LEGISLATIVE COUNCIL

Wednesday 21 March 1990

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

SENATE VACANCY

The PRESIDENT: I wish to inform the Council that I intend issuing notices to members of both Houses of Parliament to attend a joint sitting in the Legislative Council Chamber at 12.15 p.m. on Wednesday 4 April 1990 for the purpose of filling the Senate vacancy caused by the resignation of Senator Janine Haines.

QUESTIONS

MARINELAND

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

Leave granted.

The Hon. K.T. GRIFFIN: Last week Zhen Yun representatives called a press conference to announce what the company was going to do in relation to the development of the Marineland site at West Beach. That press conference was subsequently delayed until later the same day and then postponed until the end of this week. The subject of the press conference was not clear, but it was obvious from public statements that there were negotiations between the Government, Zhen Yun and the West Beach Trust about the future of the project for redeveloping West Beach. It is well known that there have already been substantial delays in that project. My questions to the Minister are as follows:

1. To what extent has the Minister, her department, or the West Beach Trust been involved in negotiations with Zhen Yun in recent weeks?

2. What is Zhen Yun seeking from the Government to ensure it continues with the West Beach development?

3. Is an announcement on the future of the project likely to be made this week and, if not, why not?

The Hon. ANNE LEVY: I can certainly say that neither I nor any members of the Department of Local Government have had any discussions at all with Zhen Yun regarding any matters concerning the development at West Beach. Whether West Beach Trust has had discussions with Zhen Yun, I do not know; I have not been informed one way or the other.

In relation to the honourable member's second question, I have no information at all on that matter as I have not been part of any discussions that may or may not be taking place. However, I am quite happy to refer the honourable member's question to the appropriate Minister and ask that a reply be provided. Certainly, the matter has not involved me or any officers of my department.

The Hon. K.T. GRIFFIN: I ask a supplementary question. Do I take it from the Minister's answer that she and her officers have not been involved in these negotiations that she has also not been involved in any recent negotiations with the West Torrens council in relation to this development and section 63 of the Planning Act?

The Hon. ANNE LEVY: I have not been involved in any negotiations with the West Torrens council and, as far as I know, neither have any officers from my department. I cannot be more definite than that because I have not been informed that they have not been involved, but to my knowledge no officer has been involved and I have certainly not been involved in any such discussions.

RUHE COLLECTION

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Ruhe collection.

Leave granted.

The Hon. DIANA LAIDLAW: It is now nine months since the South Australian Government became aware that the Ruhe collection of Aboriginal artefacts was available for purchase for a sum of about $1 million. Given this time frame it is not surprising that the family of the late Professor Ruhe is losing its patience with the indecision by the Government on whether or not to assist the South Australian Museum to purchase the collection.

I am aware that the family has given the museum a non-negotiable deadline of mid-April to make a decision—yes or no. In the meantime it has begun discussions with interested parties in both the United States of America and Japan which have both the inclination and the money to purchase the collection. I understand that at least two weeks ago the Minister received a copy of a report by Mr Philip Styles, commissioned by the museum board, on options for purchasing the collection, and that a submission by the Minister has been prepared for Cabinet and would have been presented to Cabinet for consideration on 12 March if the Premier had not been absent from that meeting. I ask the Minister:

1. When will the Government make a positive commitment to help the South Australian Museum ensure that it has the means to purchase the Ruhe collection?

2. Is the Government's commitment to purchase the collection totally dependent on a formal response from the Hawke Government that it will help provide all or part of the necessary funds? I note that two weeks ago when in Longreach the Prime Minister indicated that he and his Government had found it possible to make a generous commitment to the Stockman's Hall of Fame.

3. Do the options presented in Mr Styles' report include a Government approach to Foundation South Australia for funds? I recognise that the Government was successful before the November State election in gaining support from Foundation South Australia to fund an election commitment for the bicycle helmet rebate scheme.

The Hon. ANNE LEVY: I am not able to discuss Cabinet matters in this Chamber. I am sure the honourable member is well aware of this tradition and would not expect me to break it by revealing in any way what may or may not have been discussed in Cabinet.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: The Government is trying to achieve the purchase of the Ruhe collection for the South Australian Museum. As the honourable member is aware, approaches have been made to the Federal Government, and I think it was indicated on a previous occasion that one such approach had been unsuccessful.

The response was, shall we say, far from satisfactory. I think it is fair to say that the South Australian Government would not feel it possible to make the total commitment itself. Assistance from other sources would certainly be required to raise the sum of $1 million. Various options

are still being followed. Various approaches have been made recently and are still being made, but, as yet, no response has been received.

I am sure members will appreciate that Federal Government sources, for instance, are not able to make commitments in the few days before an election. It would be improper in many cases for it to make commitments prior to an election, so I cannot give an answer 'Yes' or 'No' as to whether $1 million can be achieved. I am sure that every member here would like to see the Ruhe collection come to South Australia, but I am equally sure that every member realises that $1 million is a very large sum indeed and certainly cannot readily be found. I would point out that when this matter was first raised nine months ago the then Leader of the Opposition offered assistance in getting sponsorship for this project, but he has never approached me or any other member of the Government—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: He has never approached me or any member of the Government with concrete proposals or suggestions as to how such sponsorship might be achieved. We have waited nine months for that, too. If the current Leader of the Opposition will take on the commitment made by his predecessor, I would be very pleased to hear from him at any stage.

The Hon. DIANA LAIDLAW: Will the Minister outline the various options that she indicated are being pursued and the various approaches that are being made to ensure that the South Australian Museum can get the Ruhe collection before the deadline of mid-April?

The Hon. ANNE LEVY: I feel that it would be most unproductive and could jeopardise delicate negotiations if any public statement were to be made at this stage. I feel that it is advisable to continue these negotiations without the glare of publicity until they can be resolved one way or another.

STIRLING COUNCIL

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about Stirling council.

Leave granted.

The Hon. J.C. IRWIN: I understand that a meeting took place this morning between the Minister and the Chairman of the Stirling council, Mr Michael Pearce, about the $7 million which the Minister, on advice from a bureaucratic committee, believes the Stirling council can afford to pay towards the Stirling bushfire liability of $14.5 million. I note that the council has already paid $3 million in damage claims and has stated publicly it cannot pay the $7 million now being suggested by the Government. I also note that the ability to pay was assessed, amongst other things, on the council's paying $1 million in legal fees in one year, 1988-89, even though in that year the council had a deficit of $645 000. Can the Minister detail what progress, if any, was made at the meeting today and when further talks will take place?

The Hon. ANNE LEVY: It is certainly true that I met with people from Stirling council this morning; it was not only the Chairman of the council but also the Deputy Chairman and the Chief Executive Officer. Discussions took place between myself, several of my officers and the group from Stirling council. Negotiations are continuing, and I think it would not be productive to give further details at this stage. I feel that negotiations on this very important matter are better done face to face and not via the media. The representatives of Stirling council agreed completely with this view and, likewise, undertook to restrict comments on the fact that negotiations were still continuing.

I must correct one matter raised by the Hon. Mr Irwin. Stirling council has not paid $3 million in damages. It has not paid 1c in damages at this time. It has paid $3 million in legal fees to its lawyers so that it has no debt to its legal representatives.

The victims of the bushfire have received their damages payment as a result of the Government's providing a loan of $14.5 million to Stirling council so that the council's debt is one debt to the Government instead of 120 debts of varying amounts to 120 victims. However, not 1c in damages has been paid from Stirling council's actual resources. I do not know where this furphy of the council's having paid $3 million has come from. The payment of $3 million certainly was to its legal representatives. The council has chosen to pay them rather than meet other debts at this stage.

HEALTH SERVICES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the restructuring of health services.

Leave granted.

The Hon. M.J. ELLIOTT: It has come to my attention that the Government has plans to establish a new division within the South Australian Health Commission. It will be a joint division containing elements of the Health Commission and the Department of Family and Community Services (formerly the Department for Community Welfare). The services that are to be integrated are: CAFHS, RDNS, DASC, IDSC (all from Statewide services), Community Health (which was formerly in the Metropolitan Service Division), and Domiciliary Care. They would be administered under the same umbrella as several DCW services. Amongst those mentioned so far are Home and Community Care, the non-government grant funding body and psychologists.

Under the plan, a network of Government and non-government agencies will be created to share similar assessment and referral procedures. The people who have come to see me say that, whilst these may be presented as moves to improve the coordination of services and that that would be commendable, a broad coalition of health related groups has vehemently opposed this reorganisation.

The coalition comprises: health and community workers, professional associations, unions and administrators. These concerned health professionals allege that there was a total lack of consultation before the decision to restructure was taken. It is even alleged that neither the Chair nor the executive of the Health Commission was aware of the proposal, and that it may be the result of individuals pursuing personal ambition and empire building. The instructions came directly from Dr Hopgood, the Minister of Health. The benefits of such a restructure have not been outlined to the health workers involved, and they say there is no clear indication of the problems that the move would be trying to address.

It is feared that the structural separation of community health services from the hospital system will undermine the aims of the 1989 Health Commission primary health care policy—which I received only two days ago—which calls for greater cooperation between the two and a more prev-

entative and community emphasis to health care. Separating the two may return the State to the days of the old Hospitals Department, because we would have one division with nothing but hospitals and another division with all the other health services. This could lead to a shift away from the promotion of prevention strategies, which has been an important focus of modern health policy.

It is alleged that much of the progress that has been made in regional coordination of services would be undermined by yet another reorganisation. The destabilising effect of yet another restructure and review in the health system cannot be overlooked. Neither can the difficulties it would present to regional coordination and planning of services. This would lead to access problems for many consumers, being unsure where to go for certain services, and wary of an apparent mix of the child protection functions of community welfare and health services. In the light of these concerns and the fierce opposition this proposal has met within health circles, I ask:

1. What rationale exists for the separation of hospitals from community based health services in the light of policy statements outlining a need for greater cooperation between the two?

2. Why is there to be another restructure in the Health Commission, which will undermine already developing regional coordination and make planning of health services difficult?

3. Is it true that the decision to restructure was taken by the Premier and/or the Health Minister in the absence of the full understanding of and consultation with the Health Commission?

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

NATIONAL COMMITTEE ON VIOLENCE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about the recommendations of the recently released National Committee on Violence report.

Leave granted.

The Hon. CAROLYN PICKLES: This report has found that there exists in Australia a deeply embedded cultural acceptance of violence. It has identified an ugly side of society which seems to tolerate racism and sexism, and accepts as justifiable domestic violence. Included among the 138 recommendations were the following: that there be a national media campaign to tell the public that violence is unacceptable; that restraint orders be enforceable across jurisdictions and there be adequate numbers of domestic violence shelters; that there be safeguards for intellectually disabled people in institutions and an assessment of the impact of deinstitutionalisation; that there be school classes on human relationships and Aboriginal culture; and that there be parent education classes to end the use of physical violence in disciplining children. The major recommendation of the report calls for all Governments—Federal, State and Territory—to nominate a body to put the recommendations into place. I ask the Attorney-General whether he will indicate what means the State Government has taken or will take in the future to support the recommendations of the National Committee on Violence.

The Hon. C.J. SUMNER: I thank the honourable member for her question on this important topic. The Government has received a copy of the comprehensive report of the National Committee on Violence entitled, 'Violence—Directions for Australia'. It is a major document, which has the potential for far-reaching consequences on the operations of Government and the pattern of relationships in the community, particularly if all its recommendations are accepted and are able to be implemented.

The recommendations generally fall into two broad categories: first, those that affect the attitudes of Government; and, secondly, those that affect the attitudes of individuals. In respect of both, there is a great deal that Government and its agencies can do in the legislative sense as well as in the implementation of programs. In both, of course, the Government has a major educative role. Members will be aware that the National Committee on Violence was established as a result of a joint agreement between the Prime Minister, the State Premiers and the Chief Minister of the Northern Territory at a meeting in December 1987. The committee's establishment was announced by the Federal Minister of Justice (Senator Michael Tate) in October 1988.

I will not outline the details of the operations of the Committee on Violence, which members will be able to glean from a perusal of the report itself. However, I do wish to say that, from South Australia's viewpoint, it receives reasonably favourable treatment from the Committee on Violence report.

I would point out that in the victims of crime area a discussion paper prepared for the National Committee on Violence indicated that South Australia was the only State at that stage to have effectively implemented the United Nations declaration on the rights of victims of crime.

The other point that should be made is that in the view of the National Committee on Violence the attitude taken by the South Australian Government both in legislative terms and policy terms as well as in the programs offered by the Government departments and the resources that are there to back up those legislative arrangements, South Australia has an excellent record and is in a very good position to implement those recommendations which it has not already got in place through existing programs.

The report is currently being examined by officers of the Attorney-General's Office and consideration is being given to the way in which the many recommendations in it can be best addressed by the various agencies of Government. In the first instance though, I have asked that a summary of the recommendations and the current position in South Australia, and further action that could be taken, be presented to the Justice and Consumer Affairs Committee of Cabinet. Consideration at that time will also have to be given to the role that will have to be played—the role in coordination—by the Child Protection Council and the Domestic Violence Council, which are already in existence in South Australia.

As the Council would also be aware, the Government has in place, and is beginning to implement, a crime prevention strategy. As part of this strategy, crime prevention management plans are being drafted by a number of departments, and it is likely that each department will be asked to specifically identify those recommendations in the report of the National Committee on Violence which relate to its areas of operation and incorporate the recommendations into their crime management plans.

The Crime Prevention Policy Unit has already had discussions between South Australia's representatives on the National Committee on Violence, who are Ms Kim Dwyer and Dr William Lucas, and the Crime Prevention Policy Unit Director, Dr Adam Sutton. Together they are establishing mechanisms by which they will be able to help the implementation of the report's recommendations.

In addition, I have asked that the report be placed on the agenda of the next meeting of the Standing Committee of Attorneys-General, outlining the recommendations and position South Australia is in at the moment and what it needs to do to further implement the report's recommendations. The National Committee on Violence is confident that the implementation of its recommendations can and will make a difference and would transform Australia into a less violent place than it is today.

The Government believes that the report deserves serious consideration. The Government, like the committee, wants to make Australia a less violent society, to reduce the burden that is caused not only to individuals as a result of the violence which affects them but also the costs to the wider community of violence and damage. Whether or not the South Australian Government designates a specific implementation body to oversee the implementation of all the recommendations will have to await the evaluation of the groups that I have already identified. However, the Government has set in place mechanisms to deal with the committee on violence report and it will be considered by the agencies that I have mentioned and at the Cabinet level ultimately, through the Justice and Consumer Affairs Committee.

MARINELAND

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of State Development a question about the Marineland redevelopment.

Leave granted.

The Hon. J.F. STEFANI: On 26 February 1990 I asked the Minister to confirm or deny the receipt (and/or knowledge) by the Government of a marketing and feasibility study on the Zhen Yun hotel project. I also asked the Minister why these documents were not included and tabled in Parliament, together with other documents, and asked that a copy of such reports be made available. In an article which appeared in last Saturday's *Advertiser*, I noticed with some interest that both marketing and feasibility studies had been prepared by the developer. In view of this information, one would assume that the Government would have insisted on obtaining such important documentation before entering into any serious and final negotiations about the selective use of public land at the West Beach reserve for a proposed development, which has been described by experts as a scheme which is contrary to the relevant provision of the development plan.

I am further informed that the West Torrens council could legally challenge the Minister for Environment and Planning for using section 63 of the Planning Act, without obtaining planning consent for the project, as required by section 47 of the Planning Act. Another major legal difficulty that has been overlooked has been discovered and relates to the provision of section 63 of the Planning Act, which precludes the transfer of the Minister's authority to another party, with whom the Minister is totally unassociated, to carry out the terms of the scheme with which the Minister has no direct involvement, but for which, through the use of section 63 of the Planning Act, the Minister had previously obtained the Governor's consent.

I have been advised that the West Torrens council also has legal grounds to challenge the validity of the lease agreement between Zhen Yun and the West Beach Trust on the basis that no planning authorisation has been granted by the South Australian Planning Commission; nor was a redevelopment application submitted to council for subdivision of the land with respect to the lease of the subject land for the period of 50 years, as required pursuant to the requirements of the Planning Act 1982. My questions to the Minister are as follows:

1. Did the Minister ask for, and receive, a copy of the marketing and feasibility study prepared by the developer and, if not, why not?
2. Will the Minister table these documents in Parliament?
3. Did any Government Minister, more particularly the Minister for Environment and Planning, meet a delegation from the West Torrens council regarding the legal position of the Government on this important legal matter?

The Hon. BARBARA WIESE: I would be extremely surprised if a company like Zhen Yun would be interested in having its commercial documents tabled in Parliament when it was proposing to undertake a development. However, I shall be happy to refer the honourable member's questions to my colleague in another place who has much greater knowledge of what has been happening in this development than I. I am sure that an appropriate response will be provided in time.

HEALTH CARE

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about health care.

Leave granted.

The Hon. T. CROTHERS: In the City-State edition of the *News*, dated Monday 12 March 1990 (page 4), a not unpleasant photograph of the Hon. Mr Stefani appeared. The photograph of the honourable member was part of an article headed 'Sick aid outrage'. The totality of the connection between the photo and the banner headline does, I must confess, leave me more than a little perplexed. However, casting my perplexity on that matter to one side, I noticed that the Hon. Mr Stefani's concern seemed to be related to some pre-election promises made by the Premier to be given effect over the next four years. The article went on to talk about the injection of a 'funding boost' by the State Government of $2.8 million to public hospitals. One would have thought that that was not a bad start to the implementation of the Premier's pre-election promises in relation to treatment for those who have the misfortune to suffer ill-health in our community. However, according to the Hon. Mr Stefani, it is not good enough.

In the same edition of the *News* I noticed a free standing article on South Australian hospitals by that paper's medical writer, Mr Gordon Campbell. Among other things, Mr Campbell's article deals with the new method of funding that will be in place in two years for South Australia's public hospitals. He says of the system—members should bear in mind that he is absolutely neutral—that it will be fairer and a Godsend for hospital administrators. Further, he says that precious little consideration was given to cost effectiveness in health up to five years ago. Indeed, according to one leading hospital administrator, that was the case. However. things such as more expensive, increased technologies and the ageing population have suddenly made health administrators more conscious of their shrinking dollar. This brief statement would not be complete if I did not touch on what the article has to say about elective surgery. I am sure the Hon. Mr Cameron might be pleased to hear this. The article states:

> The funding issue will continue to be debated—just like the over-rated waiting list saga . . . Waiting lists will always be around—there must be some order of booking people wanting elective

surgery . . . 'Elective' here is the keyword: it is non-urgent surgery . . . If a patient's life is immediately threatened, no doctor would say, 'Sorry, you are number 123 and you have another two months to wait.' The other misunderstood factor about waiting lists is numbers. Numbers are not as important as time. It is the time factor for surgery that matters and most elective patients are treated on time.

That is what Mr Gordon Campbell, the medical writer for the *News*, has to say about South Australia's public hospital system. Amongst other things, he says it is the best in the nation, and that elective surgery is in fact on-stream in respect of people being treated on time.

The Hon. R.R. Roberts: Who said that?

The Hon. T. CROTHERS: Mr Campbell, the independent medical writer from the *News*.

Members interjecting:

The Hon. T. CROTHERS: I am hearing about it all the time: that is why I checked the truth of the matter, Mr Stefani, to try to separate the truth from your fiction. Given what Mr Campbell had written, my questions are:

1. In the light of the Premier's electoral promise in relation to health to be carried out over the next four years, does the Minister believe that the Hon. Mr Stefani is showing more than his customary impatience in attacking the Government on its election promises just four months after the election?

The Hon. M.B. Cameron interjecting:

The Hon. T. CROTHERS: Well, hello, it is my old friend the Hon. Mr Cameron—the true psuedo angel of mercy. He may need some elective surgery himself shortly. My questions to the Minister continue:

2. Does the Minister think that those sections of Mr Gordon Campbell's article from which I have quoted more accurately and truthfully represent the capacity of the South Australian public hospital system than does the repeated questions asked by the Opposition in this Chamber over the past several years?

The Hon. BARABRA WIESE: Would I dare to disagree with the Hon. Mr Crothers? It seems to me that the article written by Mr Campbell—and I do recall reading it myself—demonstrates a very balanced view of the sort of things that have been happening in our health system in South Australia. Indeed, it was very heartening after some of the rabid rubbish that has been peddled by members of the Opposition over the past couple of years about our health system to see someone taking a balanced approach when discussing what has been happening within the system itself.

As regards Mr Stefani and his impatience in wanting to see the Government enacting its policies, I think perhaps we ought to be a little charitable—the Hon. Mr Stefani does not have very much experience in government.

The Hon. J.F. Stefani: I have had my mother in the Queen Elizabeth Hospital, who was denied and died in the Queen Elizabeth Hospital and was denied—

The PRESIDENT: Order! The honourable member will address the Chair. The Minister has the floor.

The Hon. BARBARA WIESE: I was not discussing the honourable member's private affairs. I was discussing the honourable member's experience in government, and he certainly does not have any experience in government. He would not know one end of government from another.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: And he would not have very much of an understanding—

Members interjecting:

The PRESIDENT: Order! The honourable Minister has the floor.

The Hon. BARBARA WIESE: —of the way in which the Government works in implementing its four year election policies. He should be pleased that the Government has started to move within such a short time to enact the policies that were outlined before the election.

Members interjecting:

The PRESIDENT: Order! The honourable Minister has the floor.

The Hon. BARBARA WIESE: It is interesting to hear the bleating and carrying on by the Opposition about the health system because the sort of people on the opposite benches—

The Hon. J.F. Stefani interjecting:

The PRESIDENT: Order! The honourable member will come to order. The Minister has the floor.

The Hon. BARBARA WIESE: In fact, there are very few people on the opposite benches who have any experience in government, and the majority of those who do have some experience in government were not considered important or experienced enough to be given places on the front bench. This includes people who have made statements about health issues in the past. So, perhaps we cannot expect very much from the Opposition about health issues. However, I am quite sure that the Minister of Health will have more to say on this issue, and I am happy to refer the Hon. Mr Crothers' question to my colleague and bring back a reply.

WORKCOVER

The Hon. R.J. RITSON: I seek leave to make a lengthy explanation (of approximately two-thirds the length of Mr Crothers' explanation) about the Government rape of WorkCover.

Leave granted.

The Hon. R.J. RITSON: An examination of the charges by Government institutions in relation to WorkCover patients reveals an extraordinarily high level of charges when compared to the fees charged by private practitioners and non-government institutions. This matter was first emphasised to me some two years ago when a public-minded patient complained bitterly when his employer had been charged $90 for a—

The Hon. ANNE LEVY: On a point of order, Mr President. I am sorry to interrupt the honourable member, but I ask to whom this question is addressed.

The Hon. R.J. RITSON: My question is to the Minister representing the Minister of Health. I thought that was clear. The point of order having been decided in my favour, is that counted in the time? As I said, this matter was first emphasised to me some two years ago when a public-minded patient expressed a good deal of displeasure with the fact that his employer had been charged $90 for a very brief attendance at a public hospital, as a consequence of which he was provided with a bandaid.

Private medical charges for attendance and examination are made against Medicare according to the Australian Medical Association's recommended fee which is more than the Medicare schedule fee. However, the charges according to the AMA schedule are as follows: the charge for an A level consultation, which relates to a problem which is immediately obvious and requires no differential diagnosis or significant history taking or treatment plan, is $13.60. The usual fee for a consultation which requires some examination, a differential diagnosis and treatment is $27. The fees for more complex consultations range from $50 to a top level of $73.

The Hon. T. Crothers: Half a minute to go.

The Hon. R.J. RITSON: Do I get another minute for that, Mr President? We have time out when the umpire blows his whistle.

The PRESIDENT: Order!

The Hon. L.H. Davis: That interjection coming from the wind machine on the other side—

The Hon. R.J. RITSON: That counts, too. Mr Davis counts just as much as Mr Crothers. The recommended fees for private specialist consultation range from $35 to $89, psychiatry excepted. As a matter of policy, the Government charges every WorkCover patient $114 for attendance and examination. This fee is higher than the highest recommended charge for the most complicated case in the private sector and there are no lesser charges for more simple cases, such as inspection of a cut that requires no stitches and the supply of a bandaid. Moreover, the charge of $114 is not inclusive of materials and other services. Every additional service, investigation, X-ray or test is added as an on-cost of $114.

In relation to bed charges, in public institutions the basic bed charge for a privately insured patient is $150, but for WorkCover it is $448. The basic bed charges in private hospitals range from $240 to $310; so, again, WorkCover outstrips easily the entire range of charges in private institutions.

The Government has previously stated that its fees are arrived at by amortisation of the actual costs incurred in running the institution, but of course this means that in most of the attendances for minor injuries WorkCover is being ripped off to shore-up the more expensive components of public hospitals which are under-funded. It is simply not fair that these general costs of an embattled public hospital system should be laid at the feet of industry as an added cost of production. However, I guess it is convenient, if the Government can get away with it, for a quango to be milked to help the Government balance its budget. That is particularly unfair to the small business employer.

