LEGISLATIVE COUNCIL

Wednesday 4 April 1990

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

PETITION: ABORTION

A petition signed by 656 residents of South Australia concerning abortions and praying that the Council would amend the South Australian law to prohibit abortions after 12 weeks of pregnancy except to prevent the mother's death and prohibit the operation of free-standing abortion clinics was presented by the Hon. R.I. Lucas.

Petition received.

PUBLIC WORKS COMMITTEE REPORT

The PRESIDENT laid on the table the following interim report by the Parliamentary Standing Committee on Public Works:

The Port Adelaide, Outer Harbor No. 6 Berth—Wharf Extension.

ELECTION OF SENATOR

The PRESIDENT laid on the table the minutes of proceedings of the Joint Sitting of the two Houses held this day to choose a person to hold the place in the Senate of the Commonwealth rendered vacant by the resignation of Senator Janine Haines, whereat Mrs Meg Heather Lees was the person so chosen.

Ordered that minutes be printed.

MINISTERIAL STATEMENT: STIRLING COUNCIL

The Hon. ANNE LEVY (Minister of Local Government): I seek leave to make a statement on the subject of Stirling council.

Leave granted.

The Hon. ANNE LEVY: Mr President, I find myself in the position today of having to order an investigation into the Stirling District Council. The council is now formally in default of its $14.5 million loan from the State Government, and I have a letter from the Treasurer to that effect. The council informed me late yesterday that it could not agree to the Government offer as to the amount of the loan it should repay. Mr President, I must admit to a strong sense of disappointment and even frustration at Stirling council's unwillingness to come to grips with its problems.

I remind members that the present council was elected on a platform that promised Stirling residents that it would solve the long running problems of the bushfire that its predecessors had been unable or unwilling to deal with. Councillors were elected on the basis of their promise to advance the setlement of the outstanding claims against the council and—with the help of the Government—they were highly successful in that objective.

Their plan was simply to bring an end to the expensive litigation which was in train and which looked like continuing at high cost for some time to come. The cost of that litigation by council was already at a level of about $3 million with a high probability of much more to come. The commitment to the Mullighan process by both Stirling council and the bushfire victims enabled out of court settlements that undoubtedly saved millions of further litigation costs.

Council achieved that aim and in doing so obtained very considerable assistance from both the State Government and the Local Government Association in exchange for a debenture agreement whereby it agreed to accept responsibility for a fair proportion of the final debt. So far, Mr President, the council has delivered only one half of the package. So far it has only transferred its liability from the bushfire claimants to the Treasurer and has not paid one cent of the damages for which it is legally liable.

I should point out, Mr President, that the Government has very patiently sought to negotiate that proportion without—as we all know—success. In the final analysis, therefore, the Government has exercised its prerogative to nominate the amount which it was prepared to contribute from taxpayers' funds to the settlement of Stirling's debts. That amount is $10.3 million at present with one claim which is still to be determined and which the Government will not expect Stirling to settle. Mr President, I remind members that is more than 70 per cent of the total debt and leaves Stirling with less than 30 per cent, an amount which in the circumstances is very modest and readily manageable by it.

Just to remind members, in 1988-89 Stirling spent $1.2 million on legal fees to recontest a liability that had already been established—at great cost to all concerned—on two previous occasions. The Government offered to assist the council, with the proviso that the money council had been paying to lawyers be diverted instead to paying for some of the damages claims that would arise out of this singularly unsuccessful litigation.

Instead of making sensible allowance in its budget for 1989-90 for a share of those damages payments, the council chose instead to reduce its rating effort at a cost to its budget of more than $400 000. Despite this, Stirling council has budgeted for a very substantial reduction in the accumulated deficit which it brought forward from earlier years. Mr President, these are not the actions of a council dealing responsibly with a financial crisis. I know many councils that would gladly trade places with Stirling right now.

The Hon. L.H. Davis: Would you like to name them?

The PRESIDENT: Order! The honourable Minister.

The Hon. ANNE LEVY: It is therefore doubly unfortunate that the council is now not prepared to make the hard decisions that are the natural and inevitable consequences of the course on which it knowingly embarked. But what is even more distressing is the fact that Stirling District Council has sought community support for its intransigence through a deliberate campaign of misinformation.

Because of the complexity of this issue, and because of the unrest it has already caused in its community, it was clearly imperative for Stirling council to provide objective and balanced information to its residents to enable considered views to be formed.

Instead, what we have witnessed has been a release of selective information apparently designed solely to seek general support for the dead-end path of confrontation on which the council had embarked. This was made crystal clear at last Sunday's public meeting where the council released information that appears to have been cynically and deliberately designed to confuse and alarm those who attended.

A $4 million loan was presented as a total cost of more than $12 million which makes about as much sense as saying that a $100 000 house really costs $300 000 if you

finance it with a loan, ignoring the decreasing value of the repayments with time, due to inflation.

Of more substantial concern were the claims made at that public meeting about the effect that the Government's offer of assistance would have on rate levels in Stirling. It was stated that rates would increase by more than 17 per cent in the first year with sustained increases of more than 9 per cent per year thereafter. This is arrant nonsense which, interpreted at its most charitable, demonstrates yet again Stirling's propensity for getting its sums wrong. More probably, it indicates an intention to upgrade service levels in Stirling to a standard far in excess of those now provided. This is a choice for Stirling residents to make, but they should not count on the taxpayers of this State to subsidise it for them.

The Government had made perfectly clear—to the point of tedious repetition—that a contribution by Stirling of $4 million, which I remind you will involve general taxpayers' support of more than $10 million, will enable Stirling to contain rate increases to the level of CPI increases, without a reduction in present services, and without a forced sale of assets. This will not mean that council will be able to raise service levels to what they are claimed to have been before 1980, although I suspect that they will not differ by much. Nor will it mean that services will necessarily be equal to those of some other councils, although I suggest that they will be far from the worst in South Australia. It could be a salutary experience for members of the Stirling council to visit some of their colleague councils on the West Coast, or even in parts of the metropolitan area, to see how they compare in service and rate levels. The problems experienced by some disadvantaged councils are certainly not of their own making, but they are overcoming them without gigantic support from the public purse.

Let me make it perfectly clear one more time for the benefit of Stirling council as well as to this Parliament. This is not a Local Government Grants Commission exercise with the purpose of enabling Stirling to provide equal services and to charge equal rates. This is about providing emergency Government assistance to enable a council to both meet its legal liabilities resulting from its own negligent actions and to sustain a reasonable level of services with a sustainable rating effort. In that context, the Government's offer to relieve Stirling of all but $4 million of its debt is very generous and entirely reasonable.

I remind members that the outcome of the Government's proposal would leave Stirling with a debt servicing ratio that is lower than most in the metropolitan area and lower than quite a number of country councils. It is, for example, considerably lower than that of Elizabeth and Munno Para councils whose economic profiles compare very unfavourably with those of the relatively more affluent Stirling area. Under our proposed scheme of repayment, Stirling would have a debt servicing ratio of 20.4 per cent in the first year, reducing to 12.7 per cent in the fifteenth year. The current metropolitan average debt servicing ratio is 23.3 per cent.

It had been my very strong hope that, at the end of the day, the elected members of the District Council of Stirling would accept the generous offer by the Government. In the end it failed even to put the Government's offer in a serious way to a public meeting of its residents, which was not attended by the vast majority of its residents. It preferred instead to provoke a crisis for which there can be only one solution.

I wish to inform members that I have today appointed an investigator to prepare a report for me on the conduct of Stirling council in this matter. I am pleased to announce that Mr Geoff Whitbread, the Chief Executive Officer of Woodville council, has agreed to undertake the responsibility of being the investigator. He is well qualified for this position, and is highly respected in local government circles.

I am sure he will have the confidence of all members of the local government community, as well as of the Government, in this important undertaking. He has been appointed under section 30 of the Local Government Act to provide me with an opinion on whether council's default on its debenture constitutes an irregularity in the conduct of its affairs or is a breach of a responsibility that it has under the Act. I will keep members informed of developments as they occur.

QUESTIONS

TELEVISION CAMERAS

The PRESIDENT: Yesterday a question was directed to me about the scope of the television cameras in this Chamber. On looking up the conditions that were granted in relation to the privilege of recording proceedings in this Chamber, I find that cameras were to focus on the member who was on his or her feet speaking, with some scope for wide-angle shots. So, the matter that was raised with me did contravene the rules that were made with the televisions stations.

Accordingly, I have sent a letter to the managers of the four television stations in Adelaide and included a copy of the conditions that were laid down for the recording of television broadcasting, and have asked them to forward that to their camera crews so that they will be aware of the conditions that we have imposed for television recording in this Chamber.

ASH WEDNESDAY BUSHFIRES

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

Leave granted.

The Hon. J.C. IRWIN: In the light of the negotiations between the Stirling council and the Government regarding how much the Stirling council could pay towards its bushfire liability, I refer back to a question asked by the Hon. Trevor Griffin on 23 and 24 August last year and the answers given by the Minister of Local Government.

In general terms, the questions related to the fast track procedures being pursued by the then Mr Mullighan QC. The questions were prompted by widespread community doubts being thrown upon the sustainability of the Casley-Smith claims, including Nicholas Casley-Smith—doubts which still exist. In his question the Hon. Trevor Griffin said:

> Claims such as those for the loss of trees and produce allegedly destroyed in the fire and loss of production (when it is alleged that prior to the fire the trees were old and were not significant producers) and the loss of vegetable production (when there was no significant production prior to the fire) have been questioned.
>
> Claims in respect of the loss of horse yards, which it is alleged were dismantled prior to the fire, have been disputed, as has the value of a holiday shack destroyed in the fire. The quality and number of horses lost as a result of the fire and the loss of profit alleged to have been incurred, likewise have been questioned. Many questions have been raised by residents about the sustainability of the claims that have now been settled.

The Minister's answer included the following:

> I understand that Mr Mullighan had available to him not only the proceedings which had already taken place in court but also the evidence and documentation that would have been used in

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

Further, the Minister provided two written answers to the questions asked by the Hon. Mr Griffin on 23 and 24 August. In the written answer of 4 September to the question of 23 August the Minister said:

As the letter of 7 June 1989 (from the Crown Solicitor) makes abundantly clear, Mr Mullighan QC was initially asked to provide advice to the Government on the nature and extent of the evidence available to the plaintiffs represented by Andersons and to the defendant. He was also asked to advise on what, in his opinion, would be an appropriate settlement figure for each of those claims.

Subsequently, on 29 June 1989 and as a direct result of the commendable progress already made by Mr Mullighan QC, he was asked to provide advice on the minimum amount threat, in his opinion, the Anderson plaintiff's claims could be settled for. Importantly, Mr Mullighan QC was also asked to advise whether, in his opinion, a settlement at that amount would be reasonable in the light of all relevant factors.

The written answers obviously gave time for the Minister and her department to consult. In the written answer of 4 September to the question of 24 August the Minister says:

The comments made by the honourable member [Mr Griffin] in his lead up to those questions on 24 August and those comments of the Hon. Trevor Griffin were specifically those relating to claims which it has been alleged can be challenged . . . raised some important points to which I am reluctant to respond at this time.

It is expected that Mr Mulligan QC will complete his task by September and I hope that by that date damages will have been agreed between the parties. I intend at that time to make a detailed statement on the Stirling issue including those concerns raised by the honourable member [Mr Griffin].

Will the Minister now say that it is still her understanding that Mr Mullighan QC had available to him not only the proceedings which had already taken place but also all the evidence and documentation that would have been used in court had the court case continued, in particular the evidence gathered by the Stirling council's legal adviser, and that Mr Mullighan QC had the time to peruse that material? Further, when will the Minister make her detailed statement on the concerns raised by the Hon. Mr Griffin in August last year and raised again by me today?

The Hon. ANNE LEVY: I have made numerous statements to the council regarding the settlement of claims. I cannot, off the top of my head, give the dates, but there has certainly been a series of ministerial statements and answers to questions regarding the settlement of the claims in the Stirling bushfire situation.

I have never had it suggested to me that Mr Mullighan did not have available to him all the relevant documentation. I have always understood that the lawyers acting for both parties were completely cooperative with Mr Mullighan, as he then was, and I have never heard any suggestion that there was material relevant to this matter which was not placed before him.

The one difficult matter, to which I referred in my response to the Hon. Mr Griffin in August or September, was the matter concerning Nicholas Casley-Smith who at that time had not been publicly named and whom I did not wish to name publicly in this Chamber. It was not I who made public the sad medical condition of Nicholas Casley-Smith but that was what I was referring to in my comments here, and I am sure other members would have been aware of the situation that I was referring to.

As to the suggestion that information has been withheld, such suggestion has never been made to me from any party. As I understand it, there was agreement on all sides that Mr Mullighan had provided an admirable service, everyone was very grateful to him for having finally settled the degree of damages in the Stirling case, and there was prior agreement to abide by any recommendations he made, which undertaking was fully adhered to by all parties, to what had been the previous lengthy and tedious litigation.

DUNCAN REPORT

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the Duncan report.

Leave granted.

The Hon. K.T. GRIFFIN: Yesterday, the Attorney-General tabled the final report of the Duncan Task Force and made a ministerial statement. In his statement, he reminded the Council that the task force had been appointed in 1985 after various issues associated with this case had been raised publicly and in the press. An analysis of the events in 1985 which led to the appointment of the task force shows that one of the major questions raised at that time was whether or not there had been political interference in the investigation of the original crime. On this point I refer in particular to a major front page article in the *Advertiser* on 3 August 1985 under the headline 'Inquiry thwarted by political cover-up'. The article stated, in part:

According to information supplied to the *Advertiser*, detectives were prevented from interviewing a man prominent in the legal affairs of South Australia on instructions from someone at a top level of the Government. The Scotland Yard investigators had tried to interview the man over firm information that he had been seen at the same time and near the place at the River Torrens where Dr Duncan drowned on 10 May 1972.

The article also stated, and again I quote:

Yesterday, sources said the Scotland Yard investigators had been told in 1972 to 'cease your line of inquiry on [the man's name was deleted in the article] orders down the line from senior police'. But investigators had been sure at the time that the order had not emanated from police but from a man in the political arena.

