other than the Company, the Company is to be a respondent in addition to the Minister.

(5) The Supreme Court may, on an appeal under this section, if satisfied that proper grounds for making the declaration did not exist, quash or vary the declaration, either conditionally or unconditionally and with effect from the date of the declaration or some other date, as the Court thinks fit, and make any consequential or ancillary orders that may be just.

(6) Notwithstanding an appeal under this section, a declaration other than—

(a) a declaration under section 8 (1) requiring a person to dispose of shares in the Company; or

(b) a declaration under section 8 (6) that shares in the Company are forfeited to the Crown,

continues to have effect pending determination of the appeal.

(7) Except as provided in this Act, a declaration of the Minister under this Act may not be challenged or called into question.

New clause inserted.

Remaining clauses (12 to 16) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 6.36 p.m. the Council adjourned until Tuesday 17 October at 2.15 p.m.