I ask the Minister: what percentage of global workers compensation costs were attributable to medical expenses immediately prior to the commencement of operation of WorkCover? What is the present equivalent percentage of medical costs? Why does WorkCover willingly pay medical charges to Government institutions which are significantly higher than equivalent charges of private institutions and practitioners?

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

SAVAGE DOGS

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Local Government a question about savage dogs.

Leave granted.

Members interjecting:

The PRESIDENT: Order! The honourable member has the floor.

The Hon. M.S. FELEPPA: Recently a bull terrier went berserk and attacked members of a family for no apparent reason. The dog was their pet. The mother of the family had to be admitted to Flinders Medical Centre. The family agreed to destroy their dog. This was one of a growing number of attacks by savage breeds of dogs.

The Adelaide Children's Hospital has surveyed 159 dog attacks on children in the past 18 months. Some of the attacks have been provoked, but 60 per cent of the attacks were without provocation. Attacks on adults were not surveyed. More than just registration of dogs is needed to ensure that dog attacks on owners and neighbours are prevented.

There is a concern about savage dogs that may arise in the future. In a report from London in the *Advertiser* of 9 March headed 'Police urge ban on new breed of "nightmare" dogs', it is stated:

> Bandogs, a cross between American pit bull terriers and mastiffs, Rottweilers and Rhodesian ridgebacks, are being introduced into Britain from America.
>
> They combine the terrier's tenacity, aggression and agility with the bulk and power of larger breeds . . . The dogs were being used by criminals in inner cities for protection, to guard premises and to delay police on raids.

Because of the attacks on children and adults, the care needed in choosing a pet and the possible increase of problems in the future, I ask the Minister the following questions:

First, what can be done to compel owners to take greater responsibility for their dogs if they are known to be of a savage breed?

Secondly, along with registration, can there be education in choosing the breed of dog for a pet and the restraining and handling of a dog of a savage breed?

Finally, will the new breed of savage dog called Bandogs be totally banned from entry to Australia and the breeding of similar dogs made criminal?

The Hon. ANNE LEVY: I agree that there is concern in some sections of the community regarding attacks, particularly on children, by dogs, often unprovoked, and coming principally from several breeds of dogs. There are, of course, associations of people who breed these dogs and who insist that their breeds are not savage if properly handled and properly treated, that the concern is misplaced and that the responsibility should be put on the owners, not the dogs.

However, I am sure the honourable member will be aware that only last year, I think it was, the Dog Control Act was amended. It is clear in that Act that responsibility for any attack by any dog on anyone lies with the owner of that dog. Furthermore, the Act was strengthened so that, if a dog attacks somebody, a magistrate has the power to order the destruction of that dog, whether it be a first offence or a repeated offence by that dog. If a dog has caused injury to any individual at all, its destruction can be ordered by a court.

Members will also be aware that the amendment to the Dog Control Act dealt with special provisions for guard dogs, their surveillance and the extra controls required for the use of guard dogs, which are often trained to be savage as that is part of their function. The regulations under the Act relating to those provisions are not yet in place, but the Dog Control Board is working on these regulations, and I certainly hope that they will be gazetted and come into operation at the beginning of the next financial year.

With regard to education in choosing a particular breed of dog for a pet, as mentioned by the honourable member, it is perhaps appropriate that he has asked this question in view of the fact that next week is Dog Awareness Week, and there is to be a considerable campaign, organised and conducted mainly by the Canine Association of South Australia, dealing specifically with matters such as the type of dog that one should choose for a pet. I am sure that honourable members will be conscious next week of educational activities being conducted in association with Dog Awareness Week.

I may say that the Dog Advisory Committee, the Government committee, has produced a pamphlet entitled 'The

law and your dog', which clearly sets out the responsibilities of owners of dogs in all aspects of the law, particularly as regards the amendments to the Dog Control Act which were passed through the House last year. The Dog Advisory Committee leaflet does not deal with matters such as choosing a pet, but I think members will find that the Canine Association of South Australia considers education on the requirements of different breeds as highly desirable.

The honourable member's final question related to the reported new breed of Bandogs. Entry into Australia of any breed of dog is, of course, a matter for the Federal Government. The State Government has no powers or responsibilities in this matter. The Dog Advisory Committee examines reports which are occasionally received regarding matters affecting dogs. I may say that on numerous occasions various reports have been noted, but, on further examination and attempted follow-up, the Dog Advisory Committee has not been able to substantiate the reports which have been made in the press. However, I would certainly be happy to ask the Dog Advisory Committee whether it has any official information regarding this so-called Bandog breed and whether, in the light of any information that it may be able to obtain, it feels that a recommendation to the Federal Government on this matter would be advisable.

DRIVERS' LICENCES

The Hon. PETER DUNN: Has the Minister of Local Government an answer to a question that I asked on 22 February pertaining to drivers' licences?

The Hon. ANNE LEVY: My colleague, the Minister of Transport, has advised me that the cameras situated in all Motor Registration Division offices for the purposes of photographing licence holders are 35mm photo identification cameras. These cameras simultaneously photograph the applicant and his or her licence details from a data card. At the completion of the day, the film is removed and sent to the manufacturer for the production of the photo licence. It is not possible to photograph the applicant without the insertion of the data card. The applicant is immediately issued with a temporary licence to enable him or her to continue driving until receipt of the photo licence. In effect, the licence is issued or renewed when the licence fee is paid and the photo is taken.

X-RATED VIDEOS

The Hon. J.C. BURDETT: Has the Attorney-General an answer to a question that I asked on 20 February regarding X-rated videos?

The Hon. C.J. SUMNER: Further to the honourable member's question the current guidelines that apply for the X-rated category are as follows:

X-Non Violent Erotica (18 years and over)

No depiction of sexual violence, coercion or non-consent of any kind is permitted in this classification. Material which can be accommodated in this classification includes explicit depictions of sexual acts between consenting adults and mild non-violent fetishes.

Any film or video which inludes any of the following will be refused classification:

(a) depictions of child sexual abuse, bestiality, sexual acts accompanied by offensive fetishes, or exploitative incest fantasies;

(b) unduly detailed and/or relished acts of extreme violence or cruelty; explicit or unjustifiable depictions of sexual violence against non-consenting persons;

(c) detailed instruction or encouragement in:

(i) matters of crime or violence;

(ii) the abuse of prescribed drugs.

I remind the honourable member and the Council that X-rated videos in these categories are banned in South Australia.

ECONOMY

The Hon. L.H. DAVIS: I move:

That this Council condemns the Bannon Labor Government for—

I. Its blinkered support of the Hawke/Keating high interest rate policy and general economic strategy; and

II. Its failure to address properly the crisis in small business in South Australia and in particular—

(a) the growing number of business failures and lack of confidence in the business community;

(b) the savage and iniquitable impact of dramatic increases in land tax;

(c) the Cabinet's recent refusal to accept ETSA's proposal to reduce immediately electricity tariffs for commerce and industry.

It gives me no pleasure to move a motion such as this, but the facts speak for themselves. The South Australian economy is in crisis. The unprecedented public criticism of the State Government in recent days underlines the fact that what we are talking about here should be of concern to all members opposite. The fact is that the South Australian economy is in the worst shape since at least the Whitlam years; there can be no question of that. Can members opposite remember the last time when so many business leaders have spoken out publicly and critically about the crisis that exists in South Australia?

In the past two days, we have seen attacks by the Chamber of Commerce General Manager, Mr Lindsay Thompson (a person certainly not prone to exaggeration), about the problem of business confidence in South Australia. We have seen Stephen Young, a well respected liquidator with the firm Arthur Andersen and Company who said that business was clearly struggling to survive the combined effects of high interest rates and a diminished demand for goods and services. Those people were joined this morning by other business leaders, including the State President of the Australian Federation of Construction Contractors, Mrs Margaret Curry, who was commenting on the forecast dramatic drop in non-residential building activity in South Australia over the next two years.

The Hon. T.G. Roberts: What's the weather bureau got to say about that?

The Hon. L.H. DAVIS: Also, the Retail Traders Association's Mr Anderson said that South Australia was the worst performing State in the retail area, based on the January figures which were released only yesterday. The Hon. Mr Roberts says, 'What does the weather bureau say about it?' I would say, 'Lightning, thunder, batten down the hatches and stay inside.' That is what the weather bureau would say.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: So, the economic scenario is quite clear. We have high interest rates; we have a slowing economy; and we have declining retail sales not only in monetary terms but also in real terms. In fact, retail sales fell by as much as 20 per cent in some shops in Rundle Mall in the

first two months of 1990. In real terms that is a fall of 30 per cent, which is wiping them off the face of the earth.

One can look along Unley Road and see those 34 or 35 shops or offices for sale, for lease, or just plain empty. That is the sad face of the retail sector in South Australia. Of course, accompanying lower retail sales, we have lower order books, and falling capital investment—which is damaging capital formation at a time when we desperately need to build up our capital stock with modern equipment so that we can compete in the export market. There is also a slowdown in the payment of accounts, and increasing bad debts. It is a vicious and relentless cycle. So, the business leaders in South Australia who, over the years, have been conservative, responsible and not prone to making public statements, have expressed their alarm over the past few days. As I have said, one has to go back to 1975 to see that alarm expressed to the same degree.

Mr Thompson made the point that business was being throttled by a low level of demand and the high cost of finance. He was critical of the State Government, and he said that it must work more closely with the private sector to reverse the feeling of absolute terror in the small business community and to boost confidence and economic growth. His comments were based not on an opinion that he had but rather on a survey that had been conducted amongst Chamber members. It was found that 40 per cent of businesses who responded expected actually to cut staff numbers in the next year. Of course, that is reflected in the recent unemployment figures which came out and which showed a sharp increase in unemployment in South Australia. It involved an increase in unemployment to 8.2 per cent in February, and there was a jump in the unemployment rate for those aged between 15 and 19 looking for full-time work. It has jumped from 16.2 per cent to 21.5 per cent since last month. South Australia's seasonally adjusted unemployment rate of 7.6 per cent is now back to last spot in mainland Australia. That little blip, which occurred in the Bannon years where we did have some improvement in the employment level, seems to have dropped away. We are now well above the Australian average of 6.5 per cent.

The other matter of concern is that on the other side of employment statistics, whilst unemployment was up rapidly, South Australian employment levels actually fell, and, again, that was against the Australian trend. So, there is very little good news on the horizon. Employment is down and retail sales have decreased. In fact, it fell, in money terms, for the critical month of December, the worst retail sales performance of any State in Australia. What happened in January this year? We find that for January South Australia traded again below the other States. The estimate for the 12 months to the end of January was that South Australia's retail sales were up only 5.7 per cent, which is well below the national average rise of 8.9 per cent. As Peter Anderson, the Retail Traders Association Executive Director was reported in this morning's *Advertiser* as saying:

> South Australia was the 'worst performing State', and the tight trading conditions meant that for the third year in a row retailers were not expecting any real growth in sales.

Translating that into language that the Labor Government can understand, it means that sales in money terms may have increased marginally but, after taking into account inflation over the past three years, retail sales have fallen in real terms. However, in terms of the bottom line for retail traders, the situation is much worse than this, because wages have been increasing at least in line with inflation, especially with penalty rates nipping at the heels of retailers as they move into late night and weekend shop trading.

Land tax has, in some cases, increased by 200 or 300 per cent over a two or three-year period, which has wiped out a lot of retail traders, especially in premium retail areas. So, in many cases, retailers are going to the wall and that is why shops are vacant on Unley Road. The well respected Managing Director of John Martins, Mr Geoff Coles, when debating the retail sale problem in South Australia, was reported in this morning's *Advertiser* as saying:

> State retail sales figures had exceeded the national figure in only four out of the past 25 months.

Then the Managing Director of David Jones, Mr Brian Martin, said:

> It is time the interest rate pressure was relieved as the situation for retailers had deteriorated since January.

Referring to the number of empty shops, he said:

> The situation in Rundle Mall is not very pretty, and James Place is looking like a battleground.

I can testify to that because I actually visited some retail traders in James Place. I suspect that is rather more than the Premier or the Minister of Small Business has done in recent times. People are going to the wall in James Place, and they are affected not only by the Remm development, which has affected many properties nearby, without compensation, but also by the bleak trading conditions generally.

In addition to the quotations from business leaders in South Australia in recent days, I refer also to the forecast of the Australian Federation of Construction Contractors. They have said that non-residential building activity in South Australia will drop 7 per cent to $900 million in the 1989-90 financial year and a further 13.3 per cent to about $780 million in 1990-91. Translating that into real terms, we are talking about more than a 20 per cent fall in non-residential building activity in South Australia in 1990-91. Those figures are graphic and underline the problems facing the South Australian economy in particular.

With all that evidence, the scenario is clear: unemployment levels, and pain and suffering will increase over the coming months. Ironically, the Government's reaction to this has been fairly blasè. Yesterday, a spokesman for the Minister of Industry, Trade and Technology (Mr Arnold) said that the business environment in South Australia had not been helped by business itself talking down the State. What the business community in South Australia is doing is talking the facts. It seems that the Government does not want to listen.

On page 3 of the *Advertiser* this morning an article appeared with the heading 'Bannon angered by business crisis plans'. Mr Bannon was reported as reacting angrily to reports which claimed that business confidence in South Australia is at a crisis point and he warned that attempts by the Chamber of Commerce and Industry, employer groups and the State Opposition to paint the blackest picture possible of the economy could be self-fulfilling. Mr Bannon cannot have it both ways. When the economy is going well, he is not averse to ripping a headline or two out of the media to parade that point of view. We can all remember, including members opposite, such occasions before an election or during a critical time.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: Mr Roberts, I know that the Left suffers from convenient memory lapses, so we will forgive you if you cannot remember. I am not sure whether it is through disloyalty to the Premier that the honourable member shakes his head or whether he cannot remember. Perhaps he has the attention span of a humming bird. However, what I am suggesting is that the Government cannot have it both ways. If it is not averse to grabbing a headline and pumping up the economy and its own political standing—taking advantage of good economic figures—then it cannot hide behind the skirts of Government and say that it is

irresponsible, when business leaders, rather than the Opposition, point out the economic facts.

I also happened to make a statement yesterday, which was printed in the *Advertiser* in association with the comments of the General Manager of the Chamber of Commerce and Industry (Mr Thompson). That statement was made without any reference to Mr Thompson. It was my own observation, made after gathering facts together. I remind the Minister of Small Business what those facts were. In February, there was a record level of 138 bankruptcies—an all time record for that month—and at least 30 per cent of those, arguably more, perhaps 35 per cent, are small business failures. Many of the others may be personal failures, which ride on the back of a failure in small business. I also instanced retail sales dropping off. I also mentioned the Small Business Corporation which, in January and February, reported that 58 per cent of all the calls it received or inquiries across the counter at its South Terrace headquarters were financial distress calls. That figure is dramatically higher than the 42 per cent for the same period last year.

The Hon. Barbara Wiese: The information you got was by courtesy of the Minister granting you access to their statistics.

The Hon. L.H. DAVIS: I readily accept that and I want to put it on the record that the Minister of Small Business, unlike some of her colleagues, has been prepared to give me access to the Small Business Corporation. I find that very civilised and I am very grateful for it because I have a keen interest in small business.

The Hon. T.G. Roberts: And a vested one.

The Hon. L.H. DAVIS: I do not know what 'vesting' means in this situation, but I do have a genuine and long standing interest. If Mr Roberts wants to draw out this matter, I should claim some credit for establishing Australia's first kite shop in 1976. There were no strings attached to the business and it was one of the high flyers in Rundle Street East.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: I have been distracted. I was known to fly kites at a league trial football match at Panther Park. In fact, I was told that the kite flying was of rather better standard than the football. I want to place on record again the appreciation that I have for the Minister for allowing me access to the corporation because I will be revealing in this place in the not too distant future a situation that is nothing like that in respect of another Minister in the Bannon Government who is running scared at the thought of having to reveal information that may well be damaging to the Government.

We should also look at this economic disaster in South Australia in the context of the relatively strong rural economy that we have had in recent months. Wool prices are down but we have had a good season, and I think that my colleague the Hon. Peter Dunn will agree with me that the West Coast has benefited from this good season and from relatively good wheat and barley prices. Notwithstanding the buoyant rural economy, we have a state of shock, a state of economic seige, in other areas of the economy.

The irony is that the Premier has lashed out in no uncertain terms at business leaders such as the well-respected Mr Lindsay Thompson, Margaret Curry, who is President of the South Australian division of the Australian Federation of Construction Contractors, Steven Young from Arthur Andersen and, I suppose, by implication, all the retail managers such as Geoff Coles of John Martin's, Brian Martin of David Jones and Peter Anderson of the Retail Traders Association. He has struck out at all of them and attacked them for painting the blackest picture possible about the State's economic future.

Let me refer to another source of concern about the South Australian economy, which is rather closer to home, that is, the Interim Report of the State Bank of South Australia, which arrived over my desk only this morning. In a statement for the six months to 31 December 1989 over the signature of David Simmons, the Chairman, and Tim Marcus Clark, the Group Managing Director of the State Bank of South Australia, the bank had this to say about the economy:

> Growth in retail sales slowed while the marked recovery in new car registrations appeared to peak as a result of high interest rates and falling confidence. Non-dwelling construction continued at record levels, but a sharp fall in activity is expected in the second half of 1990.

If I may add a comment here in parenthesis: that remark confirms what the Australian Federation of Construction Contractors has noted from recent figures. The report continues:

> Through the first half of 1990, economic activity is expected to slow under the pressure of continued high interest rates and low household and business confidence. While monetary policy has eased slightly, high inflation and the prospect of little improvement in Australia's external trade and overseas debt position suggest a fall in interest rates will be limited.

Then, under the heading 'The future', the report says:

> The poor economic outlook means an increasing number of businesses and individuals will experience difficulties in the remainder of 1989-90 and beyond. Bad debt provisions are therefore expected to rise and interest margins will remain under pressure.

The State Bank has stated the obvious. It has stated what has been said in the *Advertiser* over the past two days and yet the Premier has the gall to attack these business leaders for stating the facts. Will he come out with the same courage and lash out at the State Bank of South Australia for stating the same figures, the same information, the same view? I suspect that he will not—but he should. The fact is that the Premier is an economic wimp. He has fiddled while South Australia has burned.

Let us have a look at the reality of the situation. Let us look at the area of the economy where the State Government can help. I accept straightaway that at the macro level the South Australian economy is very much the domain of the Federal Government, but there are areas where the State Government can by its leadership, by its example and by its sensitivity, help small business through this rough trough. Quite clearly, land tax has been a problem for many years. It has been highlighted in this Council and another place, and yet the Government has quite brutally refused to do anything practical about it.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: How would the Hon. Terry Roberts cope if he had a shop on Unley Road which suddenly was hit by a 200 per cent increase in land tax in one year? That is the reality. The Government has refused to address that problem.

The Electricity Trust of South Australia, under what I now perceive as more enlightened management, came up with an initiative which was considered by Cabinet only in the past few weeks. That provided Cabinet with the opportunity to slash electricity tariffs by 3.5 per cent and so benefit 90 000 consumers in commerce and industry. What did the Government do in the face of all the economic advice from the State Bank and, presumably, the Premier's economic unit? It ignored that advice and said, 'No, we are not going to do it,' and it was left to the Opposition Parties

in this Council and another place to expose the Government's callous indifference to the plight of small businesses.

The Hon. G. Weatherill: Heavy stuff.

The Hon. L.H. DAVIS: I am glad I have convinced the Hon. Mr Weatherill: indeed, this is heavy stuff; it is serious business. I hope that the honourable member can use his influence in his wing of the Party to get the Government flying again on this issue—because they are well and truly grounded. As I said only yesterday, the problem with the Bannon Government—apart from being economic wimps—is that there is no-one on the front bench with any experience in small business. Sure, the Hon. Chris Sumner paraded around as a lawyer for a small period of time, but really that is not at the leading edge of small business, with all respect to my legal colleagues in this place. There is no-one out there who has been at the coalface of small business, to know what it is like to battle and scrape, to wonder where the next quid is coming from and to have to cope with the unexpected land tax increases and the fact that retail sales have fallen by 20 per cent. Further, they have to cope with interest rates of 20 per cent and a 4 or 5 per cent surcharge over that, if one happens to run over one's current overdraft limit. Where are those people on the Government benches who do understand that?

What they do understand is that business is best done in the hands of the Government, and so they go off to New Zealand and buy a timber factory over there, against all the advice, and blow $20 million of taxpayers' money, in effect, setting up a social welfare outpost of the South Australian Government in the South Island of New Zealand. Talk about colonial attitudes! I found that one of the most extraordinary decisions ever undertaken by a Government anywhere in Australia.

To compound that problem it then ran off with a new technology, which has been rejected by all private sector companies which could have had an interest—and I refer to scrimber. That plant had an opening last October, and yet it was an opening that one has when one is not having an opening—because it has not opened. It is quite remarkable stuff. It was due to open in June 1988, and the timber select committee, of which the Hon. Terry Roberts was a member, in fact, he was the Chairman, was told that it would open by the end of 1988, and then it was to be March 1989. Thus, the months of the year floated by.

The Hon. T. Crothers interjecting:

The Hon. L.H. DAVIS: The Hon. Trevor Crothers is cringing behind the first edition of the *News*—which he has upside down.

The Hon. T. Crothers: I can read it better that way.

The Hon. L.H. DAVIS: The Hon. Trevor Crothers was so confident about the scrimber process that he wanted the Hon. Robert Lucas and me to put money on the table—

The Hon. R.I. Lucas: We were too generous.

The Hon. L.H. DAVIS: We were too generous and did not take it. However, this underlines the problem that we have in this State, where we have a Government which is inept and out of touch with small business. It is not good enough for the business leaders of this State to say we are having tough times and then for the Premier to say that it is not true and that we should not be talking down the economy.

I have here a page from a recent edition of the *Times* from London, which carries a heading 'Tough times for the lucky country'. Australia's economic plight is known abroad. People know of the problems and that of course mirrors the economic disarray in Australia under seven years of 'hard Labor'. We have Prime Minister Hawke who seems to hit things best when he is on the golf course, and Paul Keating who seems to tick over best when he is in an antique clock shop.

I believe that the economy is not headed for a soft landing. It is headed for a landing without the wheels down. The wheels will not come down, and it will be a landing on foam at best. It will be a very bumpy, sloppy landing. Indeed, in the *Age* of 20 March—that is yesterday—economists surveyed by this august paper predicted that 1990 would be a year of virtually zero growth in the economy. Domestic spending will plunge and may not return to the levels of 1989 until at least 1992.

The Hon. R.I. Lucas: What is the GDP figure?

The Hon. L.H. DAVIS: The GDP figure is $360 million. Quite clearly, one of the top priorities that we have as a nation is to crush inflation, to keep costs down, to keep Government spending reined in in areas where it has no responsibility. Another problem which this Government and the Federal Government have failed to address with the zeal that they should have is in the area of micro-economic reform. We talk about the transport sector and also about electricity, which of course is much closer to home. We have the Government's refusal to address the crisis in relation to electricity in South Australia, which has been recognised by the Industries Assistance Commission, as one of the critical areas for micro-economic reform.

Again, we see a lack of reality in this Government's ramming through workers compensation legislation against the warnings of the Opposition that the 4.5 per cent ceiling rate of premiums would not work. Of course, that warning was ignored and, with the support of the Australian Democrats, sadly that legislation saw the light of day. I must say that I am delighted to read in yesterday's *News* that the Australian Democrats have called for urgent action. The Hon. Mr Gilfillan, who helped set up this scheme, said:

> The ball is in WorkCover's court to prove that it is not a mammoth, bureaucratic, monopolistic, procrastinating failure.

In fact, it seems that the Australian Democrats are now concerned about the proposal to raise the upper levy from 4.5 per cent to 7.5 per cent. Today I received in the post a pamphlet from the WorkCover Corporation outlining changes to the levy bonus and penalties. There was no accompanying note; it was just a letter signed by Mr Lewis Owens, the recently appointed Chief Executive Officer, stating:

> When the Parliament established a ceiling rate of 4.5 per cent it deliberately built in a cross-subsidy from low to high risk industries.

Several paragraphs later, he goes on:

> The recent assessment of WorkCover liabilities and available funds indicates that rates need to be increased to reduce the current shortfall in funding. The proposal involves: increasing the maximum rate (to reduce the cross-subsidy to the high risk industries); and raising the average rate to generate more levy income.

What is suggested is that WorkCover's unfunded liability of $18 million last December, could climb to $70 million if the increase in levies is not approved. Let it not be said that the Government was not warned by the Opposition Parties when this legislation was before the Council. Who is picking up the burden in these straightened economic times? Who will cop the increase in WorkCover levy? Of course, it will be small business in particular and it will be passed on and will be inflationary in the sense that it will feed through costs into prices.