At the time when this interference allegedly occurred, the Dunstan Government was in office.

In announcing that task force soon after the publication of this article, the Attorney-General said that one of the briefs it has was to 'determine whether any of the inquiries were thwarted due to political interference'. In his ministerial statement yesterday, the Attorney-General made no reference to the investigation of this matter and it is referred to in only two brief paragraphs of the report he tabled. And even in this reference, the report does not deal with the specific allegation of political interference made in 1985. Instead, it only addresses the timing of the inquest into Dr Duncan's death and whether the Government of the day had deliberately ordered an early inquest to thwart further inquiries by the police. My questions to the Attorney-General are as follows.

In view of the fact that the Attorney-General's ministerial statement and the report he tabled yesterday both failed to refer to the specific allegation of political interference made in 1985:

1. Was the allegation as reported in the *Advertiser* on 3 August 1985 investigated by the task force and, if it was, did the task force produce any report on this investigation?

2. In the course of this investigation were any political figures interviewed? If so, who were they and, if not, why not?

3. In all the circumstances, does the Attorney-General consider that there has been the full investigation into this matter he promised in 1985, when he told this Council on

13 August that year that 'the Government guarantees they will be pursued with all the vigour at its disposal'?

The Hon. C.J. SUMNER: The honourable member must have a different document from me, but I assume that I gave him a copy of the document that I had. I refer the honourable member to the Duncan Task Force Final Report, which I tabled yesterday and which, at page 13, paragraph 3.5, states:

> Determine whether any of the 1972 inquiries were thwarted due to political interference.

It goes on to say:

> From inquiries made there is nothing to suggest the 1972 inquiry was thwarted due to 'political' intervention or 'cover-up'. The concensus of opinion being, that had the coronial inquest not been held until after the completion of the Scotland Yard investigation, 'key witnesses' may have changed their stories, and the persons responsible for Dr Duncan's death brought to justice—however this is pure speculation.

The Hon. K.T. Griffin: That relates only to the inquest.

The Hon. C.J. SUMNER: It does not relate only to the inquest. I do not think you have read the report.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Well, then you should read page 23, paragraph 4.4: Determination whether any of the 1972 inquiries were thwarted due to political interference.

The Hon. K.T. Griffin: That is the heading.

The Hon. C.J. SUMNER: That is what was investigated; that was the charge that the task force had. In my ministerial statement of 13 August 1985, when I announced the task force, I made clear that one of the briefs of the task force was to determine whether any of the inquiries were thwarted due to political interference. I turn to page 23 of the report and under that very term of reference the statement from the task force is quite categorical:

> Inquiries reveal that this issue is not substantiated and no further investigation is warranted.

That is quite categorical and clear. I did not intervene in the task force's investigations into that aspect.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: It is quite possible that it found nothing, and in fact that would be my interpretation—that it found nothing. Certainly, at the time the allegation was made there was no basis for it produced by the newspaper that made it. I refer the honourable member to my ministerial statement on 13 August 1985, where I deal with this point as follows:

> On 3 August the *Advertiser* made allegations relating to a political cover-up. This has been used by the Opposition as grounds for calling for a Royal Commission. The fact is that on any objective analysis there is, at present, no credible evidence to justify such action. The following points need to be made:

I then go through certain points as follows:

> (1) As I have already stated, the assertion by the *Advertiser* that the Scotland Yard report contains details of Scotland Yard investigators trying to interview a man prominent in legal affairs in South Australia, or a professor, over firm information that he had been seen at the same time and near the place at the Torrens River where Dr Duncan drowned on 10 May 1972, is wrong.

The Hon. Mr Griffin would know that because he has seen the report. My statement continues:

> (2) The allegation that detectives were prevented from interviewing a man prominent in the legal affairs of South Australia on the instructions from someone at a top level of Government is from 'information supplied' to the *Advertiser* but is not supported by any other evidence.

In other words, it is information supplied to the *Advertiser*; no names, no specifics. My statement continues:

> (3) The task force has advised me that there is no suggestion in either the Scotland Yard report or the accompanying statement that police investigations were stopped or discouraged from interviewing potential witnesses.

Apparently, there is nothing in the Scotland Yard report or the accompanying statement to indicate that there was any problem. I continued:

> (4) The allegations are by unnamed persons; no details are provided.

I would suggest that the honourable member might care to take some notice of this next point:

> (5) Former Police Commissioner Salisbury says he knew nothing about any direct political interference.

That was, as I recollect, reported in the media at the time that this allegation was made. His deputy at the time, Mr Draper, said:

> Certainly I issued no instructions and I know of no pressure.

The allegation was also denied by the Premier at the time, Don Dunstan. The next point I made was:

> (6) The basis of the allegation is that Mr Salisbury or Mr Draper would not have issued such an instruction and therefore there must have been pressure from someone at the time. The reality is that there is at present no evidence of such pressure [in 1985]. Indeed, public statements of people involved at the time tend to refute it [Salisbury and Draper]. However, this allegation will be investigated by the task force.

I said this on 13 August 1985. I continued:

> The task force will approach the *Advertiser* and Mr Ball, the journalist concerned. The Government expects their fullest cooperation in pursuing this inquiry. Allegations of this kind, made anonymously—

which is what they were—

> but then used by the Opposition for its own political ends, must be substantiated by the newspaper which made them. If they are, the Government guarantees they will be pursued with all the vigour at its disposal.

On 13 August 1985, I set out in a lot of detail the position, at that time, in relation to the allegation of political cover-up. It was clearly part of the terms of reference of the Duncan task force and it has come back with an unequivocal response that I do not think I can take very much further.

The Hon. K.T. GRIFFIN: I have a supplementary question. In the light of the Attorney-General's reply, will he then seek advice on the questions I have raised and bring back a reply?

The Hon. C.J. SUMNER: I have said, as far as I am concerned, this matter is closed, unless there is any further credible fresh evidence that can be brought forward that would require the matter to be re-examined. I have seen no credible fresh evidence, and certainly what the honourable member has put to the Council today does not constitute that.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Just a minute. It is what the report says.

The Hon. K.T. Griffin: It does not.

The Hon. C.J. SUMNER: The honourable member is reading a different report. I refer the honourable member again to page 23, paragraph 4.4:

> Determine whether any of the 1972 inquiries were thwarted due to political interference.

The answer was:

> Inquiries reveal that this issue is not substantiated and no further investigation is warranted.

The Hon. K.T. Griffin: That has to be read in conjunction with page 13.

The Hon. C.J. SUMNER: It does not.

The Hon. K.T. Griffin: It does; it's the same heading. At page 13, it refers to only one instance.

The Hon. C.J. SUMNER: It refers to a particular—

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order! The honourable Attorney-General.

The Hon. C.J. SUMNER: I am not sure that all the report deals with much more detail. I doubt that it does. It refers to one example of possible political interference and deals with that, but it does not answer the question with any qualifications, so I would have thought the honourable member would realise that the answer to the question is: there was no evidence to substantiate a cover-up or that inquiries were thwarted for political purposes. I would have thought that, from my ministerial statement of August 1985, that was fairly clear in any event. Salisbury and Draper did not know of any political interference. The only thing we have is a statement in the *Advertiser*, 'information supplied', which could have come from anyone. Of course, when the media use that sort of introduction to any story it writes you have to be suspicious because you know that it is not prepared to put its sources on the line. It does not even say 'senior police officer', or 'sources within Government', or 'sources within the Police Force'. It says 'Information supplied'. One knows that, if it uses that terminology, that is really the lowest that one can get in terms of the credibility of its sources. There were no sources except 'information supplied'. No specific source is named.

I assume that the *Advertiser* would have made available the sources to the task force had it had them. The reality is that in this whole area there was never any suggestion of a political cover-up at any time except in the *Advertiser* article in 1985, written on the basis of 'information supplied'. Now, all that material is before this task force and it has reported. All I can do is say that I will examine the honourable member's questions to see whether there is anything in them that I can add to what I have already said. As far as the Government and the police are concerned at this stage, the matter is closed.

SMALL BUSINESS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Small Business a question about South Australian small business.

Leave granted.

The Hon. R.I. LUCAS: I refer to a front page article in the *Advertiser* last Saturday, headed 'Move to Sydney, retailers urged'.

The Hon. T. Crothers: Is the *Advertiser* moving to Sydney?

The Hon. R.I. LUCAS: You'll have to ask Rupert. The article, detailing a report from the Centre for South Australian Economic Studies, says the hope of interest rate reductions has come too late for the South Australian economy, and small businesses should 'move to Sydney' rather than risk financial ruin in Adelaide.

The report describes local retailers as 'hospital cases' suffering the twin punches of declining population and higher unemployment. Although the report calls for immediate Government action on interest rates—and indeed the Reserve Bank has today made some initial moves—it warns it may already be too late to help our flagging economy. Although the Centre's director, Dr Trevor Mules, admits the South Australian economy is growing, he says the problem is that the economy is growing much faster in the rest of the nation. Added to that, South Australia's share of the national population and share of the retailing dollar are both falling.

The Hon. L.H. Davis: Trevor Mules is one of yours.

The Hon. R.I. LUCAS: I don't think we should say that.

The PRESIDENT: Order! The honourable Minister.

The Hon. R.I. LUCAS: It is all about rates of growth. I do not know whether he would agree with that. Dr Mules says that the effect of the Federal Government's economic policy has punished this State, where there has been a lack of a spending boom. The comments of Dr Mules and the centre, of course, come in the wake of similar media reports, almost on a weekly basis, predicting tough times ahead for South Australian residents, businesses, investments and developments. The breadth of their predictions puts paid to any suggestion from the Minister that the negative reports are from a particular lobby group intent on undermining confidence in South Australia.

The Hon. Barbara Wiese: Which Minister said that?

The Hon. R.I. LUCAS: Any Minister. For example, in the *News* of 12 February, a report by the Building Owners and Managers Association (BOMA) was scathing of the Bannon Government's performance on development matters. The report stated that, again, South Australia was the most unattractive mainland State for developers. The report said also that low economic growth, low population growth, low tourism potential and slow planning processes were major barriers to property investment in South Australia.

In the *Australian* of 8 February a report, entitled 'The State of Australia', compiled by the National Centre for Australian Studies, said that recent trends in births and international migration strongly favour New South Wales and Victoria, and that it was these States that were the most prominent in new building and financial flows. The report said that Perth's share of national employment was now well ahead that of Adelaide's with Adelaide, together with Hobart, emerging as the most difficult labour markets.

More recently, the *Advertiser* of 20 February reported that South Australian retailers were 'alarmed' at a major drop in sales over Christmas, with Australian Bureau of Statistics figures showing that retail growth in South Australia during December had fallen by three times the national figure. My question to the Minister is: Does the Minister agree that these reports are damning evidence of a State economy on a downward slide and does the Minister accept unemployment will increase significantly in the small business sector in South Australia over the coming months as a result of Bannon and Hawke Government policies?

The Hon. BARBARA WIESE: I will address many of these issues later today when I respond to a motion which is on our Notice Paper and which was moved by the Hon. Mr Davis. I hope that, in the course of that debate, I will be able to convince members, by my very persuasive arguments—

The Hon. L.H. Davis: You hope.

The PRESIDENT: Order! The honourable Minister.

The Hon. BARBARA WIESE: —that the South Australian Government, through actions taken over these past few years since we have been in government in this State that have helped to strengthen certain sectors of our economy, has ensured that South Australia will be in a much stronger position than some other States to deal with the downturn that is expected in Australia's economy during the course of this year. I think that, if the honourable member looked at some of the available research and reports that have been produced by independent academics and people involved with economic studies institutes, etc., he would find that the measures that have been taken by the Bannon Labor Government during this decade to ensure that our economy is more diversified than it used to be have ensured that we will be much better placed than some other parts of Australia to deal with some of the problems that are now emerging.

One other thing that has emerged is that the South Australian economy is likely to feel the effects of some of these economic conditions less quickly than other parts of Australia. We certainly will not experience the sort of enormous downturn that some parts of Australia will experience. A longstanding feature of the South Australian economy is that we do not have a boom and bust style economy. The economy and the growth in development and other sectors of our manufacturing industry and various other sectors of the economy tend to move at a steady and regular pace upwards so that, at times, when the whole of the Australian economy is in difficulty, the downturn in this State is usually much less pronounced than it is in some parts of the nation.

It is important for people to realise that there are some real strengths in the South Australian economy. Over a very long period the level of industrial disputation in South Australia has been an important feature in industrial relations that has enabled this Government to promote South Australia as a place for investment. There has been quite considerable growth in certain sectors of the manufacturing industry and there has been enormous growth also in technology industries. The positive effects of the submarine contract, which is well heralded in this State, are now starting to be felt in many segments of our economy and have led to quite considerable employment growth. We can expect to see further employment growth in South Australia in some of those areas.

Organisations such as BOMA tend also to generalise in rather a mischievous way in some of the statements made recently about development growth in South Australia, because there has been unprecedented development in South Australia in recent times. In an industry about which I know a fair amount, that is, the tourist industry and related sectors, there has been unprecedented development in this State in the past two or three years. In fact, in the more traditional development area in the central business district, which is one of the areas upon which BOMA members tend to focus considerable attention, there has also been extraordinary development during these past few years.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: That means that in some areas there will be a slowing down in the sort of development with which its members have been involved, because Adelaide, like every other city in Australia, cannot sustain unlimited growth in the development of office buildings and other things. However, there are still considerable development opportunities in many areas of the economy, and the challenge not only for the Government but also, more particularly, for people in the private sector is to identify those areas of the economy that are likely to expand. It is important for people to make investment decisions that not only will be of assistance in boosting their own business opportunities but also will have a positive impact on the growth of the South Australian economy.

There is no doubt that one of the areas most affected by the downturn will be the retail sector, to which I think Dr Mules was directing his attention. I think that perhaps some of his suggestions about what South Australian retailers should do are rather sensational. I would not have thought that any South Australian retailers would be well advised to relocate their activities to cities such as Sydney, where the downturn in the economy has already bitten well and truly and where there are significant problems in many areas. However, I think that it is important for us not to spend time—as members of the Liberal Party want to do constantly—undermining the South Australian economy and undermining the efforts of people in the private sector and members of the South Australian Government in trying to build our economy, to develop confidence in our economy and to attract the levels of investment that will create employment rather than unemployment. But it is very difficult for Opposition members to have any faith in South Australia, and I suggest that that is one of the major reasons why they were not given—

Members interjecting:

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

The Hon. BARBARA WIESE: —the blessing of the South Australian people at the last State election. Our Government intends to continue pursuing policies that are designed to boost business interests, to create a broader and more diverse economy, to create employment and to provide the opportunities that will, hopefully, enable small businesses that would otherwise expect to feel the effects of the economic downturn to survive.

Members interjecting:

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

The Hon. BARBARA WIESE: I hope, too, that this will mean that jobs will not be lost. However, there may very well be some businesses which, for one reason or another perhaps not even related to the fact that there is a downturn in the economy, will not survive. However, I certainly hope that that is not the case. The South Australian Government will be doing all it can to see that business in this State remains healthy.

STIRLING COUNCIL

The Hon. M.J. ELLIOTT: I seek leave to make an explanation before asking the Minister of Local Government a question about Stirling council.

Leave granted.

The Hon. M.J. ELLIOTT: Over quite a period of time, I have had individual residents of the Stirling council area putting a number of complaints about the way in which things have been handled so far. Many of these people have shifted into Stirling since the time of the fire and, in fact, since much of the time of the litigation. They now see that they will be footing a large bill for something in which they have had no involvement whatsoever. That aside, they have put to me that a number of issues do not appear to have been addressed so far in the debates, and they said that that was partly because some of those matters were embarrassing to the Opposition. I will give an example of these; under the Waste Management Commission Act 1979, it is quite clear that the Local Government Minister, who had the Waste Management Commission under his control at that time, was obliged under section 4a of the Act to promote effective, efficient, safe and appropriate waste management policies and practices.

The residents are arguing that, as the court cases began to evolve, whilst the original operator of the dump quickly liquidated, Stirling council became the next easy target. At no time during the cases was the Waste Management Commission itself, which really had the ultimate responsibility for the dump, ever challenged, nor were any legal proceedings taken against it.

Secondly, these people have alleged that the Local Government Minister had a responsibility of oversight with local government and that there was a failure to advise local government about the fact that public liability insurance was inadequate. They say that, with the wisdom of hind-

sight, the Government has acted, but that Stirling council was plain unlucky that the fire just happened to occur in its council area and not somewhere else. Also, it is that council which has picked up this fairly large bill, when it really could have happened anywhere. There is nothing to say that its dump was any better or any worse than others. Thirdly, they have claimed that, in those very early days in particular, the State Government itself, with the assistance of—

The Hon. C.J. Sumner: Can't you accept that the council was found to be negligent?

The Hon. M.J. ELLIOTT: If you were listening to me, you would have heard me say that the Waste Management Commission was never challenged in the courts and, as such, that question was never tested. The courts were never asked to make a determination on that matter. So, if you care to interject, listen first.

It has been made clear to me that Crown Law advice was being consistently given to Stirling council and that, in fact, the State Government itself was something of an agent provocateur during those early days. Now we are being told that the council was being intransigent. It sort of got itself caught in that legal trap and, once in it, could not afford to get out. Once again, that happened from the very early days.

The residents have also made allegations about the inadequacies of the CFS, particularly as although people have been pushing for things such as water bombers, and so on, those sorts of things were not provided; the CFS was not up to the job. I suppose the final thing they have raised is a concern regarding what is about to happen. Although it can be argued in simple terms that the council may be able to afford the cost, the residents argue that it is likely that pressure will be put on the council perhaps to allow further subdivision and various other activities in the Hills as the council attempts to manage its finances and that, in the long run, this may produce costs for the whole State if our water quality is further affected by increased development in the Hills.

My questions to the Minister are: first, does the Minister agree that the Government, at the time of the fire and immediately following, had failed to fulfil its obligations in connection with the Waste Management Act in relation to perhaps a proper oversight of local government itself and in terms of encouraging council to seek the legal solution initially?

Secondly, on this basis, does the Minister agree that this really is a very special case and that the Government should be prepared to pick up the total tab in terms of cost? Thirdly, does the Government see that there is some fear that the council, as it attempts to recover costs one way or another, may be induced to alter the way in which development occurs in its area and, in fact, the whole State may pay, indirectly, in the long run due to the transmission of some of those costs?

The Hon. ANNE LEVY: I cannot pretend that I have read through the entire transcripts of all the court cases which occurred relating to the Stirling bushfires dating back to 1980. I doubt if anyone would wish to undertake such a mammoth task. However, there is no doubt that at the time all councils were underinsured with regard to public liability. That has been rectified, thanks to the strenuous efforts of my predecessor as Minister of Local Government, and thanks to the Local Government Association. Their having worked jointly, there is now in position a mutual liability insurance scheme which is contributed to by all the local councils of this State (and, if they do not all belong, they all will in the very near future), with indemnification being provided by the State Government, so that this is a cooperative effort between the local government community and the State Government.

The insurance arrangements are such that if a council should in the future be found to have been negligent there will be sufficient insurance protection to cover that council. I am not aware of what the Government of the day did at the time of the 1980 Ash Wednesday bushfires. I do know that it did not declare it a state of emergency or a national or State disaster. I do not wish to comment on whether, in hindsight, it may have wished to do so. But, it certainly did not, and presumably the Government did not do so for very good reasons. Although I am unaware of those reasons, it is interesting to note that the Minister for Environment and Planning at the time of the bushfire is now the member whose electorate covers the Stirling area.

Not having read all the transcripts, I do not know whether any reference was made in any of the legal proceedings to the Waste Management Commission and its responsibilities. I would rather not comment on that as I am not a lawyer and have not followed the details of the case. I would be surprised that the legal representatives of the Stirling council had not mentioned such a matter if they had thought it would be of any use to their case. So, I presume that if they did not mention the Waste Management Commission it was because their legal opinion was that it would in no way benefit their client.

The Hon. Mr Elliott speaks about Stirling being a special case. I agree that it is a special case, and that is why the Government has offered to pick up 72 per cent of the debt for which Stirling is legally liable. This is not a precedent that any other institution, body, council or corporation could expect to use in arguing for similar assistance from the Government. It is a special case, and that is why the Government has offered to fund 72 per cent of Stirling's liability. When I say 'Government', I mean all of us, because all taxpayers will contribute to the settlement of this matter.

With regard to subdivision, I endorse the remarks made by the Hon. Mr Elliott regarding the protection of water catchment areas and the desirability of development in the Mount Lofty Ranges being treated very carefully for this reason. However, I point out to him that whether or not subdivision occurs is a matter for Stirling council to determine. The Government is certainly not in the business of telling Stirling council how to run its affairs. Our calculations show—

The Hon. L.H. Davis interjecting:

The Hon. ANNE LEVY: I haven't sacked them; I have appointed an investigator.

Members interjecting:

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

The Hon. ANNE LEVY: On our calculations, Stirling council can service a loan of $4 million without affecting its current service rates and without increasing rates to the community by other than CPI, and without selling any assets. If Stirling council chose to sell assets to undertake subdivision, or to do any such matter, that, of course, would be within its rights. But, it cannot be suggested that it has in any way been forced to do so by the Government. It could, until it refused, meet its obligation to the Government without an increase in rates (other than CPI) and without selling assets.

So, if it decides at any time to sell assets or to encourage subdivision, that is a matter for the Stirling community—and for the Stirling community alone—within, of course, the framework of the planning legislation and planning constraints regarding the water catchment areas and the Mount Lofty Ranges.

The Hon. M.J. ELLIOTT: I have a supplementary question. As the Minister has conceded that she is unaware whether or not the Waste Management Commission Act was properly complied with or whether or not the State Government at the time had encouraged the legal action, and as she has conceded that public liability at the time was not adequate, is it possible to have the decisions that have been made so far reconsidered? Certainly the Minister did not seem to be aware of two of those matters.

The Hon. ANNE LEVY: I have admitted that Stirling is a special case. There has been long and detailed consideration of the situation in which Stirling finds itself. For that reason the Government has offered to pick up 72 per cent of Stirling's debt. I do not think we are in any way being unreasonable, or other than very generous, in relieving Stirling of such a large proportion of its obligation. I am not joking when I say—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —that many councils in this State have a debt servicing ratio that is a lot higher than that of Stirling—either what Stirling has now or what it would have if it accepted our offer—and many councils are, financially, experiencing much more stringent conditions and would welcome assistance from the Government.

SAVAGE DOGS

The Hon. M.S. FELEPPA: Has the Minister of Local Government a reply to a question I asked on 21 March about savage dogs?

The Hon. ANNE LEVY: The Chair of the Dog Advisory Committee has advised me that the committee has no official knowledge of the particular breed referred to. However, the committee is concerned at the press reports which indicate the propensity for this particular breed to be more dangerous and perhaps less controllable than the presently known 'savage' breeds. Whilst the committee appreciates that the Federal Government may have the power to ban the importing of these dogs into Australia, it points out that there is already a generic pool available for breeding to take place in this country (that is, Rottweilers, mastiffs, American pit bull terriers, etc.). It would be difficult to police any ban on the breeding of such animals.

The Dog Advisory Committee believes that the public should be made aware of the potential for danger that exists should this breed be allowed into the country or be bred here.

STIRLING COUNCIL

The Hon. J.F. STEFANI: My questions are directed to the Minister of Local Government:

1. Did the Cabinet determine that the Government should advise the Stirling District Council to settle the Anderson's claim for $9.5 million all inclusive?

2. Was the Government's offer of financial assistance to the Stirling council enabling it to settle claims arising from the Ash Wednesday bushfires subject to any condition or direction and, more particularly, to the acceptance by Stirling council of Mr Mullighan's advice on the settlement of claims?

The Hon. ANNE LEVY: I am not quite sure to what period of time the Hon. Mr Stefani is referring, and he would know, anyway, that Cabinet decisions and discussions are not public information. I cannot and never have and never will comment on Cabinet decisions or discussions which take place in Cabinet and I am surprised that the Hon. Mr Stefani would suggest that I would do so.

I can certainly remind the Council of what was stated at the time when Mr Mullighan undertook the so-called fast-track procedure which he commenced in June last year. This was by agreement with the Stirling council and with the Anderson claimants first of all, or the claimants who were represented by the legal firm of Andersons—by agreement on the part of all parties—that they would abide by Mr Mullighan's determination of the value of the damages.

Furthermore, the Government at the time promised Stirling council that if, through no fault of its own, it was forced back into the courts because further litigation was occurring, the Government would meet those legal costs. In other words, if the Stirling council was forced to defend itself in court because someone else had taken action against it, not because it had initiated action, that the Government would meet those legal costs. I am not sure if that is the period to which the Hon. Mr Stefani is referring.

The Hon. J.F. Stefani: June 1989.

The Hon. ANNE LEVY: June 1989 was when Mr Mullighan began his investigations with the promise of complete cooperation on the part of the legal advisers and on the part of both the Stirling council and the claimants. There was agreement that Mr Mullighan would be the independent arbitrator who would determine a reasonable level of claims which would be accepted all round. At all times the Government, the claimants and the Stirling council have accepted, without reservation, whatever recommendations Mr Mullighan made.

AUSTRALIAN GRAND PRIX LOTTERY

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

That the regulations under the Lottery and Gaming Act 1936 concerning the Australian Grand Prix Lottery, made on 26 October 1989 and laid on the table of this Council on 8 February 1990, be disallowed.

I might say at the outset that I am a friend of the Grand Prix, as was witnessed by my question yesterday, but I consider that these particular regulations are inappropriate because they deal not only with a lottery from time to time but for all time. The regulations mean that lotteries conducted in respect of the Grand Prix, in terms of the regulations, are exempt from the provisions of the Lottery and Gaming Act.

The report which was sent to the Joint Committee on Subordinate Legislation on 26 October 1989 states:

> The Australian Formula One Grand Prix Board made application to the Governor to make a regulation that it not be an offence to conduct a $1 million lottery in the declared area, during the period of the 1989 Australian Grand Prix.
>
> The purpose of the lottery is to encourage the public to attend the event to attempt to win the $1 million prize.
>
> The $1 million prize will be paid out in the event of a consumer correctly selecting from the 1989 Australian Grand Prix final entry list (grid), the first 10 placed drivers in order of the final race classification . . .

It then refers to the situation of more than one consumer correctly placing the drivers, and that is taken care of. It gives further detailed provisions and a copy of the advertisement was attached. The explanation states that the purpose was to make a regulation that it not be an offence to conduct a $1 million lottery in the declared area during the period of the 1989 Australian Formula One Grand Prix. So often we find that these explanations do not match up with

the legislation. One finds that this is the case with Bills introduced as well as in regulations. The regulation makes any lottery—not just the 1989 lottery—conducted by the Australian Formula One Grand Prix Board exempt, for the purposes of the Act, provided that the following stipulations are complied with:

(a) the lottery must be conducted on the outcome of an Australian Grand Prix.

This is not necessarily the Australian Formula One Grand Prix held in Adelaide, but the outcome of 'an Australian Grand Prix'. Further:

(b) the tickets for entry to the lottery must not be sold or offered for sale outside of the declared area or before the commencement of the declared period for the Australian Grand Prix to which the lottery relates.

The regulation is in relation to any such lottery conducted by the Grand Prix authority.

A letter sent to the committee on 20 March 1990 from the Premier following questions to him by letter from the committee states:

I refer to your letter of 20 February 1990 in relation to regulations to establish the Australian Grand Prix Lottery.

As outlined in the initial report to the Joint Committee on Subordinate Legislation, the Grand Prix Office indicated that the purpose of the lottery was to encourage public attendance at the Grand Prix.

With this objective in mind the Grand Prix Office conducted a review of the success or otherwise of the 1989 lottery. 9 570 people purchased tickets in the lottery within the Grand Prix circuit. For its own promotional purposes, News Limited contributed 10 'lucky draw' prizes of $1 000 each which were distributed. There were no winners of the $1 million prize since no entrant selected the correct place getters.