I wish to conclude by looking at the dimensions of small business in South Australia, because it is not often realised that small business is so embracing of activity in the South Australian economy. There are about 45 000 small businesses in South Australia and small businesses fail and others close at the rate of about 8 000 per annum. The total

stock of small business at any time may be fairly constant. But, excluding agriculture, small business represents about 98 per cent of the total number of businesses in South Australia. It employs at least 40 per cent of the private sector work force. Therefore, we are talking about 45 000 small businesses, and on top of that one could add another 10 000 involved in the rural industry. I seek leave to have inserted in *Hansard* a table that is, I can assure you, Mr President, of a purely statistical nature, setting out small business sector by enterprise activity in South Australia.

Leave granted.

Small Business Sector by Enterprise Activity, South Australia
Estimated Data (Source A.B.S.)

Enterprise/Industry	Approx. Number	Per Cent
Retail Trade	13 700	30.44
Wholesale Trade	3 200	7.11
Special Trade Construction (Building Subcontractors)	4 800	10.67
General Construction	1 800	4.00
Finance, Property and Business Services	5 900	13.11
Restaurants, Hotels and Clubs	2 700	6.00
Entertainment and Recreation Services	700	1.55
Personal Services	1 800	4.00
Health Services	2 000	4.44
Education, Welfare and Community Services	1 400	3.11
Road Transport	2 300	5.11
Other Transport and Storage	500	1.11
Manufacturing/Processing—Food	370	0.82
Wood and Wood Products	600	1.33
Paper Products and Printing	300	0.67
Fabricated Metal Products	550	1.22
Machinery and Equipment	400	0.89
Miscellaneous Manufacturing	300	0.67
Communication	100	0.22
Transport Equipment	180	0.40
Sundry Other, not including agriculture and other primary sectors	1 400	3.13
Total	45 000	100.00

The Hon. L.H. DAVIS: Of the 45 000 small businesses in South Australia (which may be partnerships, corporations or sole traders), 30 per cent are involved in retail trade. The problem that exists in retail trade is that sales are falling dramatically in real terms in the first two months of 1990. The second largest area is finance, property and business services. I have mentioned how significant has been the fall in non-domestic building activity in 1990. With high interest rates, the finance industry is obviously under pressure. The third largest area comprises building subcontractors, who form 10.7 per cent of the small business sector. That again underlines the point that I have made that building subcontractors are also under pressure. The fourth largest area is wholesale trade, which forms 7.1 per cent. As orders dry up, as demand slows down and as retail sales and capital investment falls, then the wholesale trade sector, likewise, falls. The table underlines the problems that small business face in South Australia with so many areas being touched by this dramatic economic slowdown.

The Small Business Corporation of South Australia, which is a statutory body and which has been established for some years, has provided a very useful focus for small business. There has been bipartisan support for the corporation. The corporation is headed by Mr Ron Flavel and his hardworking team. I must congratulate their efforts, but I must condemn the Government for the very parsimonious attitude that it has towards the Small Business Corporation. I have taken out the figures and I am appalled to see that in the 1988-89 financial year, the Small Business Corporation received $905 000 from the South Australian Government, an increase of only 2.3 per cent on the 1987-88 financial year. That was not even one-third of the rate of inflation. In the 1989-90 financial year, the corporation received $951 000, an increase of only 5.1 per cent.

Is that not typical of the Bannon Labor Government—the economic wimps in office—which has refused to recognise the important and critical role of the Small Business Corporation, which has a benefit to South Australia out of all proportion with its size? It is a sad reflection on the lack of priorities of this Government that it has not recognised the worth of the Small Business Corporation. It was sad to find that the Minister of Small Business, the Hon. Barbara Wiese, in defending her Government's record yesterday in relation to small business, stated, 'Only recently we have met with financial institutions to make sure that they look after small business more sympathetically than they have in the past and we have established a business bookkeeper system to give proper advice and assistance to small business.' Of course, that is really closing the gate after the horse has bolted. The economy has been on the down slide for many months and this Government has offered too little too late to small business.

I have criticised the South Australian Government for its failure to address properly the crisis in small business and I have illustrated why this is the case. I have also attacked the Hawke-Keating Federal Labor Government because its high interest rate policy and its general economic strategy have disadvantaged small business in South Australia to the extent that many of them have closed their doors, never to reopen.

Therefore, the Bannon Government stands condemned in this matter, and I hope that the Australian Democrats will join the Liberal Opposition in supporting this motion to condemn the Bannon Labor Government for its failure to assist small business, which is the lifeblood of the South Australian economy.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

MARINELAND SELECT COMMITTEE

Adjourned debate on motion of Hon. K.T. Griffin:

1. That a select committee of the Legislative Council be established to consider and report on—
   (a) the extent and nature of the negotiations by the Government and West Beach Trust which led to a long lease of West Beach Trust land to Tribond Developments Pty Ltd, an agreement for that company to redevelop the Marineland complex and a Government guarantee to the financier of that company for the purpose of the redevelopment;
   (b) the extent and nature of negotiations between the Government, West Beach Trust, the Chairman of West Beach Trust and Tribond Developments Pty Ltd (and such other persons as may be relevant) and the events and circumstances leading to the decisions not to proceed with the development proposed by Tribond Developments Pty Ltd, the appointment of a receiver of Tribond Developments Pty Ltd, the payment of 'compensation' to various parties and the requirement to keep such circumstances confidential;
   (c) all other matters and events relevant to the deterioration of the Marineland complex and to proposals and commitments for redevelopment,

with a view to determining the extent, if any, of public maladministration.

2. That the select committee consist of five members and the quorum of members necessary to be present at all meetings of the committee be fixed at three.

3. That this Council permit the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

4. That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses

unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 28 February. Page 446.)

The Hon. K.T. GRIFFIN: With the imminent establishment of the select committee I doubt whether it is necessary at this stage to give a detailed response to the matters raised by members and to analyse the documents tabled in this House so far, documents which relate to the Department of State Development and Technology, the West Beach Trust and other Government involvement in the Marineland redevelopment project since it was first mooted in 1986. I doubt whether that is necessary because the select committee will be in a better position to carefully analyse all the material which becomes available, as well as to hear submissions from people who may have relevant information on the terms of reference. I thank members for their contributions on my motion.

The Minister of Local Government said on the last occasion when this matter was before us that all possible documentation had been tabled. I suggest that is not necessarily correct in respect of Government documentation where documents are referred to in ministerial statements but for various reasons have not been tabled, and it does not take account of other documentation which may be in the hands of parties who at some stage or another were involved with the proposed redevelopment of the Marineland complex at West Beach. Of course, the select committee will give those parties an opportunity to produce that documentation.

The other aspect of this matter concerns what is behind the documentation, how it came into existence and the actions which prompted or even followed it in terms of implementing matters referred to in other documentation which is equally as important as the documents themselves. The oral and not just the written word is important in getting the full picture in its proper perspective.

It is interesting to note in the documents tabled so far that there is a distinct change in emphasis from the situation when the West Beach Trust in particular applauded the proposed redevelopment of Marineland by Tribond Developments Pty Ltd when that company gained the total support of both the West Beach Trust and the Government. However, during the course of the negotiations for the redevelopment, in 1988 in particular, that support began to wane. Whilst the documents which were tabled were relevant to the time when a receiver was appointed to Tribond Developments, there was concern about union bans and about the welfare of animals. Undoubtedly, the Government was anxious to avoid any controversy. Subsequently, minutes passing between departmental officers and officers and Ministers tended to rewrite the history of the matter to provide some justification for the termination of the redevelopment project. It was almost as though there was an attempt after the event to reconstruct those events, particularly in relation to the question of viability.

Paper alone will not provide the answers. As I have said, the select committee will be a useful forum to enable more paper to be made available and produced and for oral evidence to be given. Other parties need to put their side of the saga under the protection of the parliamentary process, just as the Minister of Industry, Trade and Technology has been protected when answering questions on this issue in the other place. Those persons who need to put their side of the story, and will be able to do so when the select committee is established and the prohibition against the disclosure of confidential material is lifted, include the Abel family, Mr Peter Ellen and those people who have worked for him in his various consultant companies, Friends of the Dolphins and the Zhen Yun company.

Notwithstanding the argument of the Minister in this place, and the argument in the other place as well, that there has been significant disclosure by the Government, this does not mean that there is total disclosure or that the whole picture is yet known. As I said, Mr Ellen and his companies, the Abel family and Tribond Developments Pty Ltd are bound by a very strict provision in heads of agreement relating to confidentiality. They have been so bound until now when the Minister has indicated that they will be released from their obligation of confidentiality.

The circumstances in which the Abel family was required to sign those heads of agreement to commit themselves to the confidentiality clause are of grave concern. In consequence of the lifting of the requirement for confidentiality, they will be able to indicate the circumstances in which they were brought to the point where they were compelled to sign the heads of agreement. There will also be an opportunity to explore the reasons for the sudden appointment of a receiver after the Government had been giving solid support for the redevelopment project, including the oceanarium, to the point where suddenly Zhen Yun indicated that an oceanarium would not be built. The select committee will also be an important forum for considering some aspects of the involvement of the West Beach Trust in the negotiations and the extent to which the trust did not act properly and responsibly.

The most recent developments last week, in relation to Zhen Yun, indicating that there was a 90 per cent chance of the project going ahead and that there were to be further negotiations with the Government, are obvious signs of difficulty at West Beach. However, they are not to be the subject of scrutiny by the select committee. It is important to recognise that the terms of reference of the select committee are essentially directed towards obtaining the facts of the negotiations from 1986 until the appointment of a receiver on 13 February 1989, the manoeuvring behind the scenes, and ultimately determining whose responsibility it was for the decision not to proceed with the redevelopment of the Marineland complex.

I am pleased that the Hon. Mr Gilfillan has indicated his support for a select committee. It will provide an important forum for getting to the truth. The Minister of Local Government said that it will be a costly exercise. Personally, I do not believe that. If we judge the question of accountability by cost alone, we will be deterred from probing the actions of any Government of whatever political persuasion. I do not believe that we ought to be frightened away from that by the question of cost, if it were real. The fact is that there will not be a significant cost when compared with the capacity of the committee to obtain the truth about what has been a controversial saga and which may result in evidence and conclusions that reflect upon the capacity of the Government and its officers in relation to this development.

The Hon. Mr Lucas has proposed an amendment, which relates to the voting powers of members of the committee, and I am prepared to accept it. I think that it is an appropriate amendment. Of course, I will not support the amendment by the Minister of Local Government to increase from five to six the membership of the committee. I commend to honourable members the motion and the amendment of the Hon. Mr Lucas.

The Council divided on the Hon. Anne Levy's amendment:

Ayes (9)—The Hons T. Crothers, M.S. Feleppa, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Noes (12)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, R.I. Lucas, R.J. Ritson, and J.F. Stefani.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. Mr Lucas's amendment carried; motion as amended carried.

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

That the select committee consist of the Hons, J.C. Burdett, I. Gilfillan, Anne Levy, R.I. Lucas, and T. Crothers.

Motion carried.

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

That the select committee have power to send for persons, papers and records; to adjourn from place to place; and to report on Wednesday 4 April 1990.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I realise that the date is ridiculous in the sense that the committee can never hope to report by then. However, I was informed that it is proposed that that be the last Wednesday of sitting for this session, and that on that date, as for any other select committee that we might establish, there will then be a motion—

The Hon. C.J. Sumner: We will probably be sitting the following Wednesday.

The Hon. K.T. GRIFFIN: If we make the date 4 April, which at present is proposed to be the last Wednesday of sitting for this session, a motion can be moved to allow the committee to sit during the recess. I understand that procedurally that is the reason for the date being 4 April. I concede that there is no hope for the committee to report by then but that, from a procedural point of view, it is an appropriate date to enable leave to sit during the recess to be sought at that stage.

Motion carried.

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

That a message be sent to the House of Assembly requesting that the Premier, the Minister of Industry, Trade and Technology, and the Minister for Environment and Planning, members of the House of Assembly, be permitted to attend and give evidence before the select committee of the Legislative Council on the redevelopment of the Marineland complex and related matters.

This motion follows the procedure that the House of Assembly adopts in relation to Estimates Committees where leave is sought from the Legislative Council to permit Ministers of this Council to attend, but of course there is no obligation for them to attend. It seems to me that this motion is necessary to enable those Ministers who have had some involvement with the Marineland development to give evidence if they so wish. But of course, they are not obliged to do so.

The Hon. ANNE LEVY: I understand the reason for moving the motion, and I am pleased that the *Hansard* record will read that there is no obligation on the part of the Ministers to attend before the select committee. I would like to ask the mover of the motion, who has, incidentally, set up a select committee without being a member of it, which seems a fairly unusual step—

Members interjecting:

The PRESIDENT: Order! The honourable Minister has the floor.

The Hon. ANNE LEVY: It is unprecedented—

Members interjecting:

The PRESIDENT: Order! The honourable Minister has the floor.

The Hon. ANNE LEVY: It is unprecedented, Mr President, except for one case of which I have been reminded where very different circumstances applied. Except for the one case with very different circumstances—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —I cannot recall an occasion where someone has taken the initiative to set up a select committee without their being a member of that committee. Apart from that very relevant observation, I would like to ask the mover of this motion whether he or anyone whom he proposed as being a member of the select committee consulted with the relevant Ministers before moving this motion. I can assure the honourable member that two members of the select committee that has just been appointed have not consulted with the Ministers. I seek information from him whether any of the other three members of the select committee which he has just set up have consulted with the Ministers or any other members of the House of Assembly in this matter.

Members interjecting:

The Hon. ANNE LEVY: I am asking the question.

Members interjecting:

The PRESIDENT: Order! We are presently in a debate. Are there any further speakers before I call on the Hon. Mr Griffin? If not, I call on the Hon. Mr Griffin.

The Hon. K.T. GRIFFIN: Mr President—

Members interjecting:

The PRESIDENT: Order! There is too much exchange of conversation across the Chamber. The Hon. Mr Griffin has the floor.

The Hon. K.T. GRIFFIN: As I indicated earlier, the reason for moving this motion is to ensure that there is no impediment in the way of those Ministers giving evidence, if they so wish. The fact is that we will sit for perhaps another two weeks, or maybe three, according to the Attorney-General's interjection. It may be that the select committee will not have met more than once or twice on a formal basis to establish appropriate procedures, and then neither House will be sitting until perhaps the end of July or early August.

It seems to me that, as these Ministers have played a very important role in the proposals to redevelop Marineland, if they did wish to give evidence but some technicality was raised that they could not do so without leave of the House of Assembly, the effective working of the select committee could be prejudiced.

As I said in my opening remarks on this motion, there is no obligation on any member to give evidence. The House of Assembly requests the leave of the Legislative Council for the Ministers of this Council to appear before the Estimates Committees. I see no difference between that situation and the one which I am proposing. I have not consulted with those three Ministers. I do not believe that it is necessary because no obligation is being placed on them. If an obligation was being placed on them, I could understand the Minister's question and perhaps some concern that I was moving the motion without consulting them. However, in this instance—

The Hon. Anne Levy: You wouldn't have the power to.

The Hon. K.T. GRIFFIN: I know; I am not saying that we have. I am saying that, if there were a suggestion of compulsion, one would regard it as quite proper to explore with them first—

The Hon. Anne Levy: But you couldn't compel.

The Hon. K.T. GRIFFIN: I know that. All I am saying is that if it were—

The Hon. Anne Levy: Why hypothesise something that is impossible?

The Hon. K.T. GRIFFIN: I am trying to put your question into perspective.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Griffin has the floor.

The Hon. K.T. GRIFFIN: All I am saying is that if a motion sought to compel attendance—which a motion could not do, but if it did—then I would regard it as courteous and proper that the subject have some consultation first. All that I am doing is endeavouring to clear the way to enable them to do it so that there is no impediment to them doing it if they so wish or if they see fit. That is all the motion does, and I would see no problem with it at all.

Motion carried.

HOMESURE INTEREST RELIEF BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 118.)

The Hon. R.R. ROBERTS: I move:

That this matter be further adjourned.

The Council divided on the motion:

Ayes (11)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy, Carolyn Pickles, R.R. Roberts (teller), T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Noes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas (teller), R.J. Ritson, and J.F. Stefani.

Majority of 1 for the Ayes.

Motion thus carried; debate adjourned.

FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.

(Continued from 28 February. Page 477.)

The Hon. M.J. ELLIOTT: This is the fourth occasion we have had this Bill before us. On each occasion the Bill has been before the Council, the Democrats have supported it, and I again indicate our support.

As has been noted previously, the Labor Party has a policy of freedom of information, which I think must have evolved in Opposition, because it has not pursued it further since coming into Government. The Government appears to have done everything in its power to avoid legislation in this area. The most recent ploy was to introduce privacy guidelines saying that 95 per cent of the requests are in relation to personal matters, and, as such, the personal privacy guidelines that it introduced would be all that is necessary. I would have to disagree with that on a couple of counts.

First, in relation to personal privacy, those guidelines are not backed by legislation and, as such, can be changed on an administrative whim. I do not believe that personal privacy being protected by administrative guidelines is satisfactory. On those grounds alone, I would reject what the Government has done so far. Secondly, it is important to recognise that that 5 per cent of information that is of a non-personal nature is crucially important to the public. In a democratic society, the public has a right to know what is going on. Increasingly, Governments are reluctant to let information get to the public. I think that it is a matter of a power game to some extent; a control of information allows one to get away with a lot more.

The need for such legislation has been brought forth on a number of occasions, when I have asked questions in this Chamber which either have not been answered or answered adequately. I can illustrate this with just one example. Some 12 months ago I asked questions—very simple questions—in relation to ground water contamination in the South-East. In particular, I asked what testing had been done, what results had been found for various contaminants in the South-East and what future programs there are for testing programs. It is very basic information, and the sort of information that the public has a right to know. Even as a member of Parliament asking questions in this place, answers have not been forthcoming. That is not atypical. So far for this whole session I have received an answer to only one question that I have asked. At the end of almost every session something like a third of my questions remain unanswered, and the great majority of those remain unanswered for evermore.

As for an ordinary member of the public, what hope have they got if a member of Parliament cannot get answers to relatively straightforward questions. I have spent a great deal of time going through this Bill and I must say that it is a very good piece of legislation. As I understand, Mr Cameron took a Government committee report to the draftsman and explained that he wanted a Bill that does exactly what the committee recommended. The draftsman obviously did a very good job. It comes across as a non political document, although FOI is a political matter. If one believes in democracy, one believes in making information available to the public.

It is not my intention to dissect the Bill at this stage, and as I said, it has already been before this place four times. The Democrats intend to vote in support of it. I am aware that the Government has recently advised that it will introduce its own Bill. To be frank, I cannot imagine what will be in that Bill that will be any better than this one. If the Government has better ideas, this Bill would be amenable to simple amendment because, basically, it is a very good Bill. I can only assume that the Government will bring in something in a very different and watered down form, or else it will bring in something the same. In that case, there is no place for political point scoring, and this Bill should be supported, which the Democrats will do.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the second reading of the Freedom of Information Bill and, like the Hon. Mr Elliott, I do not intend to take too much time, although there is one new matter that I want to raise during my contribution. Like Mr Elliott, I have spoken on this matter probably a half a dozen times, not only on the Bills but in Supply and Appropriation debates, supporting the notion of freedom of information legislation in South Australia. I am not perhaps as generous as the Hon. Mr Elliott. Although I have not seen it yet, I suspect that the Government's Bill will not look at improving on the freedom of information provisions in this Bill but will attempt to wind back some of those provisions and ensure that not as much information can be made available to the public and members of Parliament in relation to the activities of Government.

As I said, perhaps the Hon. Mr Elliott is right and I am way too cynical and not generous enough in my views of the Attorney-General and Premier Bannon in relation to freedom of information legislation. I suspect, as we all do, that the only reason there has been a change of heart by the Government is due to the statement made by the Independent member in another place on the record, on a number of occasions, in supporting freedom of information legislation. The Attorney-General and other Ministers in the Bannon Government have been dragged kicking and screaming into the 1990s, having to indicate that, at last,

the Government will introduce legislation to provide for some form of freedom of information legislation.

As I did last time, I place on record my congratulations to the Hon. Mr Cameron who has led the battle on four previous occasions for the introduction of freedom of information legislation. If at some stage such legislation is successfully introduced, it will be due in no small part to the hard work that he has undertaken on behalf of the Liberal Party, Parliament and the community over past years.

I will not repeat the aspects of previous contributions, but I will give one further example of the incredible frustration that is experienced by members of Parliament in trying to get access to information from the Bannon Government. I will give an instance relating to the Education portfolio, with which I am familiar. It concerns a series of questions that were put to the Minister of Education and senior bureaucrats during the Estimates Committee in mid September last year, some six months ago. Whilst answers were promised by the Minister of Education in another place, they have never arrived.

When the Appropriation Bill comes before the Legislative Council, members have the ability, during the Committee stage, to pursue questioning of the Minister in charge of the Bill and to have Government officers here during that stage to provide answers on the lines in the Bill. We have generallywished to expedite the passage of the Appropriation Bill debate in this Chamber and have not overstayed our welcome in respect of those provisions. On occasions, we have had some officers down but, on most occasions, we rely on the good offices of the Ministers in this Chamber, who take on notice questions that we put to other Ministers, in my case, to the Minister of Education. We either get answers during that debate or we receive an undertaking for responses to be forwarded to us soon after the passage of the Bill. It is on that understanding that members of this Chamber are pleased to expedite the passage of the Appropriation Bill without too much delay.

As I said, in mid September a series of questions were asked in the Estimates Committees. When the Appropriation Bill came to this Chamber, I spoke on 17 October in support of the second reading of the Bill and, in accordance with that practice, as I have outlined, I asked a series of about 13 questions of the Minister responsible for the Bill in this Chamber on the general subject of education. Some of those questions were raised in the Estimates Committees in September, on which answers were promised but were not delivered. Some involved new matters that had not been raised during the Estimates Committees.

I will instance just one of many examples—members will be pleased to note that I do not intend to go over all of them. One particular question related to the number of committees established within the Education Department. In the budget paper which concerned women, and which was released in association with the Appropriation Bill, reference was made to 38 central committees of the Education Department. The question that was put in the Estimates Committee and repeated in mid October related to the names of the committees, their membership, the organisations they represented, the number of meetings held in the last financial year, the terms of reference, the work undertaken and the fees payable. The initial response was that a lot of information was requested, that the Minister did not have it at the time and that it would be sent to the Opposition in due course. That was the reply received soon after the Estimates Committee met in September.

I raised that matter and many others on 17 October. Then, on 18 October, the Hon. Anne Levy, who was handling the Bill at the time, said:

> I am informed that the preparation of an answer to that question is proceeding, and has not yet been finalised because of the considerable amount of work involved. It is hoped that an answer will be ready in a few days, but it is presently not available.

The Hon. C.J. Sumner: That is because we had an election.

The Hon. R.I. LUCAS: Exactly. I will come to that. On 19 October, the Hon. Anne Levy said:

> The remaining questions discussed with the Hon. Mr Lucas have been taken on notice and will be answered in due course... If the Hon. Mr Lucas has any further questions he wishes to raise—as I understand he does—I can say on behalf of the officers of the Education Department and the Department of Further Education that any answers will be provided as soon as reasonably possible.

The Hon. Anne Levy also had discussions with me and gave me some understandings and guarantees on behalf of the Minister that, if we allowed the proceedings to move smoothly through this Chamber, I need not worry about getting responses within a few days. As a result of those discussions I had with the Hon. Anne Levy (and I am not being critical of her, as she passed on advice from the Minister of Education and his officers), I said, 'From discussions I have had with the ministerial officers I accept they still cannot provide responses to a number of questions at this time. They indicate that officers are preparing those answers and that they hope that early next week (this was 19 October), I should receive answers to all the questions that I have already put during the debate.'

That was the undertaking given by the Minister of Education and the Minister of Further Education through their ministerial officers and through the Hon. Anne Levy during the Appropriation Bill debate in the middle of October last year. As the honourable Attorney-General interjected a moment ago, then we had an election. That is what happened. I was advised, from within the Education Department that those answers had been finalised but some of them, and not just that question, were enormously embarrassing to the Minister of Education and the Director-General of Education, and to the Bannon Government generally—enormously embarrassing.

Whilst officers had completed the answers to those questions, and contrary to the undertakings given to me by the Minister of Education, the Minister of Further Education and their officers, the decision was taken by either of those Ministers or their officers (I can only presume it was the Ministers because the decision making was their responsibility) that those responses would not be forwarded to the shadow Minister of Education because of the pending election. I thought that was a very appropriate interjection from the Attorney-General earlier in this debate. Those were the circumstances. The decision was taken to sit on that information during the lead up to the election campaign because of possible embarrassing circumstances to the Government.

Prior to this session starting in February I spoke to a ministerial officer from the Minister of Education's office and said 'Where are these answers that were promised back in October?' and on that basis we expedited the passage of the Appropriation Bill debate in this Chamber. The ministerial officer undertook to ascertain what had happened to those responses.