The Grand Prix Office was pleased with the promotional value of the lottery as was News Limited. The board budgeted for $60 000 net cost for the lottery itself given the direct promotional benefit it provided. In fact, the end result was a net cost of $40 575 which is justified by the additional ticket sales generated.

The event was conducted in conjunction with the State Electoral Department. There were 20 booths all of which were open on race day. 10-15 booths were open on other days.

At this stage, no decision has been made about conducting a lottery in association with the Grand Prix in 1990.

And then there are further formal parts of the letter. It is my view that in exempting from the provisions of an Act a certain promotion, which otherwise would be illegal (and that was the term used in the initial report made to the committee) such exemption should relate directly to that promotion. It should not be for all time. In this case it should have been for the 1989 Australian Grand Prix, as the original report stated.

If it is going to be held again in 1990, which has not yet been decided, or in some other year, there is no difficulty whatever in a regulation being made by the Governor in respect of that particular promotion. That is the way that exemptions from an Act ought to be provided—case by case, as they come up. There should not be a *carte blanche* perpetual exemption, as there is in this case.

Of course, the 1989 Grand Prix has been conducted, and the lottery was conducted. The practical effect of passing this motion and disallowing the regulation would be that, if the authority wants to run a lottery in future, it can seek a regulation at that time, which can be done easily. That is the right procedure. It is for this reason that I move this disallowance motion.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

HEALTH AND WELFARE SERVICES

The Hon. M.J. ELLIOTT: I move:

This Council urges the State Government to implement an urgent public review of health and welfare services in South Australia with consideration to be given to:

1. Management, administration and staffing of health and welfare services.
2. Recruitment practices.
3. Qualifications, training and on-going education of personnel.
4. Options for children removed from parental care by courts.
5. The policy of direct practice, programs and service delivery.
6. The value of contracting out and privatisation of some health and welfare services.
7. The role of the non-government sector in the porvision of health and welfare services.
8. Other ways in which statutory health and welfare services can be provided.
9. The way in which health and welfare can act together to improve preventative stategies and enhance community development.

And, that this review be conducted before any restructuring of health and welfare services is undertaken.

In moving this motion, I do not intend to criticise the many dedicated people who make up the health and welfare services in this State. I do not want this to be seen as an attack on individuals. It has occurred in response to a large number of Community Welfare Department and health service employees, who have made contact with me to voice their concerns. Far from being an attack on them, this motion aims to defend them and to facilitate a resolution to the concerns that they raise.

This motion is an acknowledgement that problems do exist within the operations of welfare and health, and that the community at large is best served by those problems being identified and resolved. I expect the reveiw to look at community-based health and welfare services and their interaction with hospitals, but the focus of it should not be on the hospital side of health care, which has its own particular problems.

A lot of noise has been made over the past five years about the Community Welfare Department's operations. That is an indication of the size and power of the issue. There have been numerous reports on aspects of the DCW's operations: the Cooper report and Burdekin report, as well as a number of internal reviews. Unions, academics and disaffected workers and clients have also aired concerns, most recently in a *7.30 Report* segment on ABC television in the last couple of days. A large number of questions have also been asked in this Parliament, frequently stemming from contacts members have had with people involved in welfare and health.

This all points towards problems and things are just coming to a head now. Despite all these reports and investigations on a series of issues, nothing has addressed the fact that health and welfare services appear largely to be trauma driven; that is, they are reactive to crisis, rather than preventative and supportive. The funding problems of hospitals have been highlighted and have been in prominence for some time. However, there are equally, if not more, serious problems in other health and welfare services which need to be dealt with.

Dr Lesley Cooper, in a 1988 report dealing with children of underage parents, found many deficiencies in DCW staffing and service delivery. She found over 60 per cent of the social workers in her study did not have adequate professional qualifications, This has implications for the level of sevice provided to clients. In dealing with the public, often in times of crisis, health and welfare workers must have an insight into human development and behaviour, be able to

deal with anger and frustration without taking it personally and have the necessary skills to seek solutions.

Because the health and welfare fields are so complicated, it is vital that people working in them have the best possible training, and that those with experience handle the most difficult and complex issues. In her study, Dr Cooper found junior staff being given tasks where complex decisions are required, in situations where clients can be hostile and resistant. To compound this, she found that there was little consistency in supervision and support of workers.

A review of the training given to social and community health workers and the recruitment practices of these areas is needed. It will go a long way towards ensuring standards of experience and education for the people in some of the most critical positions in the community. It may be that a form of registration, similar to that for nurses and teachers, would place a kind of quality control on staff. This is not necessarily a reflection simply on the staff itself. The reason why teachers were so keen on registration was that with the lack of registration there was not sufficient pressure on Governments to supply the money for training to ensure that people reached certain standards.

In my time teaching, there were times when teachers without any of the qualifications were extremely good, but there were also many cases where, without the correct training and procedures, a number of deficient teachers were also in the system. There is no doubt that, on average, whilst some good people were cut out, the registration system gave a better assurance of quality, and it may be that, as that has occurred in teaching, and I believe in nursing, we may need to look at this in the health and welfare fields generally.

The issues in health and welfare in this area are the same. There is a great crossover of personnel between the fields—quite frequent movement between the two areas—and the issue of qualifications and training of personnel is causing concern in both areas. All community health workers, for example, should be trained in primary health care, an area on which the Health Commission has a stated policy. There are many people, though employed in community health centres under a clerical award, who are classed as community health workers. Although they have valuable skills in, for example, ethnic languages, many have no health qualifications. The Health Commission, despite its commitment to primary health care, has directed no funds into training in this area. The commitment in theory is there but in practice it is negligible. A similar situation exists with community welfare workers.

These concerns have been backed up by callers to my office. I have heard of large numbers of social workers on stress leave or resigning because of the high levels of unnecessary stress. The Australian Association of Social Workers has expressed concern about the stress placed on its members by huge caseloads and the knowledge that many of the cases may not get the thorough attention they need, and many cases are not even being allocated to workers.

In 1987, social workers in Adelaide's central metropolitan region went on strike calling for more staff. The then Minister, John Cornwall, announced 40 new positions. But I have been told that within 12 months staff levels in many offices had fallen back to the level prior to the strike. To put it into perspective, in June 1987, 436 social workers were employed by DCW, but in June 1988 there were 399. In June last year, the figure was 429. I have heard of situations where a group leader in an area had no social workers in the group and therefore must carry the load of six or seven workers.

The large number of case files sitting unallocated in drawers also adds to the stress felt by social workers. I have heard that in the Salisbury Department of Community Welfare office alone a short time ago there was a pile of over 200 unallocated cases. This would by no means be a phenomenon peculiar to that office—I am assured it occurs in others. Among those cases were children who are under the guardianship of the Minister; children on bonds needing a supervising officer; and child protection cases. The effect, for a child, to have their case ignored could be deadly.

I have been told that the Elizabeth office of the DCW, which has the highest number of child protection cases of the State, has had to implement its own procedures. It is an office under siege without the sufficient resources or support to adequately serve its area and the high number of cases in that area, I have been told that, under its survival procedures, child protection cases are only investigated when children have significant injuries or after a number of reports have been taken. Children under the protection of the Minister and community welfare, or young offenders, are attended to on a priority basis, meaning many children are not receiving any help or attention.

The client of the welfare structure are suffering under a system which is designed basically to help them. Dr Cooper says there is little assurance of the quality of service provided to clients of welfare.

There is a need to ensure that the policies adopted by the department are being sufficiently addressed by the programs implemented by the department and that the quality of service delivery also reflects the policies. I acknowledge there is currently a select committee looking into the issue of child protection. However, its terms of reference are narrow, compared with what I am calling for here today, and with a large number of witnesses that are to be called and the process of considering the information, reporting and making recommendations is likely to be lengthy.

The Government has been planning a new division within the South Australian Health Commission which would combine elements of the commission and the Department of Community Welfare. This new division will force major changes to the structure of health and welfare without a clear indication being given of the reasons for the need of this merger the particular problems that are being tackled, how they will be solved or what benefits will be coming from this new structure. There has been considerable concern expressed about the lack of consultation that has gone on so far and the problems which are present and admitted. The Government may or may not be intending to address some of these problems by this procedure but it certainly has not explained how it will do so. I believe the Government is planning to have community health, domicilliary care and the child and adolescent mental health service moved into this new division by the end of June.

There is a lot of suspicion among health workers over this proposal which has been put together with little or no consultation. The people who will be most affected, those working in the health and welfare areas, need a clear undertaking that nothing will happen until the basic problems those services are experiencing are identified by an independent review. The Department of Community Welfare has an obligation towards the welfare of children in substitute or foster care for whatever reason they may be there. Once a child has been placed in the care of the department, its basic needs become the department's responsibility. These include not only food and shelter, but support and stability. Sadly these are inadequately addressed in many cases.

I have received a number of complaints of children having multiple foster placements and being largely unsuper-

vised in them. A 1988 report by Karen Vorrath on the multiple placement experiences of children in substitute care confirms those concerns. She found 58 per cent of the children in the study had between one and 24 placements during the time they were in the custody of the department. The mean number of placements is 5.15 and the average length a child was in the department's care was 5.29 years. That means that on average they were shifting once a year. That is a lot of moving and cannot be conducive to a child's development.

There have also been complaints about the department's failure to provide foster parents, natural parents and teachers with information and a lack of monitoring the suitability of the placement. I can certainly vouch for that with my own experience in the Education Department. For example, I have heard of children being placed in deeply religious households where the foster parents have taken personal belongings, such as music tapes and clothes, and destroyed them. The child has been placed in what is to them, a very different background and they have not received adequate counselling during those times. That is no criticism of the foster parents or their views but when a child is thrown into such a different environment and, to them, very radical things occur, the total lack of support is of grave concern. I have heard stories of children, who are frustrated by a lack of action when they request a change of placement or help with problems, take matters into their own hands and find themselves accommodation, often into more threatening surroundings.

In South Australia there have been no cases of the Government being sued for negligence towards a child in its care. Such cases have been successfully prosecuted in the United States, and I have heard the comment many times that it is only a matter of time before it happens here. Is it not immoral for a Government to remove a child from a family and then not guarantee any better situation? When children come under the care of the Government that is what it should mean—that they are in the care of the Government. The evidence is overwhelming that that care is not being adequately provided.

The debate currently underway about the networking of services within health and welfare, whether structured through amalgamation, or informal as is already happening in many areas, must also be addressed by a review into the other areas I have outlined. So must an ongoing program of community development. The expansion of that is known as primary health care and preventative issues underpin a change in focus, which it has already been acknowledged is desirable within health and welfare services. However, despite the Health Commission's commitment to primary health care as a policy, I have heard that staff in its planning and development department has been cut from 16 to 1½.

Too much of the resources of the State in terms of health and welfare are trauma driven. Seventy to 75 per cent of the activities of the Royal Adelaide Hospital and Flinders Medical Centre are trauma driven, compared to 50 per cent for most other major Australian hospitals.

This drain on resources by emergency care has led to the well-publicised financial problems of our hospital system, through the hospital's lack of control over patient intake. Earlier intervention, at a community level, could prevent medical complaints ending up in emergency wards two years down the track. The funding crisis experienced by South Australia's hospitals last year displays the need for a change in direction in health priorities and thinking. There is a desperate need to address community-based preventive issues now, even though the results might not be seen in hospitals for another decade. This is an issue in which hospitals and community health must be co-ordinated, something that cannot be achieved by separating them into different departments leading to a division in funding.

It is unfortunate—although no specific data is available—that the welfare sector is even more trauma driven than the hospitals. The situation in Elizabeth serves as an example of this. SACOSS in its Budget submission for this financial year says:

> The current health system is still highly fragmented. One of the issues for health in the 90s is the need to move towards a comprehensive primary health care services network. Emphasis needs to be given to improving co-ordination of service, reducing gaps in service provision . . .

The need for a more co-ordinated approach is not being denied.

The issues I have outlined seem only to be the symptoms of a larger malady. The root of the problem may be in the management structures or styles dictating the day to day operations of health and welfare. It may be a lack of resources, or in the basic policies and systems which guide every operation of the Department. It is not for me, or even the Government, alone to determine because we are not experts.

The Department for Community Welfare has as its statutory mandate certain obligations. These are the supervision of children under the guardianship of the Minister, the supervision of children on bonds, adoption and child protection. Until he can fulfil this mandate properly—and I have the evidence to suggest that he cannot at present, for whatever reason—we all have a problem. It would also be folly to suggest that the department can take on more obligations, such as those set out in the Community Welfare Act Amendment Bill currently before the other place, until the present problems are resolved. Serious consideration must also be given to the role of the non-government sector in the provision of health and welfare services. In a recent document SACOSS states:

> SACOSS sees the need for a thorough review of health and welfare services in South Australia. We believe it is particularly critical to review non-government services due to the significant changes in service provision costs through award restructuring and the need for better coordination between Government and services. We are not seeking a reduction of services, but an increased complementarity between services.

A review could examine and collect evidence on the social and economic value of some services being transferred to the private sector or those which are currently there.

The problems being faced by health and welfare cannot at present be fixed by any amalgamation plan alone. The latest remedy which emerged between the Department for Community Welfare and the community health service sectors of the Health Commission would not address the fundamental problems, but would merely transfer them into another perhaps more complicated sphere. The problems need to be identified and confronted. The people involved within the health and welfare fields need to be canvassed for ideas and solutions and should not feel threatened in expressing their opinions.

As I said at the outset, I have moved this motion following discussions with a large number of people in the field. The motion supports the workers in this field who are under an enormous amount of stress, and it is only through their incredible dedication that the pieces are being held together at all at this stage. I could have gone on at much greater length on this matter, but I hope that the debate will continue. I hope it is understood that there is no attempt to cast blame upon anyone—I am not pointing the finger at Ministers or the department itself. The motion suggests that we need to recognise that there is a problem and, therefore, a full review needs to be set up to examine those problems.