Of course, we now have the Federal election and I suppose the Bannon Government is again anxious not to see any further criticism of the Labor Government, whether it be at a State or Federal level. It has continued to refuse to release those answers to the Liberal Party, to me as the shadow Minister of Education even though we are now six months down the track and four months after the Minister of Education and Minister of Further Education and their officers gave their word that these various responses would

be delivered early in the following week, after 18 and 19 October.

I only instance that example to demonstrate the absolute frustration of members of Parliament wanting to get to the bottom—wanting to understand what is going on in Government departments and Government administration, to root out wastage and wasteful expenditure within Government departments, such as the Education Department, and being denied access to information which is available, prepared and waiting to be distributed to members of the Opposition Parties in South Australia. With that example, and indeed many others that members have instanced over the past four, five, six, or seven years that we have been trying to get freedom of information legislation, I can only say it is high time that this Parliament approved appropriate freedom of information legislation so that we no longer have the frustration that I have instanced this afternoon in relation to gaining access to important information for the benefit not only of members of Parliament but for community debate as well. I have much pleasure in supporting the second reading of this Bill.

The Hon. M.B. CAMERON: This Bill, as the Hon. Mr Elliott said, is in this Chamber for the fourth or fifth time. It has been here so often that I have lost track of the number. It is a very important principle in a democratic society. It is very difficult for members of Parliament or members of the public to obtain information without having some legislative back-up to their request. In fact the report, initiated by the present Attorney-General, very clearly outlined the arguments against what he has now done and said is sufficient until now, and that is to have administrative guidelines in relation to personal records, but that really does not achieve anything. I was somewhat surprised to hear of the principle—

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: It would be better if you were silent on this issue because I have given you some credit in the past for at least getting to the point of initiating the document which led to this Bill. I still give you credit for that. You did achieve that much but you were forced by your Party to go to water on the matter.

I was surprised to hear the Hon. T. Crothers, who is a principal speaker for the Government on this matter, say that the argument against freedom of information legislation was the complicated nature of the legislation that I had drawn up. I am not a lawyer. I am not the person who decides in what language or in what form it is necessary to draw up legislation in order that it is fully understood by the legal profession and by any appellant body to whom a member of the public has to go. In fact, the Bill itself was drawn up under one set of instructions—to follow the information that was set out by the committee of inquiry set up by the Attorney-General and not deviate from it.

All I have done is take a report which the Attorney-General endorsed; he said he was going to draw up legislation based on that report. I asked Parliamentary Counsel to draw up a Bill based on that report, which they did; and it was well done indeed. If there are any complications in the Bill that are not fully understood by the Government or by the Hon. Mr Crothers, I would have thought that in four years they would be able to bring up amendments to ensure that it was not complicated.

If members of Parliament want anything that is complicated they need simply look at what the Attorney-General has described as the initial step because there are about 150-200 pages in a handbook on information privacy principles and access to personal records, when my Bill is not very long at all—about 30 pages.

I would have thought that the Hon. Mr Crothers would realise that, if you want something complicated, you go into this other system of having guidelines and you then reach a much more complicated area. I will not get down to a personal level, but the Hon. Mr Crothers indicated that, from my time as a Minister in the Tonkin Government, I should know and understand about legislation. I give the Hon. Mr Crothers some credit for not knowing I was never a Minister in the Tonkin Government, but that is probably because he is a junior member of Parliament and does not understand the past.

On 12 March 1990 I had an example of what it is like to try to gain information from Government departments. I would have thought that, as this Government has indicated that it intends to introduce FOI legislation, it would now be committed to that course and that departments would now be receiving instructions that, pending the arrival of freedom of information legislation, departments should cooperate, at least with members of Parliament, in relation to information. That would demonstrate an attitude supportive of the Government's purported stand on FOI. I heard the Governor, in his speech opening Parliament, say that the Government intended to introduce freedom of information legislation in this State. Well, the Hon. Mr Stefani and I have been doing some work on sewage treatment. I raised this matter before in this Council.

The Hon. Mr Stefani had asked for some small dockets that related to sewage treatment at the Port Adelaide Sewage Treatment Works. A marine pollution Bill is coming before this Council shortly, so the matter will be debated again and Mr Stefani and I decided that we would try to obtain some further information on sewage treatment because it is a very important matter that will be debated by the Parliament. We wanted a document that we knew existed. It is a fairly hot document: the Port Adelaide Sewage Treatment Works Asset Management Plan. One would have thought that that would be something that would be available to members of Parliament. It has a very glossy cover and it is very similar to the Glenelg Sewage Treatment Works Asset Management Plan, both of which have 'restricted' classification. I do not know why they are restricted, but they seem to have some dreadful information in them that should not be available to members of Parliament.

I presumed that following the announcement by the Government that freedom of information legislation would be introduced, there would be no trouble. We would just tell the necessary people that the Government now believed in freedom of information and this information would be made available. We went to the Library of the South Australian Parliament and asked for this document. The librarian has written to me. I will not name the author of the letter, but the person did her best. The letter states:

> I have searched everywhere and cannot find any library card for the Port Adelaide report you are referring to—so I have to say that we do not have it.
>
> The E&WS Library gave me their reference for it and said that we shouldn't have it because it is restricted. (I replied that we have the Glenelg one, which is also restricted.) They will not give us a copy and they will not lend us a copy until the author of the report says we can borrow it. The author will want to know why we want it, according to the E&WS librarian, so I said (in as polite a way as possible) that we wanted it to work on. I am not sure whether that was good enough—the librarian is going to ring me back on Tuesday morning by which time she wants me to have asked you why you want the report. Can you think up a better reason?

The letter goes on to say that on Tuesday the E&WS librarian telephoned and stated that:

> She has spoken to the author.

1. Report not to be released to anyone;
2. If you want it for the costings, they'll be out of date.

Brick Wall, I am afraid. Next (and only remaining) step would be the Minister. I am happy to ask, or would you like to?

Well, we did not bother to ask the Minister because we have asked a Minister once before for such documentation, and I believe I read the Minister's reply into *Hansard*. I will do so again. This all occurred during the same time frame, after freedom of information was announced as a principle of this Government. The Minister responded to the librarian when we asked for E&WS Department files as follows:

Dear Mr Blencowe,

I refer to your request on behalf of Mr J. Stefani MLC to view certain Engineering and Water Supply Department files.

The files you have nominated are prepared and intended for the internal use of officers of the department; they are not public documents. Consequently, I am not prepared to make the files available to you.

If Mr Stefani has any particular concerns associated with the operation of the State's water supply or sewerage systems and cares to write to me with them I will be only too pleased to have his concerns investigated.

Mr Stefani was asking for, and I was interested in, docket No. 1478 of 1983, Infiltration of Inflow. Since then, we have managed to obtain a copy of that docket without the Minister giving it to us. We were also interested in dockets entitled Sewerage Grouting Program, 1949 of 1982; Pumping Sewage to Bolivar Sewage Treatment Works via Queensbury and Actil, 3203 of 1977; and Metropolitan Sewage Works Disposal, 73 of 1987. What on earth is there in those documents or in that information that would be a problem to the Government? Why restrict that information? Is it because of this attitude of Government and Sir Humphrey saying, 'This is our information and we must keep it to ourselves because information is power and while we restrict information we have power.

We have this magnificent feeling that we are not letting the Opposition have something.' What is there at Port Adelaide Sewage Treatment Works that is a problem? I will tell the Council that the problem—and this will come out more fully during a future debate—is that Port Adelaide Sewage Treatment Works has been pumping sludge into the sea since 1976. Damage to the ocean has been astronomical and the Government has known about it since 1982. An area of 1 900 hectares of sea grass has been destroyed and this Government has done nothing about it: not a thing. What could it have done?

There is, in this report that I have now read, an alternative way of sending it so that it is operated entirely on the land. Sludge does not need to go into the sea and never has. However, the Government has not been prepared to make this simple decision, which it could make tomorrow, and send the sewage to Bolivar, have it dried out and used as fertiliser. This great green Government would prefer to send it out to sea and have it destroy the ocean. I will have a bit more to say about that at a later date. That is the sort of information that is being restricted. To assist the Government and, more particularly to assist this Parliament and members of the public, I seek leave to table a copy of the document that the Government would not give members of the Opposition. I have already provided a copy to our Library because it was not allowed to have it either; that is, the Port Adelaide Sewage Treatment Works Asset Management Plan, labelled 'Restricted'.

Leave granted.

The Hon. M.B. CAMERON: If that is not an example of the sort of treatment that this Government hands out to members of the Opposition and the public, I would like to know what is. For some reason, the Government has refused to agree to a Bill that is outlined in its own policies. The Government has a policy which says, 'We believe in freedom of information,' but it has not implemented it. I appeal to those members of the Government who believe in the democratic system of government to support this Bill this time, and to support it in the Lower House. Do not let us have any more shilly-shallying delays, because there is no longer any excuse. The Government has committed itself to it. When this Bill reaches the Lower House let them take it up as a Government Bill if they want to. That does not bother me at all, as long as we in South Australia finally enjoy the same privilege that people in Victoria, New South Wales, Tasmania, the Commonwealth and everywhere in Australia apart from South Australia will shortly enjoy.

The Government has secrets that it does not want to come into the open. Those secrets will no longer be hidden because members of the Public Service are now aware that this Government is clinging by its fingernails. They are no longer frightened of the Government and are prepared to talk to Opposition members and provide them with information. Let me assure the Council that, if the Government wants to continue to be embarrassed by leaks about which the Opposition can create great excitement, it should not support this Bill. We will continue to embarrass the Government because I believe the time has come for Governments, and this Government in particular, to support this Bill. I urge members to pass this Bill through the Council and another place.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. ANNE LEVY: I wish to reiterate the Government's position on this legislation. As the Hon. Mr Cameron has observed, the Government intends to introduce a Freedom of Information Bill and has given notice that it will do so in the very near future. The Government's Bill will clearly state its position on the matter and will indicate its preferred approach to this matter, taking into account the resource implications of any legislation. I indicate that we will not oppose the clauses of this Bill, but that in no way suggests agreement with the matters contained in each of the 67 clauses.

The Government's Bill, which will be presented to the Council in the near future, will indicate the approach that we feel should be taken on this matter. I wish the record to be clear that non-opposition to any of the clauses does not in any way signify Government agreement with the principles of each clause.

The Hon. M.B. CAMERON: Isn't it surprising, this sudden new-found desire of the Government to introduce freedom of information legislation.

The Hon. Anne Levy interjecting:

The Hon. M.B. CAMERON: It has only just happened. The Government has had four years to do this. It is four years since the honourable member's Government decided to introduce freedom of information legislation. It is actually longer than that—in 1983 the Government first said that it would introduce this legislation. So, I do not believe the Minister. She can say that as often as she likes. The reason that I have introduced this Bill—

The Hon. Anne Levy interjecting:

The Hon. M.B. CAMERON: I do not believe the Minister because the Attorney-General made commitments previously in this place, and I do not accept any commitment from her on this matter. The Government has had its opportunity. The Minister says that the Government does not agree with all the clauses. On the penultimate occasion that I introduced this Bill, the Attorney said that he had no

problem with the clauses because the Bill seemed to be based on his own report—which it was.

If this Bill contains anything which the Government does not support, I would like to know about it, because it is based on the Government's own report, not my report. I did not draw up this Bill; it was drawn up by the Government. It is the Government's Bill and, if any attempt is made by the Government to water down FOI principles through another Bill to ensure that we do not get freedom of information that is affordable by the public, it will be amended to ensure that it fits in with the guidelines laid down by this Government and with the desire of the community for information.

The Government will not restrict information by making it too expensive, if that is what it has in mind. Everybody knows that in the initial stages FOI will be expensive because the Government is not set up for it. It has never had to give information, so information will be difficult to obtain in the early stages. However, gradually the Sir Humphreys of this world will get used to it and will provide information systems in such a way that they will be able to give information.

All this will change, but in the initial stages there will be a cost. That cost will be greater now because from 1983 to the present enormous amounts of information have been stuck away in the most inappropriate manner. In the past, if people wanted to seek information, the Government has not had to bother because it has always been able to say, 'Sorry, we are not going to give it to you.' That day is almost over, and I trust that the Government will change its mind between now and when this Bill reaches the other place and support it. If the Government has any problems, I will accept amendments, but not amendments that water down the principles involved or add to the cost to make it impossible for people to obtain information.

Clause passed.

Remaining clauses (2 to 67), schedule and title passed.

Bill read a third time and passed.

ACTS INTERPRETATION ACT AMENDMENT BILL

The Hon. Anne Levy, on behalf of the **Hon. C.J. SUMNER (Attorney-General),** obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act 1915.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

It makes several amendments to the Acts Interpretation Act 1915. Firstly, it widens the definition of 'statutory instrument' so that definition includes any instrument of a legislative character made or in force under an Act. This is intended to ensure that section 16 of the Act especially and all other relevant provisions of the Act apply to instruments such as proclamations or ministerial notices.

Secondly, proposed new section 14ba replaces and widens section 14b (2) so that the provision applies as well to an Act other than a South Australian Act and to a reference to a part or provision of an Act made in the same Act. The latter change ensures that a provision in an Act requiring something to be done in accordance with another part of that Act would also require compliance with regulations, etc., made under or relating to that part.

Thirdly, section 40 is amended to provide that where an Act provides for the making of regulations, the regulations may, unless the contrary intention appears, apply, adopt or incorporate with or without modification the provisions of any Act, or any statutory instrument, as in force from time to time, or as in force at a specified time or any material contained in any other instrument or writing as in force or existing when the regulations take effect or as in force or existing at a specified prior time.

At present regulations cannot be made requiring, for example, compliance with an Australian standard or code, unless the Act under which the regulations are to be made contains a specific enabling power allowing this to be done. This amendment, which is similar to section 49a of the Commonwealth Acts Interpretation Act, eliminates the need to amend Acts on an individual basis when it is desirable to make regulations requiring compliance with Australian standards and such like. The amendment only allows regulations to refer to a current standard. The question whether regulations may refer to a standard etc. as in force from time to time is left to be examined by the Parliament on a case by case basis. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 3 of the principal Act which contains definitions of various terms for the purposes of the Acts Interpretation Act and other Acts. The definition of 'statutory instrument' is widened so that it also includes any instrument of a legislative character made or in force under an Act.

Clause 3 makes an amendment that is consequential to the new section 14ba proposed by clause 4.

Clause 4 inserts a new section 14ba which provides that a reference in an Act to some other Act (whether or not a South Australian Act) includes, unless the contrary intention appears, reference to statutory instruments made or in force under that other Act. The proposed new section also provides, that a reference in an Act to a Part or a provision of the same Act or any other Act (whether or not a South Australian Act) includes, unless the contrary intention appears, a reference to statutory instruments made or in force under the Act or that other Act in so far as they are relevant to that Part or provision. Clause 5 inserts a new section 40. The proposed new section provides that a matter may be provided for by regulations, rules or by-laws by applying, adopting or incorporating, with or without modification—

(a) the provisions of any Act or statutory instrument as in force from time to time or as in force at a specified time;

or

(b) any material contained in any other writing as in force or existing when the regulations, rules or by-laws are made or at a specified prior time.

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

JAMES BROWN MEMORIAL TRUST INCORPORATION BILL

The Hon. Anne Levy, on behalf of the **Hon. C.J. SUMNER (Attorney-General),** obtained leave and introduced a Bill for an Act to provide for the continued operation of the James Brown Memorial Trust: to revise the powers and functions of the Trust; to repeal the James Brown Memorial Trust Incorporation Act 1894; and for other purposes.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

This Bill seeks to broaden the objects upon which the trust operates so that the trust is permitted to extend its operations to provide care for the aged and infirm or those in need of charitable assistance regardless of their financial position. Currently, the trust is limited to providing for the poor and destitute or those persons suffering from lung diseases.

The James Brown Memorial Trust Act ('the Act') was established in 1894 following an application to the Supreme Court for construction of the will of Jessie Brown. The principal purpose of the Act was to enlarge the categories of the poor who could be assisted and to make specific provision in respect of persons suffering from lung disease.

The trust has owned land at Belair since 1894 which first operated as the site for a sanitorium for the treatment of sufferers of tuberculosis; then from 1967 as Kalyra Hospital; and arrangements are now under way to operate the premises as a nursing home.

In 1893 Estcourt House at Tennyson was acquired by the trust for the treatment of crippled children. In 1955, Estcourt House was sold to the Children's Hospital. Further, the trust has operated hostel accommodation and 'pensioner flats' in various suburbs.

Amendments to the Act were requested in order that the trust may extend its operations to provide care for the aged and infirm, those who lack sufficient means or persons who are otherwise in need of charitable assistance.

After consultation with solicitors acting for the trust, it was agreed to include the following further provisions:

(a) a presumption that a testator intended to benefit the trust if the institution to which the benefit was left was owned or operated by the trust at the time of execution of the will or when the will takes effect;

(b) the retrospective validation of acts or omissions of the trust which are authorised by the Bill;

(c) the ability of the trust to amend its provisions, upon the approval of the Attorney-General.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the repeal of the James Brown Memorial Trust Incorporation Act 1894.

Clause 3 sets out the various definitions that are to apply under the Act.

Clause 4 provides for the continued existence of the Trust as a body corporate. Those persons who are the trustees of the Trust immediately before the commencement of the new Act will continue as trustees. The Declaration of Trust provides for the appointment of new trustees (as required).

Clause 5, which is similar to section 6 of the existing Act, allows the Trust, or any two trustees, to apply to the Supreme Court for advice or direction as to matters affecting the Trust.

Clause 6 provides that an act or proceeding of the Trust or of any committee of the Trust is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Clause 7 provides that the Declaration of Trust supersedes all trusts created by or under the existing Act, or under the last will and testament of Jessie Brown, deceased.

Clause 8 relates to the construction of certain instruments. The provision is intended to operate in cases where property is given for the benefit of an institution owned or operated by the Trust. In such cases, the property will be taken, subject to any order or direction of the Supreme Court, to have been given for the benefit of the Trust.

Clause 9 is intended to validate certain acts or omissions of the Trust that may have been performed or made before the commencement of the new Act.

Clause 10 will allow the Trust to amend the Declaration of Trust with the approval of the Attorney-General.

The schedule sets out the Declaration of Trust for the James Brown Memorial Trust. The Declaration sets out, amongst other things, the Trust purposes, the powers of the Trust and the proceedings to be followed by the trustees.

The Hon. J.C. BURDETT secured the adjournment of the debate.

RATES AND LAND TAX REMISSION ACT AMENDMENT BILL

Second reading.

The Hon. ANNE LEVY (Minister of Local Government): I move:

That this Bill be now read a second time.

The Rates and Land Tax Remission Act 1986 provides for a remission of 60 per cent of the charge, subject to a ceiling. This Bill permits the Government to give effect to a commitment made prior to the election to give further assistance to eligible pensioners paying water and sewerage rates. The parameters for remission are fixed in the Bill and must be amended each time a modification is required. This Bill provides for these parameters to be set by proclamation by the Governor in Executive Council. This will allow Governments to respond quickly to future needs of the elderly in the area of rates remission.

Following the legislation's passage through Parliament, it is proposed that a proclamation will be made to provide all pensioners eligible for a 60 per cent concession with an increase in their remissions of $10 for water and $10 for sewerage, subject to a maximum monetary level. In addition the maximum monetary level of remissions for water and sewerage rates will be increased from $75 each to $85 each.

In some cases eligible pensioners are not entitled to a full 60 per cent remission, but rather, some proportion of that percentage. The proclamation will formalise the continuance of that current practice and provide for pensioners who receive a proportional percentage of the 60 per cent remission to also receive the relevant portion of the $10 increases. The effective date of this increase will be 1 January 1990. Adjustments to eligible pensioners' remissions will be incorporated in the fourth quarter's water and sewerage rates accounts of this financial year. 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 be taken to have come into operation on 1 January 1990.

Clause 3 removes the definition of 'the prescribed sum' which fixes the ceilings for remissions of the various rates. This amendment is consequential to the amendment proposed for section 4.

Clause 4 amends section 4 of the principal Act which sets out the method of calculating the amount of remissions. The clause strikes out subsections (2) and (3). Subsection (2) currently fixes the amount of the remission as the least of—

(a) three-fifths of the rates otherwise payable by the ratepayer in respect of his or her principal place of residence;

(b) where the ratepayer is liable for payment of such rates jointly with another person who is not his or her spouse and is not entitled to a remission in respect of the rates—such lesser proportion as the Minister thinks fit; or

(c) in relation to certain rates (basically water and sewerage rates), $75, or, in relation to land tax or general and separate rates under the Local Government Act, $150.

The clause replaces this provision with a provision under which the amount, or method of determining the amount, of remission in relation to specified rates is to be fixed by the Governor by proclamation.

A further provision (a proposed new subsection (3)) provides that any such proclamation, or a notice under subsection (1) declaring the criteria for entitlement to remission, may leave a matter to be determined at the discretion of the Minister and may fix the date that the proclamation or notice has effect, which may include an earlier or later date than the date on which it is published in the *Gazette*. The clause inserts a further new provision providing for the entitlement to remission by reference to the criteria fixed by notice and the amount, or method of determining the amount, of remission fixed by proclamation.

Clause 5 removes schedules 2 and 3 to the principal Act. These schedules are not required in view of the scheme for fixing the amount of remission by proclamation.

The Hon. J.F. STEFANI secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 566.)

The Hon. K.T. GRIFFIN: My colleague, the Hon. Legh Davis, has the conduct of this Bill, but there are just a few observations that I want to make on some aspects of the Bill. I have not had an opportunity to give it as close a scrutiny as I would have liked because of the fact that there have been so many Bills floating around and one cannot do everything.

It is quite obvious that this Bill has a generally desirable objective. It is not likely to be political in a partisan sense, and one can expect it to go through without too many problems. However, there are just a few issues which have been raised with me, and probably the best way to handle this is to read into *Hansard* a report which the Law Society has made and which I understand has not been received by the Government, although I am happy to make a copy available to facilitate consideration. The report is from the Property Committee of the Law Society and it was received only a few days ago. The report states:

The purpose of the Bill is to amend the Act and associated legislation to enable the computerisation of the Register Book. I see no objection to the proposal in principle. Its many advantages are obvious. Accordingly, in this report I will only deal with details of the proposal which appear to me to require comment or further consideration.

Two of the advantages of the proposal set out in the accompanying report are that greater security of the register will be achieved and it will allow remote access to the register by persons wishing to search the register. Computer 'hackers' have gained access to computers which were thought to be inviolable and caused substantial damage either by manipulation of the information stored or by garbling the information or the computer program itself. Remote access should only be available if the integrity of the register can be absolutely guaranteed. In my opinion parts of the Bill are poorly expressed. For example:

(a) Division I of Part V is intended only to apply to titles in the existing Register Book but, the provision, in new section 51b *(a)*, that the term 'Register Book' includes the computerised records makes Division I apply to titles in these records.

(b) Section 51b refers to the Registrar-General being 'required by this or any other Act or any other law to register title to land or record any other information'. The Act requires him to issue certificates of title for land and to make entries in the Register Book. By contrast, correct terminology is used in subclauses *(e)* and *(f)* of section 51b.

Clause 11: (1) Under section 51b information relating to certificates of title in the existing Register Book could be recorded on the computer while the existing certificate is retained. This would be most unsatisfactory. The section should make it clear that, if any information relating to a certificate is recorded on the computer, the existing certificate must be cancelled and all information recorded on the computer. I believe this is the intention, but the Act should say so.

(2) The terms 'certificate' and 'certificate of title' in the present Act means the certificate of title issued under the Act. The terms generally refer to both the original and the duplicate certificate but may occasionally refer to the original alone. It is suggested that section 51b *(b)* be altered to read 'the terms "certificate" and "certificate of title" will be taken to mean the records maintained by the Registrar-General pursuant to this section and, except where the context otherwise requires, the duplicate certificate of title'.

(3) The certificate of title to be issued under section 51c will be the equivalent of the existing duplicate certificate of title. I suggest that it be called by this name throughout the Bill to avoid confusion.

(4) If the Registrar-General is required by law to make an entry on the duplicate certificate of title, he should either do this or issue a new duplicate certificate of title. This is not the effect of section 51b *(f)* which only requires the Registrar-General to cancel the certificate and issue a new certificate if he thinks it necessary or desirable; it does not require him to make an entry on the duplicate certificate if he does not issue a new duplicate. This clause could be deleted because the Registrar-General has the power to issue a new duplicate certificate under section 51c (2).

(5) In section 51c (1) 'registered' should be inserted before 'proprietor' and 'proprietors'.

Clause 14: Section 53 should not be repealed. It should be retained as part of Divison I. There is nothing in the Bill that makes it no longer necessary to enter memorials on the duplicates of titles in the existing Register Book.

Clause 31: Section 189 should not be repealed although it could be amended by deleting the expression 'alter any entry in the Register Book' to 'enter in the Register Book any change or correction'. This section is more appropriate for these purposes than updating information under the amendment proposed in clause 32.

Clause 32: The proviso to section 220 (4) is no longer appropriate but it should be amended, not struck out. It is important that the nature of any change made in the Register Book, and the date the change is made, be on permanent record. The brackets in lines 1 and 2 of section 51d and in lines 2 and 3 of section 38 should be struck out. The word 'record' should be deleted and 'enter' substituted in clause 29.

That is the submission from the Law Society. I tend to agree with some of the observations which it makes but, obviously, those who have been much more involved with the development of the Bill and understand how the whole system is to operate would be in a much better position to be able to make a judgment on the issues that are raised in that submission. However, I commend it to the Minister for a considered reply.

I want to draw attention to several other aspects which were not considered by the Law Society or which may be considered in a different context. I raise these questions now, although I suppose it would be more appropriate to do it during the Committee stage. At least if I mention them now, it gives the Minister and her advisers an opportunity to consider those matters and, thus, expedite the Committee consideration of the Bill.

Clause 9 deals with the requirements of a memorial and refers specifically to section 51 of the principal Act, which provides that every memorial entered in the Register Book must state not only the nature of the instrument but the

day and the hour of the production of the instrument for registration. This clause seeks to delete the reference to the day and hour of the production of the instrument for registration.

What I am not clear on is how the question of priority is to be determined. As I see it, the recording of the day and hour of the production of the instrument for registration is an integral part of the determination of priorities. It may be that I have overlooked some other provision of the Bill which addresses that issue. If the day and hour of the production of the instrument for registration is not to be recorded, I would like some clarification of how the question of priority is to be resolved.

Clause 11 seeks to insert new section 51b. The Law Society has referred to that, particularly paragraphs *(b)* (ii) and *(d)* where there seems to be an overlap, as the Law Society indicated, between the definition of 'certificate' or 'certificate of title' and a 'duplicate certificate' or 'duplicate certificate of title'. It seems to me that there is confusion because 'duplicate certificate' or 'duplicate certificate of title' is also to mean 'certificate' and, as I understand, that is the actual certificate of title issued by the Registrar and retained in the office of the Registrar-General. In my view, there is confusion between those definitions, and that confusion ought to be clarified.

Still within clause 11, proposed new section 51d deals with certain evidentiary matters. It provides that, subject to the Act, the statement that has been certified by the Registrar-General of title to land or to any estate or interest in land recorded by the Registrar-General under this division must be accepted in legal proceedings as conclusive evidence of title to land or to any estate or interest in land. I may be missing something in that paragraph, but it is not clear to me what a statement of title to land might be. Does it refer to a statement that an estate in leasehold exists? Does it refer to a statement that an estate in fee simple exists or is it intended to go further and be a statement that a particular person holds a particular interest in land or is the registered proprietor in fee simple?

The way this is drafted is not clear and it is important that it be clarified because, whatever that statement is to be, it is to be conclusive evidence of title. If it is to be a statement that a particular person has a particular estate or interest and that statement is conclusive evidence of that fact, that will then preclude a person who might be seeking a declaration from the Supreme Court, for example, that a lease is invalid or was improperly granted. It could be challenging that estate or interest. Yet, under this evidentiary provision, it seems to me that, if the Registrar issues a statement of the interest and if it is to extend to the sort of interest that I have just referred to, it precludes the right of any person challenging the interest to be able to do so. That suggests that there needs to be some clarification of the actual statement which is envisaged to be given under proposed new section 51d. I can understand paragraph *(b)* of subsection (1)—no-one can quibble with that—but I do not think that paragraph *(a)* is clear, and I would certainly like some clarification of it.

Clause 13 deals with proposed new section 52 and relates to my earlier comments about clause 9, which deals with section 51. All that the Registrar-General has to do is endorse the date of registration on the instrument. Endorsement must be accepted in legal proceedings as conclusive evidence of the date of registration. It raises the same question about the determination of priorities, particularly with securities, where it is important to know which was registered first in some instances.

If only the date is on it and not the time, it seems to me that it raises a number of difficulties for those who rely upon the register to determine priority. Clause 14 deals with the retention of records. It relates particularly to section 53 of the principal Act and it provides that, once information has been recorded by the Registrar-General, the Registrar-General must retain it in the form in which it was originally registered or in some other form.

Does that suggest that the Registrar-General can destroy instruments and not retain instruments? If the requirement is to retain it in a form in which it was originally registered, that requires, of course, the retention of the original instrument but an alternative is provided and implicit in that is that the Registrar-General can perhaps make a microfilm copy or even put the data into a computer and destroy the original. I have some concern about that because any copy will not necessarily retain the exact format of the original document. That is important in some cases (and they may be remote) where forgery is alleged and it is necessary to have the original document for scrutiny perhaps by handwriting experts who can then give expert evidence on that document. What I would like to know is what is envisaged by the amendment to section 53?

Clause 15 deals with section 54 of the principal Act. It allows instruments to be in a form approved by the Registrar-General. There was some debate in the House of Assembly about the way in which that approval would be signified. It was not clear to me what the result of that debate had been. I would like to ascertain the way in which that approval is likely to be given to particular forms and the way in which it is to be recorded for the purpose not only of those who practise in the areas of land brokering, real estate or law but also for the general public.

Clause 32 relates to section 220 of the Bill and deals with the power of the Registrar-General. The area of concern is paragraph *(b)* which deletes from subsection (4) a proviso which presently either validates or authenticates correction of any error. The Registrar-General can correct errors. Presently, the correction of any error is controlled by the proviso that, in the correction of any error, the Registrar-General should not erase or render illegible the original words and should affix the date on which such correction was made or entry supplied, and his initials. This raises two questions: first, what record is to be kept of the material which has been corrected—that is, the original form of it? It may be relevant in some instances where a landbroker, legal practitioner or even a party alters an instrument and initials it but not all parties have in fact authorised that correction to be made. The person who certifies the instrument is ordinarily permitted to do that.

There may be a dispute by one of the parties that the person making the correction was authorised to do so. If the original words are erased (for example, if they are on a computer) and the correction is made but no record is kept of the original, whilst it will not affect the integrity of the register, it may affect the relationship between parties. I would like to know how that aspect is to be managed. The other aspect is that if corrections are made through a computer, how are those corrections to be validated or authenticated? There does not seem to be any provision in the legislation which would provide at least some safeguard against improper or unauthorised corrections. There probably needs to be something to ensure that protection is given and is able to be established.

Under clause 32 *(d)* the Registrar-General may destroy duplicate certificates of title that have been cancelled. In the light of the definitions in the new section 51b, one has to ask the question whether the duplicate certificate of title,

being defined as the certificate of title issued under the seal of the Registrar-General in respect of the land, can also mean the certificate of title issued and retained in the Lands Titles Office. If by using those definitions one can interpret that to mean destruction of the original certificate of title (even though this refers to duplicate certificates of title, the definition can extend it to the original certificate of title), that needs some clarification. I would have thought that no original certificates ought to be destroyed if only for archival and historical purposes. I am not sure what is envisaged by that and it ought to be clarified.

I have a concern about clause 37, which relates to section 233 of the principal Act. Section 233 deals with fraudulent acts and the new provision seeks to create an offence of fraudulently altering or causing to be altered an original certificate of title or record made by the Registrar-General by an electronic, electromagnetic, optical or photographic process under Division 2 of Part V or a certificate of title issued under that Division. I am not satisfied that would allow a prosecution of somebody, such as a computer hacker, who is playing around with the system, not doing it fraudulently but simply playing around with the system for fun, creating mischief but for no personal gain or reward.

I urge that there be some consideration of the scope of that offence that is created, to ensure that that is adequately covered. I know that there is an offence under the Summary Offences Act to deal with computer hacking, but I do not think this is adequate for this. The integrity of the system is critical and, for that reason, there ought to be a broad enough range of offences to deal with those who hack into a system, even those who plant a virus. I do not think that, for example, a person who has put a virus into a system would necessarily be able to be convicted on the basis of a fraudulent altering or causing the record to be altered. I would like that to be examined.

On a broader note, I would also like the Minister to give some explanation of the way in which the Government proposes to deal with the threat of computer virus, which could threaten the integrity of the whole system, and also the way in which it is proposing to ensure that there is adequate security for the system generally, so that, apart from the criminal sanctions, there is sufficient technology available to ensure its integrity. That is probably the critical issue in the whole area of computerisation of these sorts of records.

The other aspect of clause 37 is the penalty, and I understand some consideration is being given to increasing the penalties to impose an adequate deterrent against manipulation of the system, which is basic to the whole land tenure system of South Australia. I must say that I am somewhat nervous about it because of what little I know about the problems of computerisation, to the extent that they can be manipulated. But, if the Minister can give some considered response to the matters I have raised and an explanation of how the system is to be protected, that would certainly be helpful. The only other matter I want to raise is that, on the LOT system, when one gets a printout under LOTS, there is always a little bit on the bottom saying that 'the information on this printout is not guaranteed by the Government'. One can understand that because it is not necessarily all up to date. I would not expect that such disclaimer or reservation would be included in relation to the register because then, of course, the whole concept would be fatally flawed. However, I would like some confirmation from the Minister that that definitely is the position. Subject to those matters and maybe one or two others that will be raised in Committee, I am happy to support the second reading.

The Hon. ANNE LEVY (Minister of Local Government): The honourable member has raised numerous questions in his contribution to this debate. I have answers to some of the matters that he has raised as they are similar to those raised in relation to this Bill when it was debated in another place. However, he has raised other matters that have not previously been brought to the attention of the Minister or her officers. In view of that, I seek leave to conclude my remarks with the intention of providing answers tomorrow after due consideration of those issues and with the hope that the Committee stage of the Bill will thereby proceed more rapidly. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 6 to 7.45 p.m.*]

STRATA TITLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 568.)

The Hon. C.J. SUMNER (Attorney-General): I thank the Opposition for its support of this Bill. The Hon. Mr Griffin has raised several points. He stated that the fees that may be charged for providing information are not adequate to cover the cost of providing a copy of an insurance policy. In response, I state that when the Bill is passed I will consult with interested parties on what changes, if any, need to be made to the fees that can be charged.

It is alleged that there is no provision for staging of strata title schemes. As the honourable member is aware, the staging of strata schemes is a complex question. The provisions in the Act relating to amalgamation of schemes and amendments of plans have gone some way to facilitating staged development, but I agree that another look should be taken at the question.

The honourable member is concerned that structural alterations will be able to be made in accordance with any provision in the articles. The concern is that a simple majority of unit holders may be able to dictate structural alterations. Any amendments to the articles must be made by a special majority (section 19) so that whatever provisions the articles contain relating to structural alterations can only be put in or altered by a special majority.

In relation to clause 3 *(b)*, the Hon. Mr Griffin alleges that the word 'encumbrance' is used in paragraph *(f)* in a different sense than as it is defined in section 3. Section 3 (1) provides that the words 'defined therein' have the defined meaning unless the contrary intention appears. It is clear that in the definition of 'statutory encumbrance' in clause 3 *(b)* the word 'encumbrance' is not being used in the sense in which it is defined in the definition of 'encumbrance'.

Regarding clause 6 *(a)*, it is suggested that it is not clear whether the consents referred to must be obtained both where the Registrar-General acts on the application of the registered proprietor and on his own initiative or only where he acts on his own initiative. My response is that it is quite clear that the consents are required in both cases.

The honourable member suggested that, to be consistent with the real Property Act, section 8 (5) should refer to the 'dominant land' and the 'servient land' and the 'registered proprietors'. 'Tenement' was the word originally used in section 8 (5) and this has not created any problems. 'Registered proprietor' is the correct description.

In relation to clause 11, it is alleged that section 17a should state how an objection is lodged by a person who is

given notice under subsection 1 *(c)*. New section 17a (1) *(c)* (ii) requires the applicant to comply with the notice requirements under subsection (2). Subsection (2) *(a)* requires a notice to be posted, to the person whose consent is required, containing the prescribed information. The prescribed information will include how objection is to be lodged by a person given notice under subsection (1) *(c)*.

It was also suggested that planning consent seems unnecessary for the discharge or variation of an easement under section 17b (5). this provision is consistent with section 223*lo* (5) and (6) of the Real Property Act. It may be that section 223*lo* needs looking at and, if that is to be amended, this provision should be amended similarly.

The honourable member asked what was the effect of clause 19 *(a)*. This provision is exhortary rather than anything else. If the honourable member has any proposals to amend it I will be happy to look at them.

In relation to clause 19 *(d)*, it is suggested that 'seven' should be changed to 'six' to ensure that a meeting can be adjourned to the same day in the next week. The effect of this provision is to allow a meeting to be adjourned to the same day in the next week.

The honourable member sugests that clause 20 *(c)* should provide that a ballot 'must' be taken, not 'will' be taken. I point out that the use of 'will' is current drafting style.

In relation to clause 11, it is alleged that there appears to be no provision to allow the application to be registered unless the duplicate certificate of title which is held by the person whose whereabouts is unknown accompanies the application. The Registrar-General has considered this point and agrees that an amendment is needed. I will be moving an appropriate amendment.

It is alleged that problems will be created by older homes being incorporated into new strata developments. As the honourable member points out, sections 5 (5), 19, 27 (3) and 28 can be used to establish an equitable arrangement. Councils also have a part to play in that they can under section 14 (8) refuse an application if they consider that any building shown on a strata plan is not structurally sound or is not in good condition. I understand some councils monitor this more closely than others.

In relation to clause 8 concern is expressed that section 14 subsections (4) and (7) may be used to prevent the issue of strata plans when planning requirements have changed since the buildings were erected. Section 14 subsections (4) and (7) ensure that strata titles will be issued if the development conforms in current planning requirements. The Strata Titles Act does not say anything about developments that do not comply with current planning requirements. That is left to the Planning Act and that is where it should be left.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—'Insertion of new Division.'

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

Page 5, line 42, after 'consent' insert ', and, notwithstanding The Real Property Act 1886, the Registrar-General may, if he or she thinks fit, dispense with the requirement that a duplicate certificate of title be produced for the purpose of any dealing to which the person's consent is taken to have been given if the duplicate certificate of title would normally be produced by that person.'

This amendment will overcome the problem identified by the Hon. Mr Griffin that, when the whereabouts of the holder of a duplicate certificate of title cannot be found, the duplicate certificate will not be available to accompany the application.

Amendment carried.

The Hon. K.T. GRIFFIN: When the Attorney-General was responding in relation to clause 11, I missed the preamble to the comment that the form of and the procedure for objection would be prescribed. Can he reiterate what he said in relation to that?

The Hon. C.J. SUMNER: My response on clause 11 was that new section 17a (1) *(c)* (ii) requires the applicant to comply with the notice requirements under subsection 2. Subsection 2 *(a)* requires a notice to be posted to the person whose consent is required containing the prescribed information. The prescribed information will include how objection is to be lodged by a person given notice under subsection 1 *(c)*.

Clause as amended passed.

Clauses 12 to 15 passed.

Clause 16—'Alterations and additions.'

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

Page 7, lines 16 and 17, leave out all words in these lines.

I took the point, when the Attorney-General was responding, that it is possible to amend the articles by special resolution of the unit holders, so it is possible that some other form might be approved for carrying out prescribed work. However, it does not address the issue where initially a majority of two-thirds of the units, or all the units for that matter, may be held by one person or body corporate. The articles, right from the start, of a strata corporation can be so devised as to provide for something less than a special resolution of the unit holders to authorise structural work.

It seemed to me that it was preferable to retain the requirement for a special resolution rather than to allow the sort of variation to which I have referred at an earlier stage and which is then more difficult for subsequent unit holders to amend. I think there is a protection in a special resolution. Nothing that I have heard so far would suggest that anything less than a special resolution ought to be the requirement for the authorisation of structural work.

I agree that a unanimous resolution is very difficult and can create problems for unit holders in general where possibly one recalcitrant unit holder who, for no reasonable cause, objects. A special resolution provides for that possibility and I think that ought to be adequate. That is why I am moving to leave out that provision which may provide some authorisation under the articles of a strata corporation.

The Hon. C.J. SUMNER: I understand the point that the honourable member is making with respect to this matter, but my advice is that the provision that he wishes to have deleted was inserted in the Bill at the request of the Strata Title Managers Institute and the Standing Committee of Conveyancers. That was because of the difficulties that had obtained previously with getting alterations to a plan to enable prescribed work to be carried out.

The clause assists that process to some extent by providing that the work can be carried out where it is approved by a special resolution of the strata corporation. However, the additional flexibility was requested by those organisations so that the articles of the strata corporation could authorise the carrying out of any prescribed work. The reason for that is that in large-scale commercial developments particularly, which is what this subclause was inserted to deal with, there may be difficulties in getting the number of members along to deal with a special resolution.

In effect, carrying out any prescribed work could be stymied by the fact that there was insufficient interest in getting the work done and in getting sufficient people along to vote on a special resolution. This is unlikely to be a problem in residential areas, but it may be a problem in commercial developments. For instance, one can refer to strata titled car parks or other large strata developments for commercial

purposes where there may be 300 or 400 strata holders in the one strata plan.

Providing that the work can be carried out either as authorised under the articles of the strata corporation or by a special resolution of the strata corporation is designed to give greater flexibility, particularly in the case of commercial developments, in the subclause dealing with articles of the strata corporation. That is the argument that has been put to the Government, which the Government accepted, in including this provision in the Bill, and, despite the comments of the Hon. Mr Griffin, the Government sees no reason to amend them.

The Hon. K.T. GRIFFIN: Did those bodies make any distinction between commercial and residential developments? It seems to me that we have imported into the principal Act and this Bill distinctions between residential developments and non-residential developments, that there is an argument for more flexibility with commercial developments and that residential developments are much more sensitive to pressures from unit holders. If one were to have a situation where, by a simple majority, prescribed work can be undertaken in a residential development which could incur considerable costs to the various unit holders that may well become a source of hardship and some anxiety—but not so much at the non-residential level of development.

What I am really seeking to do is to ensure that there is protection against the sort of situation—which may be rare—where strata units are erected, they are all in the hands of one person or body, that the articles are so prepared that something less than a special resolution is required to enable prescribed work to be undertaken, and those who have purchased those units of a residential nature may find themselves at a later stage at the mercy of a mere handful of unit holders when it comes to prescribed work. We must remember that prescribed work is the erection, alteration, demolition or removal of a building or structure, and the alteration of the external appearance of a building or structure. Has any consideration been given to distinguishing between the two sorts of developments? Has any consideration been given to the sort of problem to which I have referred?

The Hon. C.J. SUMNER: The organisations to which I referred earlier did not make any distinction between commercial and residential circumstances, but I am advised that the concern that arose with them that led to their suggested amendments related to, in particular, large-scale commercial ventures. So, the Government has no objection to amending this clause—in a slightly different way from the Hon. Mr Griffin—by providing that the articles of the strata corporation may authorise prescribed work in the case of non-residential corporations, but that with respect to either commercial or residential a special resolution of the strata corporation could be provided for. The very efficient Parliamentary Counsel has prepared an amendment which I have now made available to the Hon. Mr Griffin and to be tabled. I think that it is satisfactory and meets the honourable member's problems.

The Hon. K.T. GRIFFIN: I applaud the speed with which Parliamentary Counsel has moved. It does meet the concern which I have expressed. Therefore, I seek leave to withdraw my amendment, and I indicate that I support the Attorney-General's alternative.

Leave granted; amendment withdrawn.

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

Page 7—

Line 16—After '*(a)*' insert 'where all of the units comprised in the strata scheme consist of non-residential premises,'

Line 18—After '*(b)*' insert 'in any case,'.

Amendments carried; clause as amended passed.

Clauses 17 to 24 passed.

Clause 25—'Body corporate may act as officer, etc.'

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

Page 10—

Lines 4 and 5— Leave out 'If any unit comprised in the relevant strata scheme consists of residential premises,' and substitute 'Subject to subsection (2b),'

After line 6—

Insert new subsection as follows:

(2b) Subsection (2a) does not apply—

(a) if all of the uits comprised in the relevant strata scheme consist of non-residential premises;

(b) if the body corporate is the South Australian Housing Trust;

or

(c) in any other case prescribed by regulation.

This amendment will allow Housing Trust tenants to participate in the management of strata corporations. The Act was amended in 1989 to provide that where a unit holder is a body corporate the body corporate is eligible to hold the office of presiding officer, secretary or treasurer of the strata corporation, or to be a member of the management committee. It was further provided that the body corporate could appoint a person to perform on its behalf any function that is conferred on the body corporate by virtue of the appointment.

The Real Estate Institute is concerned that this provision allowed the appointment of persons without a direct interest in the units to be involved in the management of the coporation. The Bill as introduced accordingly limits, where the strata scheme consists of residential premises, the person to be appointed by the corporation to the director, manager, secretary or other officer of the body corporate. Housing Trust tenants have a long term interest in their housing and the trust's policy is to involve its tenants in the management of their accommodation. The trust currently owns nearly 200 strata units. Since the Act was amended in 1989, trust tenants have successfully become involved in the management of strata corporations and the trust is concerned that this should continue. Accordingly, I propose that Clause 25 be amended so that Housing Trust tenants may participate in the management of strata corporations.

Amendments carried; clause as amended passed.

Remaining clauses (26 to 28) and title passed.

Bill read a third time and passed.

EQUAL OPPORTUNITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 574.)

The Hon. DIANA LAIDLAW: I support the second reading of this Bill and commend the Hon. Mr Davis for his remarks on the provisions of the Bill. I consider that he did a fine job, because the issue is not an easy one. I say that with some understanding of the vexed issue of age discrimination, having addressed this matter myself with three private member's Bills over some time, commencing on 23 March 1988. Since that time, considerable efforts have been made Australia wide to address the issue of age discrimination and I am interested to note that New South Wales, Western Australia and Victoria have not only produced quite comprehensive reports on the subject but appear to be pursuing legislation. In addition, the Human Rights Commission has recommended that this need for age discrimination legislation be addressed at the national level.

In the meantime, the Government brought out a task force report on this matter and introduced a Bill in October, prior to the election. Now this Bill is before the Council. However, age discrimination legislation is not new overseas.

It has operated in the United States of America for some 23 years and in Canada for a slightly shorter time. I know that the International Labour Organisation is keen to push for age discrimination legislation internationally and that the United Nations is looking at similar initiatives as part of an international year on the ageing in a few years time.

This evening, I have a few comments to make about various provisions in the Bill. I do not intend to speak for long because I have canvassed my strong feeling in relation to the issue of age discrimination on three occasions, so I will not go over the general comments at this time. I make reference to the commencement of the legislation, which the Government is suggesting be fixed by proclamation, as is standard. During my extensive discussions with employers over some years, I know that they have sought some delay in the implementation of the wide-ranging measures in relation to age discrimination in successive equal opportunity Bills. They have been very concerned to ensure that the concept is understood if it is to be forced on them by legislation.

They are equally anxious that, at a time when business is under considerable financial pressure and involved in measures such as award restructuring and the like, if age discrimination legislation is to be imposed upon them they would like a staggered implementation period. As the impact of the provisions of this Bill will probably have most effect in the employment area, I point out that the Liberal Party has always been sympathetic to the employers' concerns in that regard and the Bills that I introduced sought, like the Federal Government's affirmative action legislation, to have a staged introduction. I would be interested to hear the Attorney-General's comments on that possibility at the conclusion of the second reading debate or in Committee.

I am aware that employers are upset by the prospect of this Bill. Their arguments have been presented very forcefully to me on three occasions and, in relation to this Bill, the Liberal Party's shadow Minister on employment and industrial relations has received equally strong representations. However, I do not believe that those representations have warranted any backdown on my resolve or that of the Liberal Party to move for age discrimination legislation but, having determined that we will move in this area, I believe that we should seek to accommodate employers in the introduction of this measure.

The other issue that I want to make reference to concerns exemptions, most of which reflect the provisions that I have placed in successive Bills. However, I notice that proposed new section 85f(4) refers to the fact that this division will not render unlawful an Act done in order to comply with the requirements of an award or an industrial agreement made or approved under the Industrial Conciliation and Arbitration Act 1972. This provision has generated some concern among employers, in particular, who fear that it will lead to the elimination of junior wages. It is my own view, which I have expressed in the past, that, in time, junior wages will disappear from the system, particularly when we are trying to introduce more flexibility into awards and greater productivity.

The PRESIDENT: Order! There is too much audible conversation in the Chamber. The honourable Diana Laidlaw is on her feet.

The Hon. DIANA LAIDLAW: I am referring to the issue of junior wages. I believe that in time that distinction must go. It is important in days when we are seeking greater productivity and flexibility in our awards and employment arrangements in general that wages should be set whereby people of any age, if they are training, do receive a lower wage in respect of that training component but that such wages should not be placed on an arbitrary basis of age. That is a personal view, having done so much work over many years with older people seeking to re-enter the workforce. A lot of men, over time, have lost their jobs and seek retraining in order to re-enter the workforce. It is important that they have an opportunity to be retrained and to enter training schemes. There is considerable resistance by many employers to take on such people for retraining because they must pay them full adult wages while they are retraining and not doing sufficient work to warrant that wage. My own view is that this issue of junior wages should disappear with time.