The solution may be more resources or restructuring. I do not pretend to know the answers to those issues, but the time has come to admit that we do have serious problems. We cannot keep hiding them or trying to patch them up. The time for a major review is here, and I hope that the other Parties in this place will recognise that fact and will support this motion in the same vein as it is being moved.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

BALTIC NATIONS

The Hon. M.S. FELEPPA: I move.

That this Council supports the Baltic nations of Lithuania, Latvia and Estonia in their desire to have separate nation status with independent constitutions. This Council therefore:

1. Calls upon the Australian Government to use its influence to encourage negotiations between the Government of the Soviet Union and the Governments of the Baltic States with a view to bringing about a peaceful settlement which recognises the legitimate aspirations of the Baltic nations free of the trauma associated with confrontation.
2. Directs the President to convey this resolution to the Prime Minister.

This motion relates to the current situation in the Baltic States and, more particularly, Lithuania. All members would be aware of the events that have occurred in Lithuania in the past few months, with the Lithuanian Parliament's declaring independence from Moscow. All members would also be aware of the monumental—I say revolutionary—changes that have occurred in other Eastern Bloc nations in the past six or 12 months.

The one lesson that history has taught us is that change is inevitable. It may not always be for the better, but it is always inevitable. There can be no doubt that the changes that have occurred in Eastern Europe are for the better. No doubt, there will be times of uncertainty and times when the security of the past appears to be preferable to the insecurities of the present, but that alone is not enough to turn away from the tide of democratic reform that has swept through Eastern Europe for some time now. Democracy as we know it is not a perfect beast, but it is far preferable to any other model or system in existence. Therefore, it is encouraging to see the democratic movement in Eastern Europe flourishing and moving from strength to strength.

It is also encouraging to see this movement being given free reign by the Government of the Soviet Union under the enlightened leadership of President Gorbachev. However, the test of Mr Gorbachev's commitment to democracy and peaceful reform in Eastern Europe is only one part of a broad picture. His biggest test has always been—and always will be—his response to calls for democracy and freedom from within the current borders of the Soviet Union. Mr Gorbachev has the power at this point to right some of the past wrongs of history. In the case of the Baltic States, there can be no more just cause than to recognise the illegal manner in which those nations were incorporated into the Soviet Union and to move towards righting the wrongs of the past by granting independent status to those nations.

The people of the Baltic nations have always held the hope of free and independent status close to their hearts, but the reality always was that such a situation would never occur without an enlightened and progressive Government in the Soviet Union. I believe that such a Government now exists in the Soviet Union. It is never easy for Governments to accept responsibility for the mistakes of the past, nor is it ever easy for Governments to make amends for those mistakes. We have seen an instance of this in Australia with the failure of successive Governments to take responsibility for the wrongs done to the Aboriginal population since white settlement, yet many would expect the current Government of the Soviet Union to act in a more enlightened manner than any other Government in the world by immediately righting every wrong in its past. In my humble view, such an expectation is a little unrealistic.

However, it appears that, under Mr Gorbachev, the Soviet Union is prepared to move towards meeting some of the aspirations of the Baltic people. Such a move should receive positive encouragement from all corners of the globe. This motion recognises that there is a large gap between the stated aspirations of the people of the Baltic States and the position of the Soviet Government, but that gap can only be narrowed, and finally overcome, by a process of negotiation that will allow for a peaceful settlement. At present, the Government of Lithuania has forcefully and courageously stated its position, which reflects the aspirations of the Lithuanian people. Put simply, that means an independent, democratic Lithuanian nation free from outside control. It is now up to the Government of the Soviet Union to show whether it has the courage to match that of the Lithuanian people.

The current situation calls for restraint. It can only be resolved with calm and reasoned negotiation between the Governments of Lithuania and the Soviet Union. In my view, there can be no other path. I pray that the Government of the Soviet Union will show the maturity and the restraint required to resolve its differences with the people of Lithuania, and this motion calls upon the Australian Government to use its diplomatic resources to urge a peaceful settlement which recognises the legitimate aspirations of not only the Lithuanian people but also all people of the Baltic nations. I trust that this motion will be supported—which I do not doubt for one moment—by all Parties in this Council. My fervent hope is that independence and freedom are not far away for the people of Lithuania, Latvia and Estonia. With these brief comments, I commend my motion to the Council.

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

SELECT COMMITTEE ON CHILD PROTECTION POLICIES, PRACTICES AND PROCEDURES IN SOUTH AUSTRALIA

The Hon. CAROLYN PICKLES: I move:

That the select committee have leave to sit during the recess and to report on the first day of the next session.

Leave granted.

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The Hon. CAROLYN PICKLES: I move:

That the select committee have leave to sit during the recess and to report on the first day of the next session.

Leave granted.

ST VINCENT GULF PRAWN FISHERY

Adjourned debate on motion of Hon. M.J. Elliott:

That this Council urges the Minister of Fisheries to resolve the continued decline of the Gulf St Vincent prawn fishery by—

1. Immediately agreeing to replace the current unworkable buy-back repayment scheme with a revenue-based tonnage and price-sensitive formula which will tie a realistic level of buy-back repayments to a real recovery in catch; and

2. Immediately inviting Professor Parzival Copes to review management practice in the Gulf St Vincent prawn fishery and to make recommendations to halt and reverse the current decline of the fishery.

(Continued from 28 March. Page 897.)

The Hon. T.G. ROBERTS: I rise to oppose the motion moved by the Hon. Mr Elliott, not on the grounds that there is anything wrong with the contents or intention of the motion, but because the Government has its own agenda for dealing with this matter. Discussions and correspondence are ongoing at present between the Gulf St Vincent prawn fishermen, the department and the Minister, and the matters raised by the Hon. Mr Elliott in his motion are currently being dealt with. It would therefore be pre-emptive of me to support the motion, on the basis that discussions around the matters raised by Mr Elliott are still going on at this very time.

The prawn fishery has been a subject of discussion between the harvesters and the Government for three decades now, and if we move to support a motion in the last eight to 10 weeks of discussions, we could be endorsing courses of action that the fishermen themselves may not, in the end, agree with, although the indications are that the outcome of discussions between the Government and the prawn fishermen may actually reflect the content of the honourable member's motion. At this stage, it is still by no means clear that that will be the final outcome of the discussions. The fishermen have met with me and other backbenchers to outline the problem that they face, and the Minister has circulated a letter as an explanation to those seeking information on the problem. In part, it states:

Western king prawns were first commercially exploited in South Australia in the late 1960s. During the 1970s the industry developed and expanded, with high catch rates, as is usual in new fisheries. Controls aimed at containing the fishing effort in the industry were implemented early in the fishery's development.

The management of the fishery was made very difficult in the mid-1970s, when the Commonwealth Government claimed the Investigator Strait region was under its jurisdiction. This resulted in the same stock of fish (prawns) being exploited by two separate fisheries. The Commonwealth's claim to Investigator Strait waters was ratified by the High Court of Australia. However, under the Coastal Waters (State Powers) Act 1980, the Commonwealth provided South Australia control of these waters.

In the early 1980s the Gulf St Vincent prawn stocks collapsed due to overfishing.

The fishermen in the industry agree with these points. There is an agreement between the department and the fishermen that the fishery has been overfished, that the stocks have to be given time to replenish and that size limitations should be introduced to ensure that breeding stock is left available for the replenishment of the stocks for future fishermen. The letter continues:

This collapse resulted in the appointment of Professor Parzival Copes to review 'prawn fisheries management in South Australia, with specific reference to problems in Gulf St Vincent and Investigator Strait'. Professor Copes reported in July 1986. One of the recommendations of Professor Copes was that 'measures should be taken to remove six vessels from the Gulf St Vincent/Investigator Strait prawn fishery at the earliest opportunity, by process of a buy-back'. This recommendation culminated in the Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987. Five vessels were removed under the provisions of this Act. This was completed in April 1987.

As the Gulf St Vincent prawn stock had collapsed, the rationalisation of vessels/operators was only one of the corrective measures required to rehabilitate both the stock and the fishery. Others were a significant decrease in fishing opportunity (nights/hours trawled) and maximum protection to small and reproducing prawns. These, along with the depleted nature of the stock, have resulted in the low catches over the past two seasons. The issues involved in this matter are complex and diverse, requiring an understanding of the basic biology of the species involved, the management options for the fishery, the past history of the fishery, the impact of technologically efficient trawling operations on current and future stocks, the financial gearing of the operators in the industry and the background and details of the rationalisation arrangements.

The Minister goes on to explain that, in response to matters regarding the ongoing management arrangements, which is the key question being raised by those in the industry, this involves not just the financial problems associated with buy-back and reduced effort: it is also a matter of managing the resource to enable the highest effort to be maintained in the future, while allowing the breeding stock to build up. Also the current stock should be harvested in such a way that the size of the prawns and the returns to the fishermen and the retail sector are maximised without damaging the resources.

There is general agreement across the board by the Government, the department and the fishermen that they have identified the problem that Copes had specifically identified in 1986 and the way to come to terms with some of the problems associated with the high investment packages that people had put into place during the investment period of the harvesting process. Those people are in difficult circumstances, and their needs are being taken into account by the management of a buy-back scheme that is enabling the fishermen to stay in the industry, reduce their effort and hopefully repay their loans while being able to survive in the industry.

In response to some matters raised by the industry regarding the ongoing management arrangements, the Minister has considered a wide range of options for addressing the industry's concerns. In his letter he states:

I have proposed the matter be addressed engaging a professional arbitrator/facilitator (Mr D. Kranz) to liaise with interested parties during April—

that is, this month—

in an endeavour to identify areas of difference and formulate advice on how best to address them and conciliate;

inviting the South Australian Fishing Industry Council (SAFIC) to nominate an appropriately qualified person to consider and advise on the specific allegations of the industry;.

In this case, the fishermen are requesting that Professor Copes be returned. Negotiations are continuing as to whether Professor Parzival Copes or some other individual nominated by the industry will study the industry as it stands and make recommendations to which both the Government and the fishermen can agree. No-one has been ruled out at this stage: it is a matter of ongoing discussions. The fishermen are saying that the Government should show good faith by returning Professor Copes, which would mean that someone new would not need to be briefed from the start. Professor Copes is familiar with the problems of the industry and, while not foreshadowing that he will come down on the side of the industry, the fishermen are prepared to accept his recommendations. These are the views being put to me by people in the industry.

The other point that the Minister has made is that he is providing independent scientific advice to this nominee and will be convening a meeting of all parties in May to address the facilitator's and reviewer's advice, and the specific allegations that are being made about the state of the industry. It is anticipated that this will require a day and a half. That is not something that is set in concrete, to coin a phrase; other proposals are being discussed.

Some people in the industry are saying that it will not take that long: that if they had access to the Minister in a different forum and perhaps for a shorter time they could quickly spell out the problems of the industry. However,

the forum by which those discussions take place is still a negotiable item. It is pretty clear that a solution must be put forward that maintains the credibility of those concerned with the management of the prawn fisheries over the years. If mistakes have been made they must be recognised, and solutions found and the best way to proceed forward is based on all the information available to the industry.

I understand from speaking to fishermen that enough biological information is available for them to make assessments about their harvesting problems. It is a matter of managing the resource to allow a financial return to enable them to remain viable while paying off their buy-back scheme and maintaining a living in the industry. They recognise that the resource is under threat and are prepared to make the necessary sacrifices if they are identified and required to do so. It is a matter of all parties getting together in an atmosphere that allows for the information to be put forward and a solution to be agreed upon.

One of the difficulties in achieving that is that the prawn fishermen themselves have had many solutions put forward over the years, but they have felt that they have not been put forward in a democratic manner. They are now desperate and are reluctant to go down another path of collecting information, assessments being made and recommendations being put forward with maximum input from the industry and the fishermen themselves.

I think that the forum and the ground rules that have been set by the Minister, as well as the Government's recognition that the refinancing of the buy-back scheme over long periods is tied to their catch levels, are equitable ways of dealing with the matter. The important thing is that the fishermen recognise that, and it is also important that they, in conjunction with the department, play a part in framing some of the recommendations about self-management. If hard decisions must be made and the effort reduced for a while, I am told by representatives of fishermen that they are prepared to accept that.

I hope that over the next four to six weeks the parties involved will be able to get together cooperatively and put forward recommendations that the Government can accept in the best interests of the long-term management of the resource, while protecting not just the public interest but the resource itself from over-fishing, and ensuring that those prawn fishermen in the industry are able to finance their buy-back scheme and at least make enough money out of the industry to remain viable.

The Hon. PETER DUNN: The Liberal Party supports the Hon. Mr Elliott's motion, which sets out to do two distinct things, both of which are reasonable. However, having listened to the Hon. Mr Roberts, I think it is quite clear that the Government has reacted, although very slowly, to a motion such as this. The first part of the motion, which deals with realistic levels of buy-back repayments and relates them to the recovery, catch, cost and payment for that catch, is a reasonable request. I do not think that the Government will disagree with that. However, I agree particularly with Part II, which deals with returning Professor Parzival Copes to review the effects of his original work from 1987. That ought to happen. He ought to be asked to front up to see the effects of the resolutions that he put forward for the Gulf St Vincent prawn fishery. Ever since the industry started it has been fraught with problems, which is a shame.

The two arguments that I have read and listened to within the past couple of days really do not provide any resolution to the problem. A little later I wish to put my ideas—which are not necessarily those of the Liberal Party—as to what ought to happen to this industry, particularly in Gulf St Vincent. It is opportune that at this time we have before us a Bill dealing with marine pollution, as that has a considerable amount to do with the low fish numbers in the Gulf St Vincent today. Whether they be prawns, scale fish or whatever marine life is there, they are in very low quantities today, and that is a pity, when the gulf is such a large area of water bordering on a major city.

This motion deals with a realistic level of buy-back in relation to the return for the fish that are being caught. It is interesting to note that Professor Parzival Copes, in his report of 1987, said that if there was a buy-back of six fishermen—and members should understand that with a decrease of six fishermen it is reasonable to assume that the remaining 10 fishermen will increase their catch by at least 40 per cent—and a drop in pressure on the industry, there ought to be a commensurate increase in fish stocks in Gulf St Vincent.