Section 85f(5) provides:

> This division does not render unlawful the imposition by a particular employer of a standard retiring age in respect of employment of a particular kind.

The Liberal Party policy federally seeks to eliminate the compulsory retirement age which is tied intricately with the Social Security Act, and therefore the provision of retirement and the pension for women aged 60 and men aged 65. The Liberal Party Federal policy in this regard is to phase out such arbitrary age limits by the year 2000 and seek to bring in a uniform pension age of 65 for men and women. This is certainly argued in the Social Security Review Issue Paper No. 6, which states:

> ... full equality cannot be achieved until labour force participation, superannuation coverage and greater income parity between men and women.

There is no doubt that the retirement age being tied to the Social Security Act provisions is a discriminatory feature. I applaud the move in our community to get rid of the standard retiring age.

However, I respect the difficulty of South Australia's moving alone at this time. Also there are considerable implications for business and for business adjustment, and there should be a delay in the enforcement of that provision. The Government recommends that it should not be unlawful for the imposition of a standard retiring age for at least two years after the commencement of this part of the Act.

The Liberal Party will be recommending that it should not be proclaimed for at least three years and that that should be by proclamation. We respect the Attorney-General's zeal overall, for uniformity in a whole range of areas and I suspect that he would endorse our views that on a subject such as this it is desirable that we do work on full uniformity in respect to the elimination of standard retiring age in our community.

The area of discrimination by associations on the ground of age is a new provision. It was not a matter addressed in the Bills that I brought before this Council. Some considerable difficulties have been raised with me about the provisions under this division and I will be pursuing those as will the Hon. Mr Davis during the Committee stage. Division IV discrimination in education is also a new provision.

I will make a few more comments on the Division V discrimination under statute. I find it particularly interesting to see the form of this Bill. One of the Government's original objections to my Bill, and also an objection from the Commissioner for Equal Opportunity, was that my Bill did not specifically refer to the Acts within this State that provided some reference to age. I have indicated to both the Commissioner and the Government in the past that it was completely beyond my capacity to go through every single Act in this State, and possibly every single regulation, to determine where there was a reference to age and then determine whether or not I believed that reference was valid.

I find it particularly interesting that the Government, with all its resources at hand, having had a task force look at

this issue of age discrimination for some 2½ years and having had a Bill in circulation for some four or five months, has also not provided reference to all those Acts. It also recommends that there be another two years after the commencement of this part for the Minister and the Government to prepare a report on those Acts of the State that provide for discrimination on the ground of age. I say without reservation that I quite resent the efforts of the Government in the past to denigrate the measures that I and the Liberal Party had introduced in this place on the basis that we had not done sufficient homework. We then find that this Bill is introduced and the Government, with all its resources at hand, requires another two years in which to complete the work that it demanded that the Liberal Party itself undertake.

In respect to discrimination under statute, I would ask the Attorney-General why it has been thought necessary that two years after the commencement of this part there must be a report on the Acts of the State that provide for discrimination on the ground of age and why no similar initiative has been made in respect to industrial awards. It is very important that an exercise is undertaken in this State to look at industrial awards and to identify initially where such industrial awards provide a reference to age and that further action be taken to determine whether those provisions in those industrial awards are valid. Perhaps within two years, as the Government has suggested in this Bill, there should be a report to this Parliament in relation to those matters with the potential for Governments to intervene or to pursue those matters further in the Industrial Court.

I believe, as the Hon. Mr Davis has outlined, that there is some confusion in relation to discrimination under statute and that there is a need for a non-derogation provision, as was provided in the legislation that I have introduced in the past. While I am not sure whether the Hon. Mr Davis's amendments have yet been circulated, I understand that he will be moving an important amendment in this regard to ensure that all of those Acts that provide some reference to age as part of South Australian statutes remain in force until this review has been undertaken by the Government. One further amendment—an amendment that has been included in earlier Bills moved by me—relates to vexatious and frivolous claims. This matter was first raised with me by the Employers Federation. As it is valid to include such a reference in this Bill, I am pleased that the Hon. Mr Davis has indicated that his amendments will include such a provision.

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

LIQUOR LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 March. Page 579.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. In the second reading explanation given by the Minister, on behalf of the Attorney, it was stated at the outset that this Bill amends the Liquor Licensing Act.

The Hon. C.J. Sumner: It was not given on behalf of the Attorney. Wake up to yourself.

The Hon. J.C BURDETT: It was on behalf of the Attorney. You did not give it.

The Hon. C.J. Sumner: It was not given by me; it is not my Bill. It was given by the Minister responsible—the Minister of Consumer Affairs. Catch up with the times.

The Hon. J.C. BURDETT: All right. The explanation given by the Minister states that this Bill:

> . . . amends the Liquor Licensing Act 1985. The Liquor Licensing Act, which came into effect on 1 July 1985, was the culmination of a comprehensive review of the State's liquor licensing laws and administration, which included an exhaustive process of industry and public consultation. This Bill does not alter the finely balanced philosophy and policy of the 1985 Act but merely incorporates housekeeping amendments to improve the administration and enforcement of the Act.

I support those comments. That inquiry was most exhaustive and extensive. It was very well carried out by Mr Peter Young, the Deputy Director-General of the department, and Mr Andrew Secker, who subsequently became the first Commissioner. It was a very good review, indeed, of the liquor licensing laws. I support the concept mentioned by the Minister, namely, that no alteration ought to be made to the philosophy behind the Act unless and until there is another such review. There should be only minor changes as are rendered necessary from time to time in the meantime. If there is to be any major change, such as there was in 1985, there ought to be the same sort of inquiry as there was prior to 1985.

The principal matters raised in the Bill were, first, the sham meal practice. I support that part of the Bill. Under any kind of liquor licensing laws there has always been this problem and I suspect that there always will be. That will be the case even with this provision. There always has been a problem that, if there is ever a question that liquor ought to be provided only with a meal, there will be sham meals that really do not constitute a meal at all. This part of the Bill intends to tighten up the provisions. As I said, I doubt whether they will be totally successful; that problem always remains. The Bill also relaxes the provision for the granting of a producer's licence. I support that part of the Bill. I think that it will be successful, and there is no problem with it.

The most important part of the Bill is that which expands the grounds under which a council may intervene in proceedings before the licensing authority to include the question of whether, if an application were granted, public disorder or disturbance would be likely to result. In the past, councils have been able to intervene in the proceedings before the licensing authority in relation to the granting of a licence but on other grounds, such as planning grounds or something of that nature. Therefore, this is a new area to enable councils to intervene on the grounds of public order or disturbance.

This raises an important part of the philosophy of the Act. As I see it, a licensing Act ought to relate, broadly speaking, to three sections of society: most importantly, to the public itself; secondly, to the industry; and, thirdly, to consumers. When one is looking at the question of public disorder or disturbance, it is the public that becomes the operative party. There is no doubt that there are many instances of the public, particularly residents in areas adjacent to licensed premises, being disadvantaged by conduct outside those premises, especially late at night after people leave such premises. There is often noise and, sometimes, it is extremely disruptive noise. There is conduct such as throwing bottles around the place, urinating on premises adjacent to the licensed premises, vomiting and so on. It can be disturbing indeed for the owners of those premises.

The Act already provides for intervention on the part of residents but, quite properly, in an application before a court for a licence the premises seeking the licence are represented by competent counsel capable of presenting a case and meeting objections. It is often very difficult for groups of residents to prepare a case, engage and pay counsel and have their case put before the court.

This is an extremely important part of the Bill which will enable a local government council to intervene before the licensing authority on the question of disturbance or public disorder. It enables a council to represent its ratepayers, something which I believe it ought to be able to do. In the past, councils have not been able to do this and groups of residents have had to represent themselves or engage and pay their own counsel. Local government councils ought to be able to stand up and be counted on this issue. That is not to say that whenever ratepayers ask them to intervene they must do so.

I believe it is proper that a council should have the responsibility of making up its mind whether a case has been made out and whether or not it ought to intervene. Eventually, it will have to answer to the ratepayers in situations where ratepayers have made a representation to a council and the council has decided not to intervene. In such situations the council will be responsible to its ratepayers.

I believe that it is part of the Westminster system and responsible government that councils ought to be responsible to their ratepayers and be able to justify their position if they decide not to intervene. Councils should have the power to intervene and to pay for counsel on behalf of its ratepayers if they are satisfied that the granting of a licence is likely to be to the ratepayers' disadvantage or that on other grounds it should intervene and be heard by the court.

In my view, this is perhaps the most important part of this Bill because it expands the grounds on which a council may intervene. I support the second reading and I indicate that I will also support the amendments proposed by the Hon. Trevor Griffin including opposition to certain clauses.

The Hon. DIANA LAIDLAW: I wish to speak briefly on the second reading of this Bill and indicate my support. I also indicate some interest in this matter as a resident of lower North Adelaide who happens to live adjacent to the parklands. Accordingly, I am keen to support the provision in this Bill to expand the grounds on which a council may intervene in proceedings before the licensing authority to include the question of whether public disorder or disturbance would be likely to result if an application was granted.

Many other people in lower North Adelaide and I bought our premises in the knowledge that the Old Lion Hotel and other discotheques and bars had operated in the area for some time. We bought our premises in the locality because we liked the cosmopolitan atmosphere and enjoyed the convenience of pubs and other entertainment facilities. However, in the past it has been extremely difficult for residents to argue their point of view to maintain the status quo in respect of licensing hours.

While we bought our premises in the knowledge that those establishments were there—and I for one do not object to their presence—it has been very difficult to argue our point of view when applications have been lodged for an extension of hours. I refer to a recent application to extend the hours of the Old Lion Hotel to 4 a.m. In reality, if one does not quickly become a heavy sleeper—

The Hon. L.H. Davis: If you don't beat them, do you join them?

The Hon. DIANA LAIDLAW: I do not have the stamina, as I found out during the recent festival. It is very difficult to live in this area not only because of the proximity of hotels but also because, when one lives adjacent to parklands, these characters leave the hotel at closing time and they have usually filled up their cars with beer during the day or are so primed by the time they leave the hotel that they have enough alcohol in their blood to kick on for some time at full pace. On warm summer nights when one would like to open the windows to get some air or cool down one's house—

The Hon. L.H. Davis: I think double glazing would be the answer.

The Hon. DIANA LAIDLAW: Yes. While we do not object to the hotels being there, it has proven to be particularly difficult to argue the residents' point of view in relation to disturbances when hotels and discotheques have sought an extension of hours. This problem occurs mainly because of the activities of patrons who kick on after closing time. I therefore applaud the Government for its initiative to strengthen the capacity of councils to put forward the views of local residents and, as has been stated in the second reading explanation, to protect the rights of local residents in this regard.

I refer to the provisions in this Bill which the Minister suggests are simple housekeeping amendments relating to the sale or supply of liquor to minors and also to those provisions which strengthen the powers of a member of the Police Force to require a person who is suspected on reasonable grounds to have consumed or to be in possession of liquor on prescribed premises or in a public place to provide evidence of age.

I ask the Minister how she believes the police will seek evidence of age. I ask this question in the light of inaction by the Government to help the Australian Hotels Association in its wish to introduce, on a voluntary basis, a pub card which would provide people between the ages of 18 and 21, who may have difficulty legally buying a drink in hotels because they look younger, with proof of their age. It is believed that such a pub card with a photograph would help such people to obtain a drink legally so that they would not have to go through the hassle of being questioned by the publican.

The card would be carried on a voluntary basis. I understand that the Australian Hotels Association has received considerable support in its drive for the introduction of such cards in Tasmania, the Northern Territory, New South Wales, and possibly Victoria. In all but the last State I understand that the Governments have provided not only sympathetic but also active support. Accordingly, the Australian Hotels Association is keen to gain the cooperation of the Government, through the Minister of Transport, to use the facilities that the Department of Road Transport now has in relation to photographing for drivers' licences.

Possibly, the Australian Hotels Association could cooperate in the use of those facilities at Motor Registration Division offices around the State so that younger people aged 18 to 21 who wish voluntarily to obtain one of these proof of age cards can do so easily at country centres as well as in the city. I have not heard the outcome of those discussions between the Australian Hotels Association and the Minister of Transport, but I hope that the Minister saw fit to cooperate with the AHA and hotels in general in their endeavours to enforce the general community concern about under age drinking.

Under age drinking takes place not only within hotels, although that would be popular community feeling, and hotels would generally receive much of the public odium on this subject. I point out that there is a great deal of under age drinking at the homes of families and friends, and it is also a feature at licensed clubs, in the parklands around North Adelaide, as I mentioned earlier, and possibly at the beach and other places. This is not just the responsibility of the Australian Hotels Association; the pub card would help publicans. I am not too sure how the police hope on the spot to require a person whom they suspect on

reasonable grounds to have consumed or to be in possession of liquor in a public place to produce evidence of proof of age. I shall be pursuing that subject during the Committee stage. I support the second reading and again applaud the Government for its action in giving councils more power to represent the views of local residents.

The Hon. L.H. DAVIS: It is pleasing to see that the Liquor Licensing Act 1985 has stood the test of time. There was a good degree of confidence in the legislation when it came into this House nearly five years ago. It was a thorough exmination of what was a very controversial and contentious subject. It received very full treatment in this Chamber at that time, as I recall. It is pleasing that the task force, which examined liquor licensing in South Australia prior to the introduction of this legislation in 1985, did its job so thoroughly.

This is very much a housekeeping measure, as my colleague the Hon. John Burdett described it.

I want to draw the Minister's attention to one matter which, coincidentally, was raised in relation to another Bill yesterday. I refer to what I see as a contentious and yet very important issue, namely, the admission of minors to places of accommodation.

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: I raised the matter in connection with the equal opportunity legislation.

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: I have not said anything about that yet. I am coming to it. Anyway, I raised it in the context of the equal opportunity legislation with reference to age discrimination. I made the point that several accommodation houses in country areas of South Australia—indeed, National Tourism Award winners—expressly excluded children from their accommodation: it was accommodation designed for adults, who perhaps in many cases were seeking to escape from their children. Some of the accommodation was exclusive, ranging up to as much as $300 a night for dinner, bed and breakfast per couple. Other accommodation had been designed especially to reflect on the history of that particular environment and it was not child friendly.

I have foreshadowed, in discussing that legislation, a need to be sympathetic to people who have established their accommodation expressly to provide for adults. Therefore, it is interesting that, in discussing this matter informally with the Minister, section 119 of the Liquor Licensing Act 1985 was raised, which also comments on this point. Section 119 (1) provides:

> A licensee may, with the approval of the licensing authority, declare any part of the licensed premises (not being a dining room or bedroom) to be out of bounds to minors.

Before a licensee can declare any part of the licensed premises out of bounds to minors—and, of course, that expressly excludes a dining room or bedroom—he must obtain approval from the licensing authority, which may lay down such conditions as it sees fit. As one can see from examining section 119 (1), the licensee may not declare a dining room or a bedroom out of bounds to minors. When we are talking about licensed premises we are talking not just about a hotel, as may have been the case 20 or 30 years ago, but about a range of premises which may have as their prime purpose leisure accommodation. It is not confined to hotels or motels. I instance Mintaro Mews, which is licensed, and several of the other examples that I mentioned yesterday also come under that umbrella of being licensed premises.

Because this is a complex matter which touches very much on an area of the tourism industry and an area which I suggest is arguably growing more quickly than any other area, it is important that the Government should examine it. It would be unfair to try to draft an amendment quickly to cover this particular matter, which I regard as important. However, I hope that the Minister, in her second reading reply or during the Committee stage, will indicate whether she will take the matter into consideration and give it urgent attention. In the near future it may be that other amendments to the Liquor Licensing Act will be required.

Having said that, I commend the liquor licensing authorities in South Australia on the very professional way in which they have administered the legislation. Certainly, very few complaints have been raised on this side. Admittedly, the problems that were raised by the Hon. Diana Laidlaw are problems that will always be a part of society, and it is encumbent on this Parliament to seek ways to minimise such problems.

The Hon. T. CROTHERS secured the adjournment of the debate.

SUPPLY BILL (No. 1)

Adjourned debate on second reading.

(Continued from 20 March. Page 577.)

The Hon. R.I. LUCAS (Leader of the Opposition): I support the second reading of this Bill. It provides for the appropriation of $800 million to enable the Government to continue to provide public services during the early months of the financial year 1990-91, but as I understand it it will be for the months of July and August 1990. Without this Bill there would be no authority to spend from the end of the financial year 1989-90 until the Appropriation Bill later this year or another Supply Bill, which is also possible later this year. It is normal that we have two Supply Bills in any year and, therefore, the Liberal Party is happy to support the second reading of this Bill.

I also note that the $800 million provided in the Bill compares to a figure of $750 million in the corresponding Supply Bill of last year which approximates a 7 per cent increase and which is, of course, approximately the size of the increase in the consumer price index over the past 12 months.

After looking at the state of this State's finances, as outlined briefly in the Supply Bill and other documentation that is available to the Liberal Party, or indeed to any member of Parliament, I want to look closely at the statements made in the second reading explanation made by the Attorney-General in this place and the Premier in another place and compare them with some recent statements that were made by the Premier by way of a press release and some documentation that he released.

The second reading explanation delivered yesterday in this Chamber by the Attorney-General is virtually identical to the explanation delivered by the Premier in the House of Assembly on 15 February. I refer to some of the statements that were made by the Premier and the Attorney-General in these second reading explanations. Under the heading 'Recurrent Budget' they say:

> After taking into account revised accounting arrangements relating to superannuation, present indications are for total recurrent receipts to be on target with the budget estimates . . . Commonwealth general purposes recurrent grants are expected to exceed the budget estimates . . . In the area of State's 'own source' receipts, revenue from payroll tax is expected to exceed the budget estimate . . . Interest received on investments is also showing a small increase over budgeted levels. Offsetting this, however, it is now expected that revenue from stamp duties on conveyances and mortgages are likely to be lower than estimated in the budget.

This reflects mainly a 'flattening out' in the property market. Overall, the expectation is that recurrent receipts will be reasonably close to the budget estimate . . . The Government's interest costs are now expected to be higher than estimated in the budget because of prevailing interest rates. Wage decisions made since the budget mean that the Government will be required to increase expenditure on wages and salaries.

Later, under 'Overall Budget Result', they say:

It is difficult to estimate with any certainty the balance of these trends and so the overall budget outcome.

That was the tenor of the second reading explanation that was made by the Premier on 15 February and repeated yesterday virtually word for word by the Attorney-General in this Chamber. I repeat that first statement: 'present indications are for total recurrent receipts to be on target with the budget estimates'. That is the assessment given to us in the second reading explanation of the Supply Bill. On 1 March the Premier issued the following press release:

Consolidated Account receipts and payments—six months to December 1989

The Premier and Treasurer, Mr Bannon, today released statements of Receipts and Payments on Consolidated Account for the six months to December 1989.

The result for the six months to December 1989 was an excess of payments over receipts of $274.1 million, with recurrent operations recording a deficit of $271 million and capital operations recording a deficit of $3.1 million.

The differences in the timing of major salary and wage award increases, the impact of revised accounting treatments, the timing of planned borrowings from SAFA and the impact of seasonal fluctuations distort both the comparisons with previous years and projections of the likely end of year result.

That three paragraph press release is probably one of the shortest press releases made by the Premier and makes for very interesting reading when compared with the Supply Bill second reading explanation. There is no indication in the press release dated 1 March of any prediction of an end of year result on the overall budget figures, whereas in the Supply Bill we have the statement 'present indications are for total recurrent receipts to be on target with the budget estimates'. That is quite different, I suggest, from the press release that I have just read into *Hansard.*

The press release needs to be considered together with the attached documents, the statement of Consolidated Account for each of the months from July through to December, in particular the consolidated figures for the six month period, and the indication in the press release from the Premier that there was an excess of payments over receipts of some $274.1 million. This must be read in the light of what we know to occur in Government finances in the first half of the year and in the second half of the year.

As to the budget estimate for line items like the South Australian Government Financing Authority return on capital, which is estimated to be $385 million for this financial year, for the first six months there was no return to Treasury from SAFA, and indeed the normal course is that that payment is made towards the end of the financial year. Any rational consideration of the State's finances and budget will need to take that into account.

The *Advertiser* of 6 March of this year, in an article headed 'South Australian deficit rules out tax cuts' has not entirely grasped the significance of some of these line items, as it states:

In a prepared statement Mr Bannon confirmed that in the first half of the financial year the Government faced a budget deficit of more than $274 million.

I guess technically one could argue that an excess of payments over receipts for the first six months is a deficit, but certainly in our understanding, and to be fair to the Premier and to the Government, a fair assessment of the state of our finances at the halfway mark of this financial year—as at December 1989—ought to fairly indicate that there are line items like the $385 million, for example, that I referred to from the South Australian Government Financing Authority for which no entry at all is shown in the first six months, while the full entry is made in the latter six months of the year.

I do not intend to go completely down the path of the morning newspaper in the analysis of the State's finances, but I do note some very interesting comments made by Mr Jory further on in his article of 6 March. I think that all members on both side of this Chamber would acknowledge that Rex Jory is one of the foremost political journalists in South Australia.

The Hon. T.G. Roberts: For the Liberal Party.

The Hon. R.I. LUCAS: The Hon. Mr Roberts says, 'For the Liberal Party.' No, I think we would all disagree strongly with him on occasions while perhaps on other occasions we would all agree with him very strongly. One thing I will say about Rex Jory is that, after some 20 or 25 years of political journalism in South Australia and in Canberra, he has an impeccable list of sources within Government departments. Over my 17 years experience in politics, and my seven years in Parliament, I can recall reading some very well sourced stories from Mr Jory in relation to Auditor-General investigations and analysis of wastage and over-expenditure in Government. Also, I believe he has very good sources in the Treasury Department. Sometimes, to our cost—and sometimes to the cost of the Bannon Government—there have been some very well sourced reports from Mr Jory coming out of the Treasury.

In a news story of 6 March 1990, there are the following two comments:

Treasury sources—

Mr Jory is quite specific there as to where the information has come from. It was not from 'spokesperson for the Premier', 'Government sources', 'Government leaks', or anything like that—one needs to know the jargon of the journalist, and it is quite clear here, 'Treasury sources'. It states:

Treasury sources said yesterday the expected shortfall in the stamp duty income—

which I might indicate was a stamp duty shortfall of some $65 million below the full year budget estimate—

would create serious problems for the overall budget outcome at the end of June.

Indeed, that is a very significant comment made by Mr Jory, based on Treasury sources that the $65 million shortfall on stamp duty income this year in the State budget would create serious problems for the overall budget outcome at the end of June. Mr Jory continues:

Sources said it was virtually impossible for the Government to find an extra $65 million from other areas or sufficiently reduce spending to end the year with a balanced budget.

As I said, I believe the significance of the Jory story was not in the perhaps different interpretation of the $274 million excess of payments over receipts at the halfway mark but in the quotes from Treasury sources about their expectation of the shortfall, for example, in stamp duty income, and other shortfalls that have come in on the revenue side, in the budget outcome at the end of this financial year.

I believe that that Treasury sourced advice to Mr Jory, which indeed would have been given to the Premier and Treasurer and the Minister of Finance, is starkly different from the interpretation or the gloss that the Attorney-General and the Premier have tried to put on the state of the budget and the state of State finances in the second reading explanation of the Supply Bill. As I said earlier, the Attorney-General and the Premier said, 'present indications are for total recurrent receipts to be on target with the budget

estimates'. In no way can that statement be rationalised with the Treasury sourced information about problems in State finances; problems that we will see when the final accounts come in at the end of this financial year.

I believe that when one looks at the timing of the two Supply Bills second reading explanations—15 February and 21 March—and the timing of the press release from the Premier on 1 March (right in the middle of those two dates) and the Treasury sourced story from Mr Jory on 6 March, one sees that the Parliament, and the members of the Legislative Council in particular, have I believe been grossly insulted by not being privy to the sort of information which obviously exists in Treasury about the true state of finances and of the budget in South Australia.

I believe that it was, and still is, the intention of the Bannon Government to try to get the Supply Bill through debate in the House of Assembly in particular without the possibility of serious questioning by the Liberal Party's shadow Treasury spokesperson, Mr Stephen Baker, and the Leader of the Opposition, Mr Dale Baker, as well as others in the House of Assembly. If this information had been available when this matter was debated in the House of Assembly in February, I am sure there would have been long and arduous questioning of the Premier and the Minister of Finance as to the true state of our budget position for 1989-90.

There is one sidelight to this news release of 1 March of Consolidated Account receipts and payments—six months to December 1989. As I indicated, together with that statement, the Premier released six separate statements for each month indicating the state of the Consolidated Account. Those who are long in tooth in parliamentary experience in this Chamber and in the other place will well remember that for many years Governments of both persuasions have released that sort of financial information to the media and, obviously, to the community and to members of Parliament so that members of Parliament and the community can apprise themselves of how the budget situation is progressing through the financial year on a month-by-month basis.