However, the facts deny that. The information we have from the industry and from the industry's lobby indicates that the catches are in fact decreasing, that they are not improving at all. I wonder whether Copes really has the knowledge he is proclaimed to have. It is my opinion that the Government brought him in to get itself off the hook; that it did not want to take the rap for not being able to cure this problem. I think that the Government knew full well that Copes would make recommendations along these lines—that is, cut back the industry—and that the fishermen would agree, because he was seen to be independent. Independent he may, but I do not think he has the figures right. I do not think he looked at Gulf St Vincent closely enough to determine whether or not fish stocks could increase if the number of boats was decreased.

The predicted and hoped for increase in the figures put forward by Copes is interesting. I will not go back further than 1987 but, in Gulf St Vincent—not including Investigator Strait—in 1986-87, 216 tonnes of fish were caught. In 1987-88 the catch decreased to 211 tonnes, although Copes predicted that it would rise to 331 tonnes. In 1988-89 the catch increased to 240 tonnes (and I note the department wishes to add another seven tonnes to make that 247 tonnes). Copes had said that it would rise to 400 tonnes; and then eventually increase to 500 tonnes per year.

Five hundred tonnes per year of fish at, say, $10 a kilogram (and I am being moderate with the price) is a big income for this State. If that tonnage of fish could be sustainable year after year I believe we should be encouraging that. However, the facts are that the catches are not increasing. Last year the catch dropped to 240 tonnes, although in 1982, when the industry started, over 500 tonnes of fish were caught.

Since that time the capital outlay has increased and fishing techniques have become more refined and sophisticated. We now have triple rigging on some of the boats and the modern methods of catching prawns. But, despite all this, we have had a drop in tonnages—and not only that: we have a drop in the size of the fish. Everyone knows that small prawns have nowhere near the value of larger prawns. Copes makes some comment about the size of the fish and says that they should have increased in size during that period.

Spencer Gulf—the other gulf where prawn fishing is carried out—has also suffered a decline from that early period of prawn fishing. However, due to rather careful management by the industry, as much as by anything else, we have now seen an increase in fish caught. I understand that the highest catches in Spencer Gulf were of the order of 2 000 tonnes. That dropped to just over 1 000 tonnes, but I under-

stand that this year it is estimated the catch will be about 1 700 to 1 800 tonnes. So, the catch in Spencer Gulf is recovering, and recovering nicely. The fishermen in Gulf St Vincent are not so lucky. The following comments demonstrate their concern about the industry:

> Significantly the Association [St Vincent Gulf Fisheries Association] is so concerned about the future of the fishery that it is prepared to commission a review of the fishery by Professor Copes. His advice would be sought to assess and advise on:
>
> 1. the effect of management strategies implemented since his first report;
> 2. the impact of the implementation of the rationalisation scheme on the industry in general;
> 3. the rate and level of the fishery's recovery achieved to date, and likely future prospects; and
> 4. recommendations for future management.
>
> If the association's experience as set out above and in the November 1989 Peat Marwick Hungerford report is not accepted by the Government, then the industry will have to seek Professor Copes' assistance in the interests of its own survival.

This is signed by fishermen who fish in Gulf St Vincent. In my opinion this is fairly scary stuff. It demonstrates that the fishermen themselves are very worried. The figures contained in this document indicate that their profit margin is no longer a profit margin but a loss margin, and it indicates that, on average, they are losing about $3 000 a year after all expenses are deducted. An industry such as this cannot continue to survive.

It is important that Professor Copes be asked to return. It is important that the Government again look at the method by which the buy-back system is funded. If that means funding it over a longer period, let us look at that. Copes should have another look at this whole question and determine whether or not that is the proper way to go about it. I do not think that the systems that have been proposed will work—and this is my opinion, not necessarily the opinion of my Party. I believe that Gulf St Vincent is a great tourist attraction, and ought to be promoted as such.

Only this week on Tuesday at 6 a.m. I went to the Safcol fish market and discovered that less than 5 per cent of the fish there came from the Gulf St Vincent—and that 5 per cent was mostly crabs. Most of the fish came from the western and southern areas. That practice has continued for a long time but, if it continues for much longer, there is no point in continuing to put pressure on Gulf St Vincent by using prawn boats. I believe that those prawn boats do a certain amount of damage to the sea floor and to the small marine life that live on that sea floor. That marine life, in turn, sustains the very much sought after fish—King George whiting, snook, garfish, tommy ruffs, leather jackets, flatheads and others—which we all like, which grow in Gulf St Vincent and which can be caught by amateur fishermen.

There are about 200 000 people in South Australia who like amateur fishing and the biggest proportion of them are around the Gulf St Vincent, whether they go to Yorke Peninsula or whether they fish around the Adelaide coast. It is my opinion that we ought to be buying out those prawn fishermen and either let them fish somewhere else; or at least buy them out so that they do not lose money, because the Government has taken a lot of money from the industry by the export income in past years.

I think it is wise that we take them out of the Gulf St Vincent and allow the gulf to recuperate. From information I have obtained, and it is not complete by any means but it is an idea, a fisherman suggested to me that it might take 20 years for the gulf to recover back to its former glory. If that is the case, we ought to be starting as soon as possible.

The other thing is that perhaps the amateurs might like to pay a small fee for a licence to operate in that area. It need not be high but that money could go into developing reefs and other structures that will retain the fish. On the western side of the Gulf St Vincent, where the snapper usually run, because it is a rocky and a smoother side of the gulf with not such high reefs, a reef area could be put in there to provide a natural habitat, particularly for snapper, which people love to catch because they are a large fish and a choice fish to eat.

I believe if some reef structure could be put up and down that west coast, more of that snapper would be retained and they could be caught by amateurs. Net fishing perhaps could be taken out. Line fishing does not worry me. Professional line fishermen could still work in the gulf, particularly if it recovered. Maybe in years to come we could look at putting in one or two prawn boats in the gulf. However at the moment there does not appear to be any method to look into the future to see how we can correct it.

The Gulf St Vincent has been polluted. We have seen the seagrasses go from about 60 metres off the average high water line in places such as West Beach, to now more than 600 metres. It is now nearly 1 000 metres out to the ribbon weed line. I think that is very poor. It is bad luck because that is what is causing a lot of erosion of our beaches. If we lose the ribbon weed we will lose the fish as well. We might get a few others replacing them but certainly the fish like protection, and so on, and they do not have that when that weed is lost.

We need a whole new management strategy for the Gulf St Vincent, and the Hon. Mr Elliott has aimed for this in moving the motion. I believe the Government's program needs speeding up. I have received some information, but unfortunately I have not been briefed by the department. What they are trying to do is correct but they ought to be asking for, in particular, Professor Copes to come back because he can probably learn from it as well. What he has suggested has not worked.

The Hon. M.J. Elliott: They have not done what was suggested, either.

The Hon. PETER DUNN: I appreciate that. He asked for six boats to be taken out but five have been taken out.

The Hon. M.J. Elliott: And the size of the prawns, and things like that.

The Hon. PETER DUNN: I appreciate that but we cannot have bigger prawns unless we take less of them. We need to leave them in there longer to mature and that has been amply demonstrated in Spencer Gulf. I believe that what is proposed is not unreasonable. It is not at cross swords with what the Government is suggesting; it is just that the Government is suggesting to go about it internally, and I do not believe that in the past they have proved that it can be cured internally. Professor Copes has not got it exactly right but at least let him come back and suggest something which both sides of the argument (the fishermen and the department) will accept. I believe that because of those reasons we can only support the resolution.

The Hon. M.J. ELLIOTT: When I moved this motion I was very careful not to repeat a large number of allegations that were made to me about certain activities within the Department of Fisheries, and so on. I certainly do not intend to do so at this time. The motion that I have moved is a constructive one. It makes no allegations about anyone, makes no insinuations. It simply requests two actions: one, a restructuring in the repayments for the buy-back scheme which now have become obviously necessary because, quite simply, the fishery has not recovered to allow the repayments to occur. The Bill that the fishermen face has increased by $500 000 in the past couple of years, and with the fishery not recovering at all that is only likely to get worse. This

really means it has problems for both the fishermen and for SAFA who provide the original loan.

There is a need for a very urgent reconsideration and I have a fairly clear indication from the Government that it is at least starting to address that issue although, as yet, it has not finally been resolved. When the fishermen spoke to me they made it clear that when doing that in isolation it does not really solve their problems. They have two problems: one, the debt they currently have which is increasing and, as I said, that is becoming a problem in the State as well. The other problem they face is that the fishery is not recovering. That has two impacts on them. It means that their licence value is effectively being wiped out. I am told at this stage the fishermen's licences have no value because of the debt and the fact that the fisheries are not recovering. Of course, if they are committed to fishing long term they have a problem because the fishery is not recovering. Besides the problem for the fishermen, it is a problem for the State as well, if we have a significant fishery which is not recovering.

The fishermen are asking for an independent review of what has happened in the past three or four years since Professor Parzival Copes was last here. They argue that the best person to do that is Professor Copes himself. It is worth noting that they did not support Professor Copes coming in the first place. I do not think they were particularly delighted by the recommendations made but they went along with them. They went along with the buy-back scheme, all the management, and recommendations and requirements which have happened since that time they have all gone along with, although their disquiet has increased significantly as year by year the projections of recovery simply have not occurred.

They believe that at this time it would be worthwhile if Professor Copes came back, that he does have the background. I believe they are willing to pay at least half the costs of his expenditure in coming back, which seems to be a very reasonable offer. They have already picked up the tab for the investigations for setting up a restructuring of the repayments, which the Government itself is looking at.

I believe they have been very responsible and very cooperative up to this time. They are not asking for the world. What they are asking for is reasonable. They are asking now for Professor Copes to come back, an expert who was first brought here by the Government. He should be someone suitable to everyone. I hope that games will not be played to put in someone who is not acceptable to both sides at this time.

The Government has not indicated that there is a problem with Professor Copes. The fishermen have certainly indicated that they believe he would be a good person for the job, so I hope that that is acted upon. Some fears have been expressed to me privately by one or two individuals that perhaps a local person, or even a person connected indirectly, even if from another State, with our local fisheries department, could be put in, and they have some distrust of that. If that occurs then we are off on the wrong foot.

One matter which was not directly contained within the motion itself but which has been made clear to me is that fishermen feel that a lot of their problems could be resolved if only they could get a reasonable meeting with the Minister himself. The meetings they have had so far have been of limited duration and under very strict rules as to what they could and could not talk about.

In the light of the seriousness of the problems we now confront, it is a pity that the Minister cannot spend time with a few less rules involved and with a little more time made available to simply sit down and talk with these people. I believe that they are reasonable people, and that what they are asking for is reasonable. I believe that resolution is possible. That is why I have moved the motion in its present form. It is clear that the Liberals and the Democrats support such a move. The Government seems to be going in this direction, and I hope it follows the recommendations of the motion.

Motion carried.

URBAN LAND TRUST ACT REGULATIONS

Orders of the Day: Private Business, No. 4: Hon. J.C. Burdett to move:

That the regulations under the Urban Land Trust Act 1981, concerning operating surplus, made on 12 October 1989, and laid on the table of this Council on 17 October 1989, be disallowed.

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

That this Order of the Day be discharged.

Today, the Joint Committee on Subordinate Legislation received a letter from the Minister for Environment and Planning. The letter, which was tabled earlier by the Chairman of the committee, states:

I would like to thank the Joint Committee on Subordinate Legislation for bringing to my attention the need to disallow the regulation under the Urban Land Trust Act 1981 relating to operating surplus. This regulation was made on 12 October 1989 and was laid on the table of the House of Assembly on 17 October 1989.

Concern was expressed by your committee as to whether the subject regulation is within the power of the Urban Land Trust Act.

In recognition of the committee's concern, it is the Government's intention to proceed with revocation of this regulation. I wish to advise the committee that I will be seeking the approval of Parliament by means of a Bill to amend the Urban Land Trust Act 1981.

This Bill will provide the power within the Act such that the trust may make a contribution to the Consolidation Account from its annual operating surplus.

It is my intention to bring forward this Bill in the next session of Parliament.

That is what I thought ought to happen all along. I believe that it was not within the powers contained in the Act and that it was not appropriate by regulation to enable the trust to transfer some of its operating surplus to Consolidated Account, that is, into general revenue. It seemed much more appropriate to me that this be done by Bill before Parliament and be subject to the full scrutiny of Parliament. For those reasons I have moved the motion.

Order of the Day discharged.

ECONOMY

Adjourned debate on motion of Hon. L.H. Davis:

That this Council condemns the Bannon Labor Government for—

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

(Continued from 21 March. Page 637.)

The Hon. BARBARA WIESE (Minister of Tourism): I oppose the motion moved by the Hon. Mr Davis and I give notice, before I make my remarks, that at the conclu-

sion of my comments I will move to amend the Hon. Mr Davis' motion. It seems to me that through the sentiments of the motion moved by the Hon. Mr Davis the Opposition is simply continuing its campaign of knocking South Australia, demonstrating its readiness to sacrifice the interest of the State to make a political point. It really is disappointing that the Opposition cannot seem to break its bad habits, despite the fact that it has had a leadership change recently and, one would have hoped, that it might also have had a change of direction in the way in which it approaches issues in this State, particularly the attitudes that it expresses on economic development.

On the basis of a grab bag of recent economic statistical snapshots, the Hon. Mr Davis concludes that the 'South Australian economy is in the worst shape since at least the Whitlam years'. By taking these statistics in isolation, the Hon. Mr Davis chooses to disguise overall long-term patterns of movement in key economic indicators in order to paint, for political purposes, the worst possible outlook. The honourable member's arguments deliberately ignore the significant progress made by the South Australian economy in recent years. The facts on the management of the South Australian economy speak for themselves.

A major independent report on the management of the South Australian public sector and economy was released late in 1989. This report 'Budgetary Stress: The South Australian Experience' has been published by the National Institute of Labour Studies at Flinders University and is one of the most comprehensive reviews of the State's economy and public sector administration ever undertaken. This independent assessment completely torpedoes the Opposition's attempt to knock the management of the South Australian economy and paint us as a high taxing State.

The report describes South Australia as a low tax State, a State with the lowest level of debt of any State, and a State with one of the best managed public sectors in Australia. The report commends the reforms now under way in the State public sector to bring about more efficiency, although it says that there is room for further improvement. And it shows that, despite cutbacks from the Commonwealth Government in recent years, the quality of services in South Australia has been maintained. On the question of State taxes and debt levels, the report is quite explicit.

Page 89 says that South Australia's revenue from taxes, fees and fines is less per head of population than any State except Queensland, and it says net borrowing per head of population is also least for the South Australian Government of all State Governments. It says that South Australians can look with confidence to the 1990s and that they will have 'good reason to rejoice at the persistance of our State Governments being "boring" during the 1980s rather than pursuing the trendy profligacy that makes for good media copy'. The picture painted by this report is vastly different from the doom-laden vision put forward by the Hon. Mr Davis.

Optimism for the 1990s was also the conclusion drawn by a second independent review of the State's economy by the South Australian Centre for Economic Studies, once again released late last year. This report said South Australia has just had its best year since 1976 and would continue to outperform the national average in many areas over the next 12 months. With respect to public sector management, the figures show that South Australia is one of the best managed economies in the country. In 1982-83, South Australia's recurrent budget was $64 million in deficit. The last budget showed a surplus.

I might say that the reason we had a $64 million deficit was very much due to the mishandling of the South Australian economy by the short-term Liberal Government. It took many years for the Bannon Government to overcome the crisis that had been created in public sector financial management, and it is a tribute to this Government that in such a short time were are able to turn an enormous deficit into a surplus.

At that time South Australia's net debt as a share of gross State product was 22 per cent. We have reduced that to below 16 per cent—one of the lowest debt levels of any State. We have also kept strict controls on the size of the public sector, reducing public sector employment from 18.3 per cent of the State's total employment in 1982-83 to 16.6 per cent in 1988-89. Further, a Monash University survey released in February this year, concludes that, through the special market niches South Australia has created by virtue of its car manufacturing industry and submarine contract, it is better placed than most other States to deal with the current economic downturn. So much for the honourable member's description of the Bannon Labor Government as 'economic wimps in office'.

Let me turn now to the small business sector in South Australia. The Bannon Government recognises the vital role of small business in the State's economy and the importance to small business of maintaining the strong economic growth that has occurred in the State in recent years. Throughout the 1980s, we have demonstrated our commitment to small business through a wide range of initiatives.

The Government's record on taxation relief is consistent. In the past two years there has been a significant rise in payroll tax exemptions and concessions on land tax and stamp duty. In this period, the Government has foregone revenue of $75 million in expanding such concessions. I repeat that these things have been done in the face of very considerable cuts in funding from the Commonwealth Government. In the 1989-90 budget, tax relief is being provided through a significant increase in the payroll tax threshold level and through significant relief from the impact of land tax. The Government has provided $41 million in land tax relief as follows: the tax rate on properties between $80 000 and $200 000 was cut from 1 per cent to .5 per cent. The rate for properties over $200 000 was reduced from 2.4 per cent to 2 per cent. A rebate of 25 per cent of tax payable was introduced on properties below the $200 000 threshold. And a rebate of 15 per cent was given for all property values above $200 000.

Employers are also benefiting from a two step increase in payroll tax exemptions as follows, with the Government foregoing $10 million in revenue: from 1 October 1989, the payroll tax exemption level rose from $330 000 to $360 000, and on 1 April just three days ago and unheralded by the media, the threshold rose to $400 000. Taken from September 1988, these changes have meant a 48 per cent increase in the payroll tax threshold in 18 months.

In another initiative, major charges have been held below inflation providing a significant benefit for the commercial sector. Electricity charges in 1989-90 will rise by only 2.5 per cent, well below inflation.

One area of concern to small business is perceived Government interference and over-regulation. The Government has undertaken an exhaustive review of all regulations put in place before 1960, and more than half those regulations have now been scrapped as unnecessary. I will refer in a moment to the program for the future in that area. In its first term the Bannon Government established the Small Business Corporation as the focus of direct assistance to small enterprises. Since it opened for business in March 1985, the corporation has assisted more than 125 000 people, about 33 000 of whom were starting up in business for

the first time. In the past three years more than 300 firms have been assisted directly through the 'Pathfinder' scheme and granted consultancy assistance.

In addition, the Government has supported the establishment at the Small Business Corporation of a Computer Advisory Centre which provides independent advice on the computing needs of small business. This service has been very successful. Through the South Australian Development Fund, the Government has given assistance to a broad range of small companies in the manufacturing and high technology sectors. This fund, while not specifically aimed at business of any particular size, has provided a comprehensive framework for the provision of financial incentives and assistance to industry. Much of this assistance has, in fact, been directed to small business. The level of help provided to small business from the South Australian Development Fund in the three years following the 1985 election is estimated at $7 890 857 paid to 164 companies.

The Centre for Manufacturing has become a focus of advice and support for manufacturing enterprises, providing direct consulting support to more than 270 companies in its first two years of operation. A number of small to medium sized South Australian companies have been able to use the centre's resources to improve their operations and boost their ability to compete nationally and internationally.

The Government has expanded business studies opportunities in secondary education and in TAFE, and is currently undertaking a major review of all courses in the business studies area to make them more appropriate to the needs of enterprises in South Australia. This State was the first to give status to business studies courses as a Matriculation subject. In 1988, SSABSA reports indicated that some 12 000 students enrolled in a range of year 12 courses which covered topics relating to small business. The Small Business Corporation also places a high priority on providing educational materials and developing new courses to satisfy a growing demand for business-related subjects within secondary, trade and tertiary levels of education.

This is not the record of a Government which, as the Hon. Legh Davis would have us believe, is insensitive to the needs and problems of small business, but rather of a Government which has created 120 000 new jobs since early 1983 in a State where small business accounts for 98 per cent of all business enterprises and employs approximately half of the private sector workforce. I mentioned earlier that, in conducting this debate, the Opposition has once again fallen into an all too familiar pattern of ignoring the good points South Australia has to offer. It continues to knock the efforts of large numbers of South Australians which has been directed towards getting the economy going. The Opposition should be putting forward policies in relation to the South Australian economy—getting behind the State instead of continually undermining it. Unfortunately, however, the Hon. Legh Davis' contribution is utterly devoid of any positive suggestions. Contrast this with the Government's plan to ease the way for business.

Complementing the economic strategy, 'Securing the Future', the Government will assist small business in a variety of ways. We are committed to keeping the growth in Government charges below that of the CPI, and maintaining the real value of payroll tax exemptions by regular rises in the base level. Reviews into the impact upon business of land tax and electricity tariffs have recently commenced. The red tape for people going into business will be cut by creating a one stop shop for business licences at the Small Business Corporation and over the next four years all remaining regulations will be reviewed and scrapped, if unnecessary, while sunset clauses will be built into new ones to ensure that they are regularly reviewed.

Amendments to the Landlord and Tenant Act have been introduced in this session of Parliament to provide greater protection for small business in commercial leases. The Government will ensure that the Small Business Corporation remains as the major source of advice and help for small businesses and is resourced to effectively provide this assistance.

The corporation is currently involved in two innovative new initiatives—the Business Doctor Program and the development of regional self-help groups aimed at encouraging local employment. The Business Doctor Program is a major undertaking with private enterprise, utilising the business management knowledge of accountants and lawyers to assist those businesses that require access to such expertise. Additional funding will be provided to expand these programs, and the corporation's aim this year is to conduct and help some 28 000 business people, increasing by 5 per cent a year over the next five years.

The Hon. Mr Davis referred to the Federal Government's general economic strategies and to the high interest rate policy in particular. We are indeed passing through a difficult economic phase. Interest rates are intolerably high, particularly for small businesses trying to service their capital needs. The next 12 months will be a difficult period for commerce and industry, and we need to ensure that a positive and planned approach is taken to improve the performance of small private sector enterprises and, to the extent that it is possible, avoid business failures.

One key to sustaining the economic performance of the small business sector rests with the State's financial institutions. On 28 February this year the Premier and I met with Chief Executive Officers of all the South Australian institutions upon which so many small businesses rely as their prime source of finance. At that meeting, which took place in the offices of the Small Business Corporation, it was recognised that many businesses are likely to suffer the effects of financial distress due to decreases in cash inflows caused by the current economic environment and an increase in their cash outflows. These two factors working together will lead to the possible financial failure of some businesses. It was also recognised that a number of businesses are unaware of the importance of cash flow planning and control and, even if they were aware, do not understand how to prepare a cash flow forecast. Cash flow planning and control will be the key to the survival of many businesses over the next 12 to 18 months.

It was further recognised that the usual practice of lending institutions is to approve loans on the security of tangible business and/or private assets. This is not a measure of business viability or management capacity. A proposal, in the form of a cooperative program to help small to medium enterprises work through their current problems in conjunction with their financiers and the Small Business Corporation, was presented to, and subsequently agreed upon by, the meeting of financial institutions.

As part of that agreement, the Small Business Corporation will, upon request, provide cash flow and other business planning and control tools to the branch level managers of financial institutions for use by their clients. Lending staff will refer their clients to the corporation for advice, and the corporation will implement a program called Business Bookkeepers whereby up to 70 business experts will be used to help business needing cash flow and bookkeeping support and advice.

The proposal will provide financial institutions with better client information, enabling them to make better judg-

ments about the viability of small businesses, and this will lead to better lending decisions and lower levels of bad and doubtful debts. For business themselves, the key benefit is short-term survival via the maintenance of acces to finance and, in the long term, the capacity to manage their operations more effectively. South Australia has not as yet suffered the distress levels evident in other States. Through this program we have time to put businesses on a firmer footing before the full impact of the current slowing of the economy is felt in this State.

I was very encouraged by the response of the leaders of the financial institutions to the propositions that we put to them and, also, by their ready willingness to participate in the scheme that I have outlined. There was always the possibility that those financial institution leaders would have considered that we were attempting to interfere in their own business management practices, but they did not take that view, and they could see that there was considerable merit in the proposals that we put to them. They were very keen to participate in the scheme and to play their part in helping in the survival of many small businesses that otherwise might fail during this difficult period.

In conclusion, I would like to refer to the report entitled 'Small Business in Australia: Challenges, Problems and Opportunities', commonly referred to as the Beddall report. This report, and its total of 66 far-reaching recommendations, arose out of an inquiry commissioned by the Federal Government into the particular problems facing small business in Australia. The Hon. Mr Davis accuses this Government and the Federal Government of concentrating on macro-economics and ignoring important areas of micro-economic reform. The Beddall report addresses the question of how to make Government more aware of, and more responsive to, the special needs of small business, and draws attention to the extent of impact of policies on small businesses compared with large businesses.

The State Government is presently examining this report to see what aspects of it might usefully be implemented at the State level. I might say that some of the recommendations made in it are matters that have already been dealt with by the State Government, and those recommendations have already been put in place. However, we also intend to pursue those recommendations relating to Federal issues identified by us as having high priority for implementation by the Federal Government. Most of the recommendations put forward in that report relate to Federal responsibilities, and we will certainly pursue them.

The announcement just a few days ago that the Federal Government has already moved to ease the financial pressure on small business by switching PAYE and sales tax collections to quarterly instead of monthly payments will ease the pressure on some small businesses around Australia. I think it is heartening to see that the Chairman of the parliamentary committee that produced the report was David Beddall. I am delighted that yesterday he was appointed to the Hawke ministry and has assumed the portfolio of Minister for Small Business and Customs in the new Hawke Government.

To me, this augurs very well for further action, because the new Minister certainly recognises that small business in Australia is feeling some pain. He is well aware of the challenges and the opportunities facing the Federal Government in the area of small business as we move into the 1990s. I expect that he will move very quickly to act on the recommendations of the committee which he chaired. I am looking forward to working with Minister Beddall in making some of those changes occur as quickly as possible in the interests of small business in Australia.

I have referrred to the Bannon Government's achievements in terms of economic management and public sector administration—achievements publicly acknowledged by independent and well-respected authorities. I have placed on record this Government's previous and continuing support for the small business sector in this State. I have also attacked the State Liberal Opposition for its persistent knocking of the State's economic performance and its failure to identify policies directed towards improving this performance.

I hope that the Australian Democrats in this Chamber will join the Government in supporting the amendment which I am about to move, and in doing so, acknowledge the efforts of the Government which recognises that its prime task is to sustain a climate in which entrepreneurial drive, innovation and investment thrive. I move:

To leave out all words after 'that' and insert the following:

this Council congratulates the Bannon Labor Government on its initiatives supporting small business, in particular:

the commitment to keeping the growth in Government charges below that of the CPI; the recently announced reviews into the impact upon business of land tax and electricity tariffs; maintenance of the real value of payroll tax exemptions by regular rises in the base level plus concessions on land tax and stamp duty; the proposal to establish a one stop shop business licensing centre; amendments to the Landlord and Tenant Act to provide greater protection for small business in their commercial leases, and the expanded range of programs to be offered through the Small Business Corporation;

and condemns the State Liberal Opposition for its persistent knocking of the State's economic performance and its failure to identify policies directed towards improving this performance.

The Hon. I. GILFILLAN: I rise to support the motion, and I indicate that I will move an amendment when I have the final form in front of me. However, I will speak before I actually move that amendment.

It is all very well the Government listing its litany of measures which it now flaunts as being supportive of small business in South Australia. The fact is that most of them are too late. All of them were initiatives which, had the Government been sensitive to the plight of small business in South Australia, would have been in place years ago. So, it is no good coming into this Chamber expecting to have a pat on the back from the Democrats for measures which should have been put in place, and which were promoted and suggested by the Democrats and others for some years.

The issue upon which we feel most strongly is point one of the motion by the Hon. L.H. Davis. It states:

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

I would like to observe clearly that the Democrats have no faith that, were that to have been a Peacock/Hewson, or whatever other combination of the high-fliers in the Liberals in Government, the same criticism could have been levelled because neither Labor nor Liberal in the Federal scene have had any vision to understand how we are the victims of high interest rates and the pernicious effect that that has had on small business, other citizens and private house owners in Australia. They have both been besotted with this conviction that the high-fliers should call the tune for the macro-economic procedures in Australia, and they have both been seduced by the siren song of the banks for deregulation, deregulation, deregulation.