Some 14 years ago when I was working in this place for the Hon. David Tonkin as a research officer, I well remember receiving these monthly statements of the Consolidated Account, and it was part of my task and the task of others to analyse the state of the budget finances and, indeed, if there was something amiss, it would be the subject of questioning of the Treasurer in the Parliament.

I do not know exactly when the change was made. I am having that checked at the moment, but I did not have the information available prior to my speaking this evening. As I understand it, some time over the last year or so, perhaps as recently as early last year, but I will not be held to that exact time, the Bannon Government stopped the release of this sort of information. So, members of Parliament and the community were not provided with these monthly statements of account or monthly statements of the progress of the State finances showing the recurrent receipts and recurrent expenditures situation. Therefore, we were not able to provide some sort of overview and questioning of the Premier and Treasurer in relation to the State finances.

I am not much of a cynic but I am just a little bit cynical after my time in Parliament. Members would be aware that, at the end of last year, we had a State election, and I just wonder whether the two circumstances are related in any way.

The Hon. Peter Dunn: What percentage of the vote did the Labor Party get?

The Hon. R.I. LUCAS: At that election, the independent Electoral Commission worked out that the vote was about 47.9 per cent. It was certainly significantly less than a majority, but let us not be diverted from an earnest consideration of the State finances. It is perhaps a more exciting issue but the State finances are very important. It is a sad fact that the whole state of play of Government finances must, in effect, grind to a halt and be concealed in whatever way possible by the Premier and Treasurer so that he and his Government can reduce the opportunity for valid criticism of Government finances in the lead-up to a State election.

This late return to form, where in March we have received figures for the six months from July to December last year, is an indication from the Premier and Treasurer that we are far enough away from an election so as not to cause undue concern about the Opposition's and the public's being aware of the state of the finances. He has decided to return to the old traditions and conventions that existed under previous Governments of both persuasions.

I do not know how we can go about it, but we have three or four years in which to consider a method of ensuring that this sort of information can continue to be made available to members of Parliament and the community in the lead-up to the next election, whether that be in 1993 or 1994, and not be stopped at the whim of the Premier and Treasurer of the day. I do not think that it matters whether it is a Liberal or Labor Premier and Treasurer. There ought to be some way in which we can ensure that this sort of relevant budgetary and financial information is continually provided to members to ensure proper oversight of finances in South Australia.

The Hon. R.R. Roberts: Perhaps if you asked for it. Did you ask for it last time?

The Hon. R.I. LUCAS: There are many things that we ask for and we always get them. The only problem is that it is not necessarily in the same year as we asked for it.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: We would sometimes be happy if it is not in the appropriate form as long as it is in the appropriate year. The problem is that sometimes the information is so out of date that it becomes irrelevant. In looking at the current state of the finances it is important to note the record of the Government over the past four or five years, particularly Government spending and borrowing. It is fair to say that any objective analysis of spending and borrowing in South Australia, when compared with all other States, shows that State Government spending in this State has grown faster than that in any other State over the past five years. I seek leave to have incorporated in *Hansard* a purely statistical table headed 'Growth of State public sectors'.

Leave granted.

Growth of State Public Sectors—1983-84 to 1988-89—Annual Average Growth—Per Cent

	Total Spending	Net Financing Requirements	Debt
South Australia	9.8	16.7	13.0
New South Wales	8.3	−10.3	11.3
Victoria	8.0	2.2	10.6
Queensland	7.7	—	10.1
Western Australia	9.6	4.3	16.8
Tasmania	6.9	16.5	9.8
Northern Territory	6.1	—	N.A.
All States and NT	8.3	−2.9	11.5

The Hon. R.I. LUCAS: This table indicates the total Government spending and annual average growth in South Australia over the past five years, corresponding to the period of the Bannon Government's oversight of the State finances. It shows average annual growth of 8.9 per cent

compared with an all-States average of 8.3 per cent. As I said, that is the highest average of all States, coming down to as low as 6.9 per cent in Tasmania and 7.7 per cent in Queensland. If members are interested, they can analyse this table in closer detail.

The table also lists net financing requirements, which is the borrowing requirement of the respective State Governments over the period 1983-84 to 1988-89, as an average annual growth percentage. Members will be fascinated to know that, in South Australia, the figure was 16.7 per cent when, for all States and the Northern Territory, the net financing requirement actually declined by 2.9 per cent. I seek leave to have incorporated in *Hansard* another purely statistical table which indicates the size of the public sector in all States for the financial year 1988-89.

Leave granted.

Size of Public Sector—1988-89

	Total Revenue (as per cent of GSP)	Total Spending (as per cent of GSP)	Total Employment (per cent of State Labour Force)
South Australia	17.1	19.1	15.4
New South Wales	14.9	15.6	13.2
Victoria	13.8	15.8	14.4
Queensland	17.5	17.5	13.1
Western Australia	16.7	19.3	15.7
Tasmania	20.3	22.6	18.8
All States	15.6	17.0	14.2

The Hon. R.I. LUCAS: I will not bore members unduly with all the details of this table, but it makes interesting reading. The important part of this analysis is that, for 1988-89, the total public sector revenue in South Australia as a percentage of the gross State product was 17.1 per cent, which represents one of the highest of all States in the Commonwealth. Total spending as a percentage of gross State product was 19.1 per cent, compared with an all-States average of only 17 per cent.

With respect to public sector employment as a percentage of the State labour force, South Australia has 16.4 per cent, compared with an all-State average of 14.2 per cent. The point is that there is some fat within the State public sector in South Australia and the Bannon Government must have a close look at that if there is not to be a budgetary problem by the end of this financial year, as indicated by Treasury sources and as is indicated by close reading of the monthly consolidated account figures which were released by the Premier on 1 March.

There has been a clear waste of many millions of dollars in Government enterprises in South Australia. Again, I will not take the time of the Council this evening but if I mention names such as Satco, Marineland, Justice Information System and the Education Department I need not expand any further as those names will immediately conjure up notions of wastage of millions of dollars by the Bannon Government over the past seven years. Opposition members and indeed bipartisan select committees of both Government and Opposition members have noted the wastage of up to $20 million in enterprises such as the South Australian Timber Corporation investment in New Zealand. This indicates a lack of resolve from the Government to cut spending.

When one is looking at the State of the finances for 1989-90 one does not look only at the Appropriation Bill debate from last year and the Supply Bill second reading we have just had, but one needs to look at the statements and promises made by the Bannon Labor Government during last year's election when it won less than 48 per cent of the two-Party preferred vote. When one looks at some of the statements that were made by the Bannon Government at that time, one can become truly alarmed at what this Government and Premier are prepared to say and do to ensure re-election. I intend to demonstrate that the Premier and Treasurer was prepared to do anything and say anything and hang the cost and effect on State finances to ensure his re-election albeit with less than 48 per cent of the vote in the community.

On 19 November 1989, in a most outrageous, disgraceful, and despicable press statement headed 'Olsen's election promise blowout would plunge South Australia into crisis,' some 40 to 50 pages of nonsense was put out by the Premier and Treasurer.

The Hon. Diana Laidlaw: Not even on recyclable paper.

The Hon. R.I. LUCAS: True. Part of the statement suggested there would be sackings of public sector workers including teachers, nurses and police officers under an Olsen Liberal Government. Even though, on a number of occasions, and in all policy documents it was made quite clear that any freezing of Public Service numbers would be achieved through attrition and there would be no sackings, we had statements by the Premier stating quite clearly that teachers, nurses and police officers would be sacked if an Olsen Liberal Government was elected. That is not the import of what I want to look at this evening in this debate.

Attached to the back of that particular 40 or 50 pages, under the heading of 'Costings of the Government's policies', the Premier sought to defend the cost of the Government's policies and the fact that it would not impact on the State budget for the financial year 1989-90. What he was trying to claim was that his Party was able to make what he described as outlandish and extravagant promises in relation to interest rate relief programs of some $36 million dollars and that he could afford it but that, if the Liberal Party, one day earlier, had made the same promise for roughly the same amount of money the Liberal Party, which had also put down a cost saving program of over $300 million over four years, would not be able to achieve it and could only achieve it if we started sacking teachers, nurses and police officers. That was the context of this particular press release. The document stated:

> Total ongoing new initiatives of the Bannon Government are $16 million.

Not even Premier Bannon's mother would have believed that statement from Premier Bannon.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: The honourable member must be the only one who believed it because the Hon. Mr Bannon's mother would not have believed it even if she had seen the Premier make that statement himself. The statement continues:

> This excludes the estimated full year cost of the Homesafe scheme, $36 million. The cost of the Liberal interest rates relief scheme was also excluded from the costing of their promises.

That statement is simply not true. What the Premier sought to do was to justify his exclusion of the significant budget cost item of $36 million, on the basis that the Liberal Party, too, had not included it in its costings. The Liberal Party had indeed included in its four-year costings the effect of the interest rate relief scheme. The Bannon Government, in this reference to $36 million, included its costing only for a 12-month period. It is quite clear that the reason it was put to the side was that Premier Bannon had no intention of keeping that costly promise, and it was a promise made only to win votes and to try to ensure re-election. The Premier further states:

> Other initiatives announced since the 1989-90 Budget in August are funded in the Budget *(see Attachment A).*

The Major new initiatives are:
STA Free Travel for school children—$7.2 million.

I interpose there that the Hon. Diana Laidlaw and other Liberal Party spokespersons over the past few weeks have indicated that that figure will be a significant underestimate of the cost of the STA free travel scheme, with some estimates going as high as some $25 million. Everyone has agreed that the figure of $7.2 million will be a significant underestimate. The Premier's statement continues:

School Card—$2.5 million.
Aged Concession—$3.3 million.
Funding of the new initiatives including Homesafe is readily available within the context of the 1989-90 Budget and the budget plan for 1990-91.
The 1989-90 Budget is based on a surplus of recurrent receipts over outlays after allowing for the new initiatives and tax cuts announced at the time of the budget.
The surplus of some $35 million can be used to meet the short term demand of expenditure on Homesafe in 1989-90 or for transfer to 1990-91.

It further states:

Specifically, the anticipated Consolidated Account Deficit in 1987-88 of $14.3 million was converted to $34.4 million surplus in 1988-89 and the projected balance on the 1988-89 account was achieved without calling on the bulk of the SAFA surplus brought forward.

I seek leave to insert in *Hansard*, without my reading it, a purely statistical table from the Financial Statement 1989-90 headed, 'The Consolidated Account Summary 1988-89 and 1989-90'.

Leave granted.

Consolidated Account Summary[a] 1988-89 and 1989-90

	1988-89 Actual	1989-90 Estimate	% change
	$m	$m	
RECURRENT			
Payments	4 123.1	4 407.4	8.9
Receipts[b]	4 132.3	4 442.4	7.5
Surplus/(Deficit)	9.2	35.1	
CAPITAL			
Payments	570.6	609.6	6.8
Receipts	288.3	360.2	24.9
	(282.3)	(249.4)	
TOTAL			
Payments	4 693.7	5 017.0	6.8
Receipts	4 420.6	4 802.6	8.6
	(273.1)	(214.3)	
SAFA surplus brought forward	74.1	60.0	
FINANCING REQUIREMENT	199.0	154.3	−22.4
Borrowing	199.0	154.3	−22.4
Consolidated Account Cash Result	—	—	
Accumulated Surplus/(Deficit) at 30 June	4.3	4.3	

[a] Totals may not add due to rounding.
[b] Excludes SAFA surpluses brought forward from previous years.

Members would have had a look at this table last year but for the purpose of this analysis of the current state of finances that table shows that there was indeed a surplus on the recurrent account of some $36.1 million, as indicated in this misleading statement made by the Premier and Treasurer on 19 November during the election campaign. What the Premier and Treasurer did not refer to was the rest of the Consolidated Account Summary of this table. It shows that on the capital account there were to be payments of $609 million and receipts of only $360 million and a capital account deficit of $249.4 million for this financial year. When one turns that into the Consolidated Account, the recurrent and the capital account, there is a Consolidated Account deficit of $214 million.

To be fair, the next line shows a SAFA surplus of some $60 million to be brought forward, leaving us with a net financing requirement of $154.3 million. This is the line to which I referred when we compared South Australia with all other States and which showed that over the past five years we had an increase of 16.7 per cent in net financing requirement in South Australia when all other States were showing a reduction of 2.9 per cent (an all-State average in the net financing requirement over those five years).

In simple terms that means we need borrowings of some $154.3 million to balance our Consolidated Account—our consolidated books, both recurrent and capital—for the 1988-89 financial year. What the Premier and Treasurer was saying here (and to give him credit, he can judge his market and the state of the financial commentators and political journalists in South Australia) and what he was able to sell successfully was that there was a lazy $35 million sitting around in the budget figures—in hollow logs somewhere—that could pay for this Homesafe scheme and the other new initiatives that he had to pull out at the last moment to ensure his re-election.

All of us know that in our own personal finances or family budget, we can spend a certain sum of money once; one cannot spend the same sum of money twice. The Premier and Treasurer cannot have it both ways. He cannot have it here as a recurrent account surplus, helping to offset the Consolidated Account deficit and reduce the level of borrowings and net financing requirements in South Australia and, at the same time, with any credibility at all, trying to indicate that he has sitting around in the accounts for this financial year a lazy $35 million which was available for these expensive additional promises that he made during the State election campaign.

The Premier and Treasurer and the Attorney-General knew the state of finances last November and December when they made those commitments. They knew that the statements that were made in documents like this were not correct. Yet they were prepared—as the Premier and Treasurer, supported by the Attorney-General and other Ministers in this Government—not to tell the truth in relation to the state of the finances of South Australia. As I said, credit to them, they could read their market; they were able to convince the journalists and the financial commentators that what they were saying was correct. I remember during that campaign having a feeling of immense frustration when one knows that the Premier is not telling the truth.

The Hon. G. Weatherill: You knew you were going down.

The Hon. R.I. LUCAS: It is hard to know you are going down when you know you have over 52 per cent of the vote. The Hon. Mr Weatherill is right, he is in Government; he is on the right side of the Chamber. He got 47.9 per cent of the vote and he reckons that that is enough to justify Government. But we will debate that on another occasion. However, I can remember that feeling of frustration that not just I experienced during that campaign as we put out press release after press release after each strategy group meeting held at 7 in the morning when we poured out press releases during the day, trying to indicate to the public, through the media, that what they were being sold was a pup and that what they were being told by the Premier and Treasurer was not correct. But—

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, you are right. It was not that they did not believe us, it was that we could not get the message through the journalists and the commentators in the media.

An honourable member interjecting:

The Hon. R.I. LUCAS: I am happy to concede that. At 70 per cent, the Premier—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: No, we are right into Supply in a big way. The Premier and Treasurer, with a 70 per cent personal approval rating, stood there with those lovely blue eyes—or whatever they are—and with that lovely blond hair and looked straight into the camera, saying that he had a lazy $35 million and that he could pay for those election promises.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: We are considering a blond rinse and blue eyes.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The Hon. Mr Lucas has the floor. He seems to be ranging a bit far and wide though.

The Hon. R.I. LUCAS: No, Mr President. The journalists and the public looked at the Premier and they believed him even though he was not telling the truth, even though the Premier knew that he was not telling the truth, and even though his mother and father—if they are still alive—knew that he was not telling the truth. They knew that they were not telling the truth in relation to the state of the finances in South Australia; they knew that what they were saying was incorrect—that they could not afford the promises. We were trying to get that message across, but were not able to do so.

It is no comfort at all to be able to look at the Supply Bill debate today, to be able to look at the state of finances, and at those Consolidated Account figures that have been released, and to say that there are significant problems. As I said, stamp duty figures are possibly $65 million down on the full year budget estimate this year, and by the end of the financial year, with gross domestic product or national account figures released today indicating a drop of some .2 per cent in the national quarterly figures in Australia, technically we in Australia are on the brink, in economic terms, of a recession with two quarterly figures of negative growth.

If that is to occur when the March and June quarterly account figures are released, we could well move from the technical jargon of 'recession' into 'depression'. If that is to be the hard landing—to use the vernacular of Treasurer Keating—the effect on State finances, such as stamp duty income, in the second six months of the year will be even worse than the effect of the Federal Government's handling of the economy and its affect on State finances.

I conclude by saying that we believe, as we indicated during the election campaign, that there is significant scope for saving within South Australia. We indicated a costed and checked program of over $300 million-worth of savings over a four year period. Even if the Government did not agree with all the figures and estimates that we produced and had checked by a national firm of chartered accountants, there is certainly no doubt that a figure of over $150 million—half that amount—would be available in savings over a four year period if the Government was prepared to bite the bullet on significant areas of wastage and over-expenditure that existed.

Indeed, that is what the Bannon Government will have to do over the coming months if it is to try to bring State finances back into line. I can only predict that we will be in for a very tough budget with further expenditure cuts and further tax and charge increases of greater than the inflation rate when we see the Appropriation Bill debated later this year. Whilst that will not be any comfort to members of the Liberal Party, we can only say that we did try to warn the South Australian community, and we do so again on the occasion of the Supply Bill debate this evening. With those words I indicate my support for the second reading of the Bill.

The Hon. DIANA LAIDLAW: I, too, support the second reading of this Bill. It is not my intention, as the Hon. Mr Lucas has done, to dwell in detail on the financial state of South Australia. However, I believe that his remarks will effectively reinforce the essence of my comments.

I want to address two matters: first, the funding of the Adelaide Festival and, secondly, funding for tourism and marketing of this State generally. I will plead at this stage of the year, before budgets are determined for the next financial year, for increased funding in both these areas. I do not think that the term 'plead' is contradictory or at odds with the comments made by the Hon. Mr Lucas in relation to the bleak outlook for the economy of this State. There is no question that dollars spent by the Government on grants and sponsorships for the Adelaide Festival and marketing of this State in respect of tourism will multiply dramatically benefits to this State.

This is sensible and constructive funding, unlike many funding practices of this Government, where a great deal of the taxpayers' money has been lost on frivolous projects and ill-considered investment decisions. So, my argument for increased funding for the Adelaide Festival and marketing of tourism is put forward with my strong belief—and that of many in our community—that such increases in funding by the Government should be seen as sound investment decisions for the future economy of our State as well as for future employment.

I happily admit that I consider the Adelaide Festival of 1990 to have been a great success. My only regret is that again this year I failed to take time off work to attend even more performances, visit more galleries and spend more time at writers' week, artists' week and the fringe events. The Festival program contained a wide popular appeal and I suspect that its quality owed as much to the Artistic Director's personal preferences as it did to the financial constraints under which he was forced to operate. It was commented by the media and elsewhere that the Festival program was lacklustre, but I do not accept that verdict. Rather, I consider that the Artistic Director, Clifford Hocking, had a most unenviable task of designing a festival in the wake of the relatively big budget festivals for the nation's bicentennial celebrations in 1988 and the State sesquicentenary in 1989.

To his credit, it is my firm belief that Mr Hocking overcame these considerable hurdles and gave Adelaide an exciting variety of quality events which covered a broad spectrum of artistic fields including theatre, opera, dance, cabaret, circus, music, the visual arts and crafts. Mr Hocking claims that he staged the 1990 $10 million Festival for $8 million. I seek leave to have inserted in *Hansard* a copy of the Adelaide Festival budget for 1988 and 1990.

Leave granted.

Adelaide Festival Budgets	1988 $	1990 $
S.A. Government	1 300 000	1 470 000
Australia Council	220 000	85 000
Adelaide City Council	108 000	109 000
Box Office	2 350 000	2 914 000
Touring 'Sell-offs'	1 498 000	1 641 000

Adelaide Festival Budgets	1988 $	1990 $
Corporate sponsorship (not including sponsorship in kind)	885 000	962 000
Miscellaneous	586 000	855 000
Australian Bicentennial Authority	1 300 000	—
Total	8 247 000	8 036 000

Year	S.A. Government Contribution to Adelaide Festival	Total Budget	%
1986	$1.37	$5.2	26.3
1988	$1.3	$8.247	15.7
1990	$1.47	$8.036	17.5

The Hon. DIANA LAIDLAW: Members will note if they peruse these budgets later that they reveal interesting trends and financial support for the Festival from the three tiers of government. The Federal Government's contribution channelled through the Australia Council decreased from $220 000 in 1988 to $85 000 in 1990, while the contribution from the Adelaide City Council remained almost static increasing by only $1 000 to $109 000 in 1990. The State Government's contribution increased by 13.1 per cent to $1.47 million, that sum being allocated over a two-year period.

On the surface this contribution by the State Government appears generous, particularly when compared with the amounts provided by Federal and local government sources. However, in reality, costs are increasing at a far greater pace than inflation. The State Government's allocation as a proportion of the total Festival budget has fallen over the past three festivals from 26.3 per cent in 1986 to 15.7 per cent in 1988, with a small increase to 17.5 per cent this year. This indicates a 9 per cent fall in proportional terms over the period of the three festivals.

This trend is of considerable concern when one looks at the drive by other States to establish art festivals in order to attract South Australians and to ensure that residents of their States remain at home and do not travel to South Australia to attend our festival, as they may have done in the past. So, without question, the proportion of the Festival's budget that is contributed by this State Government is a matter of major concern. I ask the Government to look at these trends when preparing the 1990-91 State budget to see whether it can find its way clear by way of an investment decision, to make a greater contribution to the 1992 Adelaide Festival.

It sounds crude to address the Festival from the perspective of funding considerations. However, such considerations are essential to the future viability of the Festival. Future funding arrangements are a major consideration if the Festival is to remain Australia's premier festival and, equally importantly, if not more so, if it is to retain its preeminence as an international arts festival.

I note that the Artistic Director of the 1992 Festival, Mr Rob Brookman, maintains that an extra $1 million is necessary to stage the next festival. To this end he will seek $250 000 from the Australia Council as a core fund which will incorporate also the contributions made traditionally by the Australia Council through its literature and visual arts boards for writers' week and artists' week.

Mr Brookman will be looking for more money from both the State Government and the City of Adelaide. As I indicated earlier, I hope that both those bodies will see his calls for such funds as a sound investment decision.

In 1988, a study, conducted by the Centre for South Australian Economic Studies, identified that the festival was responsible for an increase in economic output in South Australia of over $7 million.

I believe that there are other considerations in respect of future festivals and budgeting matters. I am sympathetic to the fact that there are considerable financial pressures on all budgets today. The Hon. Mr Lucas clearly identified those in his contribution. Therefore, I suppose it is not surprising that one should receive complaints at this time about ticket prices for the festival. I believe that the level of complaint that I have received and that has been received by the festival itself has been unprecedented. It can be argued that while tickets may be extremely good value for money, compared with what one would have to pay in the eastern States or overseas, there is a price resistance level in Adelaide. I believe that most governors of the festival and the organisers would argue that ticket prices have perhaps reached their limit for future festivals. Certainly I noted among older people in particular, many of whom are great lovers of music and the performing arts and so on, a considerable resistance this year to the prices of tickets.

The Hon. Peter Dunn: $100 to go to the opera.

The Hon. DIANA LAIDLAW: Yes; over $100 to go to *Tristan and Isolde.* Older people—and it is generally older women who attend so many of the performing arts—were becoming increasingly selective this year, because of the cost factor, in the number of performances that they attended. It should be pointed out that this year the seniors' concession card did not apply to festival ticket prices. I hope very much that for the next festival, upon presentation of seniors' concession cards, older people in this State will be able to gain a considerable benefit on the price of tickets and therefore encourage their greater participation in the festival in future.

I believe that the Government, the Adelaide City Council and the Australia Council must also consider the issue of touring sell-offs, which is becoming an increasing feature of the festival. Organisers find that they can rarely ask a company or a performer to perform solely in South Australia, and they must sell off that performance to other States to help to defray the costs of bringing an artist or a company to Australia. This practice of touring sell-offs, which I understand reaped $1 641 000 for this festival, is becoming an increasingly important aspect of festival organisers' capacity to budget.

If South Australia is to remain the premier arts festival State in Australia, the Government will have to look closely at this issue of touring sell-offs. It will become increasingly difficult to justify our former claim as the premier arts State if the festival is forced, because of budget constraints, to sell off those performances increasingly in the future to help top up its budget. Therefore, the State Government in particular, but also the Adelaide City Council, must look at that aspect of budgeting problems for the State. It is not sufficient for the Premier and Treasurer simply to speak about South Australia being a great festival State without also looking closely at this issue of the festival's increasing dependence on touring sell-offs simply to remain viable as a festival.

I note that the General Manager of the Adelaide Festival Centre Trust, Tim McFarlane, has made some comments, following the closure of the festival, about the tourism industry in relation to the festival. I want to concentrate on that aspect for a few moments. Mr McFarlane is quoted in the *Sunday Mail* of 18 March as being critical of the South Australian tourism industry which he says is:

> ... happy to cream off the benefits but provides no financial backing at all. They must acknowledge the importance of the Festival and could certainly provide much more in attracting locals, those from interstate and overseas. The Adelaide Festival

cannot do it alone with just five permanent staff—a lean and efficient team.

I understand the thrust of Mr McFarlane's remarks. However, I point out to him and generally to others that the funding provided by the Government in this State for tourism marketing is an absolute pittance when compared with what other State Governments do to support their convention and tourist bureaux. It is important for this exercise for me to seek leave to incorporate into *Hansard* a graph indicating State Government grants for convention and visitors' bureaux in the current financial year across Australia.

Leave granted.

State Government Grants for Convention and Visitors Bureaux, 1989-90

	$
Tasmania	335 000
Far North Queensland	106 000
Perth	100 000
Sydney	1 300 000
Gold Coast	155 000
Albury/Wodonga	—
Brisbane	135 000
Melbourne	1 761 000
Adelaide	160 000

The Hon. DIANA LAIDLAW: It is important, in looking at these figures, to recognise that the State Government's contribution to the Adelaide convention and tourism authority in South Australia is $160 000. That is the second to lowest contribution by any State Government to any such bureau across Australia. It is only a little ahead of the funds that the Queensland Government gives to the Far North Queensland bureaux—$106 000. Adelaide features very badly compared with the relatively generous contributions that State Governments make to their travel, convention and tourist bureaux, whether in Tasmania, Perth, Sydney, the Gold Coast, Albury/Wodonga, Brisbane or Melbourne.

It is considerably short-sighted on the part of this Government to be depriving the convention and tourism authority in Adelaide of the funds that it so desperately needs to promote Adelaide interstate and internationally, to attract not only more conventions here but also more visitors in general to this State. We all know, without me having to go into detail tonight, the very positive benefits that flow to the State from our ability to attract conventions and tourists in general to this State.

I want to make one general comment about tourism funding and a matter which the Government might look at in preparing its budget for the forthcoming financial year. The comment is made by Mr David Hall, who is the president of the Association of Australian Convention Bureaux Incorporated. He is also in daily charge of the Adelaide authority, ACTA. In the publication *MeetLink* of March 1990 Mr Hall says that what happens today in respect of conventions depends on what did or did not happen two, three or four years ago. That comment highlights the very fact that there is need for long term planning in this field of tourism. He goes on to say in respect to Government funding:

> One of the problems which many agencies specialising in the meetings market have to face—and this applies particularly to convention and visitor bureaux—is that their funding and the security of that funding is geared to the short-term, fiscal thinking of governments. If the broad spectrum of tourism and all its complexities in the global arena should be recognised by governments as needing more than the present 12-month commitment they give, then certainly the meetings industry should be looking to obtain longer-term commitments from governments than has been the case to date.
>
> It is not suggested for one moment that there is no need for an ongoing and annual obligation on the part of agencies to demonstrate their accountability. But it is of little more than an academic exercise to be preparing detailed three to five-year marketing plans without any undertaking by governments that performance and proven potential will be supported through a longer-term financial commitment.
>
> The argument put forward by most if not all Treasury officials is that, because all other government activities and funding are based on a 12-month cycle, no exception can be made for tourism. I would suggest that this is once again a question of political expediency overriding commercial commonsense!
>
> A final point on government funding of tourism marketing . . .
>
> Australia 'enjoys' less than 1 per cent of the world's tourism market. How can we achieve a quantum increase in our market share while governments continue to assess their level of annual contribution to agencies such as the Australian Tourist Commission, State and territory tourism departments/commissions and convention and visitor bureaux, with the old add-on percentage principle?
>
> If tourism, as everyone claims, holds such great hope for our economic and social future, then isn't it time more credence was given to an honest-to-goodness, zero-based budget assessment?

I believe that Mr David Hall's comments are worthy of enormous consideration by the Government if it is not only going to talk about and use glowing rhetoric, as we hear from the Minister on an endless basis, but also actually provide concrete help to the tourism industry in this State to market if creatively and successfully and to ensure that the infrastructure that has been built to date, both by private enterprise and with Government help, is utilised to the full.

I would argue that it is an exercise in futility for the Government to assume that tourism benefits can only be seen in infrastructure as would appear to be its goal from its efforts to date and for it to then fail to provide the marketing that is so necessary to ensure that that infrastructure is used to the maximum long term investment potential for this State.

I hope that the Government will recognise the futility as regards the meanness of the funding that it has provided in the past financial year to both the Adelaide Festival and to tourism marketing generally in this State. I hope that it will, in considering budgets in both areas in the forthcoming financial year, give earnest consideration to the remarks I have made this evening, and also the remarks that have been strongly made by the people working in both areas in this State, and that it will have the courage to see that extra funding in both these areas are solid investment decisions for the future of this State.

The Hon. PETER DUNN: I indicate my support for the Supply Bill. I want to comment about a few matters that are affecting people in my area.

The Hon. R.R. Roberts interjecting:

The Hon. PETER DUNN: I hope that was not an interjection from the Hon. Ron Roberts. I am talking about money earners for this country and I want to talk about the people who live in the Kimba area in particular and the relationship between the E&WS, those people, and the district council.

The people in that area work very hard. They have to borrow money; they risk it; they have to deal with seasonal conditions and, at the end of that, in many cases they have to put up with abuse from the Government. That abuse is the Government not doing what it does for the rest of the State. There is no doubt about this present Government; it can supply bread and circuses. We have seen that. It has allocated $48 million, or thereabouts, for the development of an entertainment centre.

The Hon. G. Weatherill: Is this a grievance debate or what?

The Hon. PETER DUNN: No.

Members interjecting:

The PRESIDENT: Order!

The Hon. PETER DUNN: We have another interjection from a person who has never ever had to risk his own capital, who has been on a salary all his life.

The PRESIDENT: Order! I point out to the Hon. Mr Dunn that we are talking to the Supply Bill.

The Hon. PETER DUNN: Thank you for your assistance and help, Mr President. The interjections from Government members are irrelevant, because they really do not understand. What I am demonstrating is that these people work very hard. In fact, the people of Eyre Peninsula brought in $290 million-plus to this State. What do they get back? They get very little. When a group of farmers on the end of the water supply line that comes from the Polda and Port Lincoln basins and the Todd reservoir asked for an extension of the pipeline, the E&WS Department said, 'Tough. We will give you some standpipes and you can cart your water from there. We will not even administer them. What we will do is let local government administer them. We will collect the money. You can sell the water, and the local council can go around and administer the pipes and keep them in good order and collect the money from the farmers and we will take the money from the local government body.'

The Hon. L.H. Davis: The human face of the Labor Party.

The Hon. PETER DUNN: Exactly: the human face of the Labor Party. When the Engineering and Water Supply Department (E&WS) was asked would it mind going around and reading the meters for the stand pipes and collecting the money from the farmers—a job that I thought the E&WS was set up for—it flatly refused to do so, so the district council had to do that job. It involves about $9 000 and ties up another council employee, and it must be paid for by the local people. In fact, it has got to the stage at which the locals get together and put in their own water systems. They are doing it for about a fifth of the cost that the E&WS charge. If that department were made a little more efficient, that money could be used to supply a little more water to those areas that need it.

Water is fundamental in this State because it is a very dry State. Water is paramount to the survival of everything in South Australia and I would have thought that water should be distributed into the far reaches of the State, particularly west of Ceduna. The people there have been fighting for about 20 years to get a small pipeline of about 20 miles to supply water west of Ceduna. What happens? No, no, no. The State Government has refused, refused and refused. However, Gerry Hand came along and said, 'There is the Kooniba Aboriginal community out there. Perhaps we can find some Federal money.' I suggest that money could have been made available a lot earlier than this.

Bread and circuses are here again: $48 million for an entertainment centre but the Government cannot spend $100 000 to put in a pipeline that will bring money back into the State. This Supply Bill could be used to provide better services, such as water supplies, in many areas, particularly Kimba. That brings me to the hoary old chestnut of roads, and there is a good story there. I have no doubt that funding will be made available through this Bill for the maintenance of roads and to pay for the personnel who grade the roads.

In about 1983, the Minister went to Eyre Peninsula with the Hon. Arthur White, the then President of this House, and made a big offer. There was a big splurge in the paper when the Minister offered to take over three important rural main roads, those that run between the centres on the coast, namely, the Cleve-Kimba road, the Lock-Elliston road and the Mount Hope-Cummins road. The Minister offered to upgrade them, and maintain them, taking that responsibility away from the council. Today, those roads are in worse condition than when the councils maintained them.

Once again, this Government has done the dirty on the country people. It has taken over the roads but withdrawn the funds that councils would normally use to maintain them. The Government has not honoured its promises. The Hon. Rob Lucas and the Hon. Diana Laidlaw told this Chamber that the Government has not even kept up with inflation for the Festival of Arts, something that I do not attend very much.

The Hon. L.H. Davis: You went to Tristan.

The Hon. PETER DUNN: I went to one function this year. I will not mention what it was but it was a bit like watching cement set. It was not too inspiring. Getting back to the importance of roads—if we do not have roads, we cannot deal in commerce, which means we cannot earn money, and if we cannot earn money, we cannot have Festivals of Arts. I appreciate that art reflects the condition that the community is in but, the way we are going, we will not have a Festival of Arts.

The Hon. Anne Levy: It brings in more money than it costs.

The Hon. PETER DUNN: We will finish up with no Festival of Arts because there will not be any commerce to pay for it.

The Hon. Anne Levy: But it brings in more than it costs.

The Hon. PETER DUNN: Protect me from the Minister, Mr President.

The PRESIDENT: Order! The House will come to order. The honourable member is ranging widely from the Supply Bill. I have allowed other members a fair bit of latitude and I will do the same for the honourable member, but I ask him to try to make his remarks relevant to the Bill.

The Hon. PETER DUNN: Thank you, Mr President. I believe that the Supply Bill should provide for more public servants in the country to service two or three very essential items. There must be more consideration for the supply of water, and the Supply Bill ought to provide for salaries for people to do that. In addition, there should be more funding for roads. Because the Federal Government funds most of the roads, the State Government passes the buck every time, using all the excuses in the world every time a little extra money is needed for a decent road. Might I say, though, that most of the State has relatively good roads. However, Eyre Peninsula lacks good roads, and if the Premier is fair dinkum about wanting more money to run the State, given that he is taking plenty out of Eyre Peninsula at the moment, it would be nice of him to put a little back, and the people in the area would appreciate that.

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

WATER RESOURCES BILL

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

The Hon. ANNE LEVY (Minister of Local Government): I move:

That this Bill be now read a second time.

A Water Resources Bill was passed in the other place in October last year. Further consideration of this legislation was curtailed, however, when Parliament was prorogued in consequence of the calling of the last election. This Bill is a modification of the previous Bill and takes account of the debate in the other place and comments which have been

received from the community. Nevertheless, the fundamentals remain unchanged.

The proper management of our water resources is as essential to the State as the resource is to survival. It is widely recognised that such management will face many and diverse challenges in the 1990s and beyond. Indeed, with a resource which is so vital to the State's welfare it is essential to cast one's mind forward for several decades in considering arrangements for proper water resource management. The integration of the management of land, water and the environment must progress to more practical implementation. Careful consideration must be given to the most appropriate supplies of water for domestic, irrigation, industrial and commercial purposes. The protection of water quality, particularly as regards diffuse source pollution, but also with point source discharges, is a problem both of detection and proof. The need to protect our wetlands and the ecosystems which depend upon them is not only evident but is also demanded by a more informed community.

These factors combined with the fiscal pressures to achieve more with less dictate the need for a comprehensive review of all water related legislation to provide a legislative framework capable of dealing with today's problems and yet have the flexibility to cope with the needs of the future.

This Bill is the first step in the review process. It is the management component forming the umbrella for legislation governing water, sewerage and irrigation activities which are more business orientated and are to follow later. It builds on the significant legislative reform which took place in 1976. The Water Resources Act was then the most advanced of its kind and many of its provisions have been adopted by other Governments.

The administration of this Act over the last 13 years has identified a number of areas where improvements can be made. While flexibility, clarity and proactivity are all elements of these changes, the fundamental objective is to make it easier for the genuine, conscientious and fair water user and as tough as possible for those who through indifference, negligence or self-interest are putting our water resources at risk.

The review of this Act has involved public consultation. A Green Paper was released in October 1988 and 46 submissions were received from a broad cross-section of the community. A copy of the Bill has been sent to all who responded to the Green Paper (including organisations such as the United Farmers and Stockowners of South Australia Incorporated, the Local Government Association, etc.) as well as the Water Resources Council and all Regional Advisory Committees. Reaction to the proposals was generally favourable. This Bill takes account of all comments received.

Many of the concepts of the existing Water Resources Act have been retained in this Bill. I now proceed to explain those areas where the reasons for change are not self-evident. In keeping with recent trends in legislation, the objects of the Bill are stated to provide focus and direction in its administration. The key elements include the sustainable use of water, its protection from pollution, its equitable distribution as well as the protection of wetlands and ecosystems.

The functions of the Minister are also clearly identified. I draw attention particularly to the responsibility to endeavour to integrate the policies relating to the management of land, water and the environment. Members will be aware that there has been much talk about integrated catchment management over the last few years. This is the first time in this State that this concept has received legislative expression by incorporating it as part of the Minister's functions.

The need for increased interaction with the community has two facets. The Minister is required to undertake public awareness programs as well as to involve the community in the preparation of regional management plans.

Another important aspect of the Minister's functions is to adopt policies which encourage the attainment of the objects of the legislation. This will ensure that there is not the need for constant recourse to the punitive measures provided.

The establishment of the advisory network has been one of the most innovative aspects of the current Act. At present, in addition to the Water Resources Council there are nine Regional Advisory Committees widely dispersed throughout the state as well as the Well Drillers Examination Committee. While there may have been some criticism from time to time about the composition of some Committees or their method of operation, it is generally accepted that the network has been useful in ensuring that the local and regional concerns have been properly addressed.

In considering the future of the Council and the role of Committees, it is important to recognise that:

(a) over the last thirteen years, most of the policies required to assist the management of water useage for irrigated agriculture have been formulated;

(b) there is acceptance that local people with practical experience can make a more significant contribution in water resource management. There is merit in introducing some level of self-management and hence more responsibility to Committees;

(c) greater efficiencies will be achieved if recommendations or decisions made by Committees within approved policies did not have to be submitted to Council;

(d) the broad-based expertise of Council should be available to assist in the development of policies in all aspects of water management rather than limited to issues arising under the Water Resources Act only.

The responsibilities of Council will evolve over the next few years. The type of policies in which it could become involved could include matters such as domestic water usage, pricing policies, standards for water services, strategies for water conservation and wastewater reduction.

A degree of flexibility is required in the composition of Council. This is achieved in the Bill by firstly diversifying membership and by providing scope to appoint up to four members with unspecified qualification. The Council itself will have the opportunity to periodically assess the type of skills required for it to discharge its responsibilities.
This will asist the Minister in deciding whether to recommend the appointment of additional members and, if so, will identify the attributes they should have. As a general rule, selection will be either by inviting appropriate organisations to submit a panel of names or by inviting applications publicly.

Two of the most important changes relating to committees are:

(a) a stipulation that they should, as part of their function, have a closer liaison with the community;

(b) the capacity to delegate to them some executive functions.

It is important to recognise that such delegation of powers will occur after full consultation with the committee concerned, executive powers will not be forced on unwilling committees.

Quite a lot has happened in the regulation of the quantity of water taken particularly for irrigation purposes. Currently there are three watercourses and 12 regions covering the most critical underground water basins which have been

proclaimed for water quantity control. This aspect of the legislation has worked quite well.

At the administrative level, the Bill removes the artificial separation of provisions between surface and underground water in the water quantity section in the current Act. The new provisions recognise that even in proclaimed regions, there are some activities such as domestic, holiday homes or stock watering where the use of water is small and where it is unreasonable to require that a licence be obtained. The Minister is empowered to exempt water taken for certain purposes by gazettal.

The Bill also provides some power even in unproclaimed areas for the Minister to act in cases where there are blatant abuses in the taking of water by any individual. This provides much quicker remedy for those affected and obviates the delays and costs of having recourse to the common law. A person aggrieved by an action of the Minister has a right of appeal to the tribunal.

The provisions relating to water quality have been significantly modified. Underpinning this reform are some fundamental concepts—

(a) it is unrealistic to expect that the same level of stringent restrictions should apply throughout the State; although the minimum requirement should ensure that material should not be released into our waters if this would endanger plant, animal or fish life or the environment;

(b) there will inevitably be some sensitive locations such as the public water supply catchment area of the Mount Lofty ranges where more stringent controls will be essential. This might include controls on the type of material which can be released and could extend to acts or activities on land (similar to those applying currently under the waterworks regulations);

(c) it is important that any system of management should have the flexibility to exempt certain types of wastes where beneficial uses of water resources are not jeopardised and to grant licences for the discharge of other pollutants subject to appropriate conditions;

(d) more proactivity is required. Taking action after pollution has occurred is not the answer. It is important that action commence as soon as the potential for problem has been identified;

(e) the level of maximum penalties must be commensurate with the worst offence which can be committed. For instance, what penalty would be appropriate if someone released material which rendered a domestic water supply unusable? Courts can be relied upon to impose fines which are not excessive for the offence committed. Where blatant pollution occurs, persons who offend should be required to pay for any damage done. The Bill incorporates these concepts.

The provisions relating to wells have been modified to incorporate some key exemptions which are currently specified by proclamation. The Bill nevertheless provides for further exemptions to be granted by proclamation. It is intended that immediately this Bill becomes law a number of activities (including trenches, excavations or other construction works associated with building, public services, experimentation, etc.) will be exempted, provided that the excavation is not to be used as a source of underground water supply.

Members will note that the current flood management measures have not been retained, because in their current form they are of little effect. In addition, flood forecasting and warning in some areas is to be undertaken by the Bureau of Meteorology. While acknowledging the important role of local government authorities in planning land use which takes into account flood risk, nevertheless regulation making powers have been retained in case legal status must be given to some flood maps, or for other contingencies.

Finally, members will note that the range of matters which can be appealed against has been expanded. Ministerial decisions which impact on individuals are all now open to appeal. This is considered necessary to balance the greater powers sought. This Bill, in providing a wider and more flexible range of powers, and in clearly enunciating its objectives as well as the Minister's powers, provides a legislative framework which will enable sound water resource management to continue in the future, building on the excellent foundation established with the Water Resources Act 1976. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 repeals the Water Resources Act 1976.

Clause 4 defines terms used in the Bill.

Clause 5 provides that the Bill will bind the Crown.

Clause 6 makes the Bill subject to the Acts and agreements set out in schedule 1.

Clause 7 sets out the objects of the Bill.

Clause 8 requires that the Act be administered in accordance with its objects.

Clause 9 enumerates the functions of the Minister.

Clause 10 sets out the Minister's powers.

Clause 11 is a power of delegation.

Clause 12 provides for the establishment of the South Australian Water Resources Council.

Clauses 13 to 16 are machinery provisions.

Clause 17 sets out the function of the council.

Clause 18 excludes a member of the council with a personal or pecuniary interest from participating in the council's deliberations.

Clause 19 provides for the establishment of water resources committees. Subclauses (1) to (3) deal with committees established in relation to a watercourse or lake or proclaimed part of the State. Subclauses (4) and (5) deal with committees established for any other purpose and subclauses (6) and (7) provide for both categories of committees. Subclause (8) provides for the establishment of the Water Well Drilling Committee.

Clause 20 provides for payment of allowances and expenses.

Clause 21 continues the Water Resources Appeal Tribunal in existence and sets out its composition.

Clause 22 makes provisions in relation to permanent members of the tribunal.

Clause 23 provides for payment of allowances and expenses.

Clause 24 provides for the determination of questions by the tribunal.

Clause 25 provides for a Registrar.

Clause 26 excludes a member of the tribunal from participation in the hearing of a matter in which the member has a personal or pecuniary interest. The deputy of a permanent member can act if his or her member is disqualified under this clause. The other members are not a problem because they are selected from a pool of judges or magistrates or from the panel appointed under clause 21 (4).

Clause 27 sets out the powers of the tribunal.

Clause 28 provides for the appointment of authorised officers.

Clause 29 sets out their powers.

Clause 30 makes it an offence to hinder or obstruct an authorised officer.

Clause 31 sets out the Minister's right to take water.

Clause 32 preserves riparian rights subject to the overriding provisions of the Bill.

Clause 33 provides for the proclamation of watercourses, lakes and wells.

Clause 34 restricts the right to take water from proclaimed watercourses, lakes or wells.

Clause 35 provides for the granting of licences to take water.

Clause 36 provides for renewal of licences.

Clause 37 provides for the variation and surrender of licences.

Clause 38 makes it an offence to contravene or fail to comply with a condition of a licence and empowers the Minister to vary, suspend or cancel the licence.

Clause 39 enables the Minister to authorise the taking of water for particular purposes specified by the Minister.

Clause 40 enables the Minister to act if water is being used at an unsustainable rate (40 (1)) or if one person is taking more than his or her fair share (40 (4)).

Clause 41 is an interpretive provision.

Clause 42 deals with the concept of degradation of water. Subclauses (1) and (2) set out different meanings, subclause (1) applying throughout the State and subclause (2) only applying in more sensitive areas proclaimed as water protection areas. To prove degradation of water outside these restricted areas, the prosecution must prove that use or enjoyment of the water has been detrimentally affected or an animal, plant or organism is likely to be detrimentally affected. In the more sensitive areas it is only necessary to prove that the quality of the water was detrimentally affected during its dispersion. This will usually occur in the initial stages of dispersion and may only last for a few seconds. It is not necessary to prove that any person was prevented from using the water during this initial stage or that any person or animal, plant or organism has suffered. This provision will catch people who release small quantities of polluting material which taken in isolation would not be a problem but may well be a problem if released by more than one or two individuals.

Clauses 43 and 44 create offences of polluting water directly (43) or by releasing material onto or from land and polluting water indirectly (44). Subclause (2) of both clauses creates liability for landowners but a landowner who can prove that there was nothing that he or she could reasonably have been expected to have done to prevent the offence has a defence under clause 48 (2).

Clause 45 provides an offence in relation to the storage or disposal of material underground.

Clause 46 provides for regulations prohibiting certain acts or activities that have a pollution potential.

Clause 47 is an evidentiary provision.

Clause 48 sets out certain defences.

Clause 49 provides for the granting of licences.

Clause 50 provides for the renewal of licences.

Clause 51 makes it an offence to contravene a licence.

Clause 52 provides for the variation of licences.

Clause 53 provides for the disposal, escape or storage of material pursuant to regulations.

Clause 54 enables the Minister to take action in the case of unauthorised release of material. The Minister may by notice require prevention of further release and may require clean up of the material already released.

Clause 55 enables the Minister to act if in his or her opinion there is a risk that material will escape into water.

Clause 56 is an interpretive provision.

Clause 57 limits the application of Part VI.

Clause 58 regulates certain activities in relation to watercourses or lakes to which Part VI applies.

Clause 59 provides for the issue of permits.

Clause 60 makes it an offence to contravene a permit.

Clause 61 enables the relevant authority to order a landowner or other person to take remedial action in relation to unauthorised obstructions, maintenance of a watercourse or lake in good condition or in relation to a contravention of clause 58.

Clause 62 is an interpretive provision.

Clause 63 requires that well drilling and associated work must be carried out by or under the supervision of a well driller licensed under Part VII. Subclause (4) provides a defence in the case of an emergency.

Clause 64 provides for the granting of well driller's licences.

Clause 65 provides for renewal of licences.

Clause 66 provides for the issue of a permit to drill a well or carry out other associated work.

Clause 67 provides for contravention of a licence or permit.

Clause 68 enables the Minister to require remedial work to be done if there is a defect in a well or a well is in need of repair or maintenance.

Clause 69 provides for a right of appeal to the Tribunal.

Clause 70 allows for a decision that is the subject of an appeal to be suspended pending the appeal.

Clause 71 makes it an offence to provide false or misleading information.

Clause 72 makes it an offence to interfere with property of the Crown.

Clause 73 provides for vicarious liability of employers or principals for offences committed by their employees or agents.

Clause 74 provides that members of the governing body of a body corporate that commits an offence are also guilty of an offence and liable to an equivalent penalty.

Clause 75 is an evidentiary provision.

Clause 76 provides a general defence.

Clause 77 makes the more serious offences under the Bill minor indictable offences and provides that proceedings may be taken within five years after the commission of an offence.

Clause 78 provides that where money is due under the Act to the Minister or a public authority the money is a first charge on the land in relation to which the money is due.

Clause 79 provides for immunity from liability.

Clause 80 provides for exemption from the Act by regulation.

Clause 81 provides for the service of notices.

Clause 82 provides for the making of regulations.

Schedule 1 enumerates the Acts and agreements to which this Act will be subject (see clause 6).

Schedule 2 sets out transitional provisions.

The Hon. PETER DUNN secured the adjournment of the debate.

ADJOURNMENT

At 10.48 p.m. the Council adjourned until Thursday 22 March at 2.15 p.m.