In supporting this motion, I want to make absolutely plain that our high interest rates have been the penalty for exposing the small Australian economy to the massive surges of international economics and international banking pressures, and refusing to recognise that we could, and can still, protect much of the domestic collection of equity and lend-

ing capacity to an interest rates regime that is tolerable within Australia.

I have said before in this place that we are convinced that an interest rate of inflation, plus a range of, say, 2 to 4 per cent real, is achievable under an extension of the already previously accepted statutory reserve deposits or non-callable deposits. The general principle is that funds should be available in Australia at interest rates which are determined by Australian conditions, not dictated by international pressures of hot money movers and international gamblings such as the high-fliers who seem to be the intimate friends of Hawke and Keating, and certainly the nodding acquaintances of the hierarchy of the Liberal and National Parties in the Federal scene.

I want to emphasise this most strenuously, because I believe that this is the major issue and the major reason why the Democrats support this motion. It does flow into the State regime because it is an offshoot of the Federal Labor Party which is in power in South Australia, with the national president as the Premier, and there has been no articulated criticism of the macro-economic policy. I believe that there are many people in the Labor Party who share the Democrats' opposition to and rejection of the macro-economic pressures that have been imposed on Australians by this persuasion that deregulation is the only way to go and that opening economic doors is the way to freedom. In fact, many people in the Labor movement, I am sure (in fact, I know them), do recognise that Australians generally are paying a heavy penalty for that.

I move the following amendments to paragraph II of the motion, and I will comment on them later:

Paragraph II *(b)*—Leave out 'savage and'.

Paragraph II *(c)*—Leave out this paragraph.

The growing number of business failures and the lack of confidence in the business community are certainly a reality in South Australia, and I believe this has, in part, been added to by the constant song of doom sung by the Liberals. I think that this has to modify the value of the Hon. Legh Davis' contribution. I believe that he is capable of delivering, and in part did deliver, to this Chamber, some constructive criticism. However, he will overload it with a whole lot of emotive political barrage—I might say garbage—which really does not end up contributing anything towards a constructive move towards improving the situation in South Australia. The small business population is very susceptible to the sort of rumour of the moment, the buoyancy or the depression of the moment, as to whether things will be well or not. That does permeate the psychology of small businesses, which is more fragile and more sensitive than the bigger businesses community which have so many more psychological as well as economic resources.

I would like to comment on a couple of the criticisms that the Hon. Legh Davis has levelled at the Government in relation to its lack of protection for and encouragement of small business. In particular, one which I think is a criticism of both the Labor and Liberal points of view is the intention to extend shop trading hours. I would still plead with the Opposition to hold its ground on that. It is not just a question of getting the wages right; it is a question of preventing large interstate companies coming into South Australia and squeezing out the small business operators and losing the profits from South Australia to interstate.

I believe that there has been inadequate support for the Small Business Corporation by this Government, although it is saying that it intends to take certain steps. However, many of these, such as the one stop shop, require much more adequate facilities, personnel and staff. These needs were apparent three, four or five years ago. I believe it is important that we recognise that for small business to flourish in South Australia we do need flexible employment conditions. We do need to have a more tolerant approach to the way in which small businesses can come to agreement with employees about working conditions, and that small businesses should be protected from the straitjacket of what, from time to time, are union pressures. The State Government has had in the past an opportunity to play a part in that but has neglected to so do.

The Hon. T.G. Roberts: Minimum rates.

The Hon. I. GILFILLAN: The Hon. Terry Roberts mentions minimum rates. I think that 'minimum rates' implies a set mathematical formula which would then become restrictive in relation to the forms of negotiation that I would like to see happening.

I think there is enormous scope for small business to enter into a genuine sharing basis with employees so that they become participants in the business. It may be that there is a calculation which, at the end of a 12 month period, on an agreed basis, can assure an income from that process. But, to glibly say 'minimum rates' opens up the sort of scope that there will be a certain minimum rate and that each person will have to keep set hours. Without going a long way down the track, where there is goodwill and a real intention to make a business succeed there is very good reason to get away from specifically an employee/employer minimum rates structure.

Finally, I wish to comment on another aspect where I think this State Government has been in default. For some time there has been enormous scope for environmentally benign alternative businesses to flourish in South Australia. Members may remember that I asked a question about a conference called Globe '90 in Canada and asked whether there was to be South Australian representation at that conference. There was not, except for one private individual, Peter Nelson, who is involved in agricultural developments.

The reason I raised that matter is that any Government in this State, to earn our support and praise for encouraging business and activities in South Australia, has to grasp the real nuts and bolts of getting the new generation of economic activities up and running. Mr Rob Fowler, who is a senior lecturer in law at the university, did go to the Globe '90 conference and this morning was interviewed at some length by Keith Conlon. In that interview he outlined the many areas of new economic activity that are burgeoning as a result of the new environmental awareness. He said that he believed there was an enormously exciting scope for South Australia to stimulate these activities.

Already, in the past, there have been opportunities for the State Government to stimulate those sorts of activities. One was kixotol, which was a CFC replacement. Things like wind power generators and the development and manufacture of photovoltaic cells have had premature starts in South Australia and, through a lack of encouragement, they have disappeared. But, it is not too late. I would like to use this opportunity to make a plea to the State Government to follow through on the Globe '90 feedback, to get details of the sorts of activities that could be encouraged to establish in South Australia, to make funding and managerial advice available and, generally, to encourage the establishment of these areas in South Australia.

It is not pie-in-the-sky stuff; it is real hard-nosed economic advantage to South Australia to do so. My amendment to delete paragraph *(c)* links to the message which we must surely have all had from David Suzuki. I am most appreciative that John Bannon and his Cabinet spent time with David Suzuki. Many of them were there at his lecture

on Monday night. I feel it is impossible for any of those who were there not to have been persuaded that we must review the way in which we use the limited resources of the world, particularly, fossil fuel energy.

That will not be encouraged by purely cosmetic reductions in electricity tariffs. It is obvious that industrial and domestic users in South Australia are hurt if the cost of power increases. We must immediately implement procedures to reduce the amount of power that is consumed, for the same product, the same productivity and the same quality of life. I am not prepared to support a section of a motion which simply implies that, 'We will let the world roll on as usual.'

I think it is unfortunate that the mover of the motion is not taking note of the reason for this amendment. Prior to voting day for the last Federal election, that election was billed as a major indication of how the green vote, the environmental vote, was going to impact in Australia. It made its impact. That has been acknowledged by politicians and the media. Now is the time for action. Although this may only be a small matter, my amendment is a signal to this Council that the Democrats, as previously, will consistently and persistently be looking for ways to impress on this Chamber and State that we must find a new way—a new order of priorities—if we are to have a globe which will be inheritable as a place to live in by succeeding generations.

It may sound platitudinous; it may sound like waffle ideology; but, more and more people are realising that this is a hard-nosed fact of life—economic and environmental. I hope that the Council will support the Democrats' amendment and then, in its amended form, support the motion. I think there is some reason to look at the word 'condemns' in the initial sentence of the motion. It is an emotive political word, one that is in common parlance. I would probably have said 'criticise' if I had drafted the motion. However, I am happy to support 'condemns', in the context that it is a political phrase. I do not believe that a Liberal Government in this State would have been absolved from a similar critical motion had it been in power for the past seven years. I do not want to be accused of being spiteful about this. I acknowledge that from time to time I think the Hon. Legh Davis does move useful motions with useful ingredients in them, and I congratulate him for that part of his motion. I look forward to the success of the amended motion.

The Hon. L.H. DAVIS: To facilitate the proceedings, I indicate that I accept the Democrats' amendment. Quite clearly the Democrats feel constrained about including in the proposal our concern that Cabinet refused to accept ETSA's proposal to immediately reduce electricity tariffs for commerce and industry, and they wish to exclude that paragraph. I accept that, albeit reluctantly, because the end result is that it really does not take away from the thrust of the motion, which seeks to condemn the Bannon Government for its failure to properly address the crisis in small business in South Australia.

The fact is that from the Minister we have had a defence which sounded rather like the platitudes one would hear at the time of an election campaign. There was no attempt to rebut the well-considered arguments that were put forward when the motion was first moved two weeks ago. There was no attempt to take up the argument put forward by the General Manager of the South Australian Chamber of Commerce and Industry that the Labor Government should work more closely with the private sector. There was no attempt to rebut the arguments of Margaret Curry of the South Australian Federation of Construction Contractors that there had been a dramatic fall off in the demand in that sector of the economy, and that that particular industry was in crisis.

There was no attempt to seriously rebut the problems confronting the retail industry which make up well over one-quarter of small businesses in South Australia and the fact that retailers in South Australia have had retail sales growth of less than the national average for all but two months of the past three or four years. That in itself is a matter which should concern the Minister for Small Business in this Chamber.

There has been no attempt to address the point that I made which, I believe, was a constructive point concerning the Small Business Corporation. From everyone's point of view, it is seen as being a great healer and a great helper for small business in South Australia but has had measly increases in its budget in each of the past two years: 2.3 per cent in 1988-89 and 5.1 per cent in 1989-90. That is hardly appropriate given that small business has been sliding into crisis.

The Small Business Corporation is at the front line for some time in reading the signs in the economy such as this very steep downturn that we are experiencing, which is particularly affecting the small business sector, limited as it is with its resources, its lack of finance and its exposure to record high interest rates. The Small Business Corporation itself is having a record level of financial distress calls.

So, rather what we have had is, as I have said, a diatribe which is more closely related to an election campaign. It seems that the Minister has recently attended the summer school for non-economists, to which, of course, the Hon. Mr Sumner appears to be a regular visitor. I reject very strongly the Minister's attack on the Opposition that it has knocked South Australia to make a political point. What we have done on this occasion has not been to lead the way in attacking the Government on the crisis facing small business. Rather, we have followed the public criticism of the Government by many leaders of industry in South Australia.

We are reflecting the mood of the people in small business. We are reflecting the mood of the leaders in small business. So the Government, rather than attacking the Opposition, should accept that if the cap fits it should wear it. I would ask the Minister to go out and tell the struggling businesses, the retailers going into bankruptcy about the statistics that she poured out to the Chamber today.

What does it mean to a business going to the wall? What does it mean to the people who are amongst the statistics in February, which was a record month for bankruptcies in South Australia? What does it mean to the owners of property in Rundle Mall, or Unley Road, and other shopping centres where so many shops are vacant—and there are 34 on Unley Road? What does it mean to the small manufacturers who are facing a downturn in their order books or the transport company whose order book is drying up dramatically? So the facts are clear.

I accept the Hon. Mr Gilfillan's generally constructive remarks and the fact that the Australian Democrats also join the Liberals in recognising the crisis in business confidence in South Australia.

I want to touch briefly on one point that the Australian Democrats have made. They attacked the Liberal Party for using vigorous language. The Democrats have perhaps become the preachers of this Chamber. They criticise the language which is used; they criticised, on this occasion my style. I just hope that the Hon. Mr Gilfillan in future listens to his colleague, the Hon. Mr Elliott, because I think on occasion he will hear a very splendid use of hyperbole and

florid and full use of the English language. I do not think the Hon. Mr Elliott would resile from accepting that commendation that he uses the language very well in making the point, and why shouldn't he? We have done so very forcefully and very sincerely in putting forward this motion today.

I agree with the Minister's comments about the Beddall report. I have read the report which people from all sides of politics agree with. They all agree, along with people in both small business and big business, that this report is the most comprehensive, detailed and exciting report on small business ever presented in Australia. The challenge for Federal and State Governments alike is to take up the very many recommendations of the Beddall report and act on them. I hope that the Minister is active in doing that.

As I have said, I accept the constructive comments of the Australian Democrats. I welcome their support, albeit with amendments, and I urge members of the Government also to repent, accept the facts as they are and join with the Democrats and the Opposition in supporting this amended motion.

The Council divided on the Hon. Barbara Wiese's amendment:

Ayes (8)—The Hons T. Crothers, Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese (teller).

Noes (11)—The Hons J.C. Burdett, L.H. Davis (teller), Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, R.J. Ritson, and J.F. Stefani.

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. M.B. Cameron.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. Mr Gilfillan's amendment carried.

Motion as amended carried.

URBAN LAND TRUST ACT REGULATIONS

Order of the Day, Private Business, No. 7: Hon. M.S. Feleppa to move:

That the regulations under the Urban Land Trust Act 1981, concerning operating surplus, made on 12 October 1989, and laid on the table of this Council on 17 October 1989, be disallowed.

The Hon. M.S. FELEPPA: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

HOMESURE INTEREST RELIEF BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 899.)

The Hon. R.R. ROBERTS: I am sure that it comes as no surprise that the Government is opposed to this Bill. This opposition is based on the nature of the Bill and on the motivation of those opposite in introducing it. This Bill has a number of purposes, and many of those are now behind us. First, the Liberal Party and some of its members made a significant investment in political capital in concentrating on interest rates as an issue in the election in November 1989.

In running a negative knocking campaign, the Olsen Liberals believed that they could win an election based solely on interest rates. They were happy to hide John Olsen and others and were prepared to ignore the need for policies for the next four years. Like their Federal colleagues, they discovered that a failure to present leadership and a failure to indicate policies for the future meant that they would lose. The promise of interest rate relief was a desperate bid to inject something positive into their negative campaign.

The failure of the Liberal campaign has left some of its prominent members embarrassed, and this Bill is the focus of that embarrassment. The Liberals are driven to return to their failed election campaign, to rationalise, to explain and in short to rewrite the history of their political failure. This Bill is primarily one of self-justification for the Liberals.

Secondly, in the weeks immediately after the election the Liberals needed a distraction. The two-time failure John Olsen had to be replaced. What happened? Only more embarrassment. How can the Opposition claim that Olsen ran a great campaign, that Olsen really won the election and so on if members opposite intended to remove him? The coup against Olsen required as much distraction as possible. Enter the Hon. Legh Davis—the former shadow Minister for the Arts and a well-known Thespian in his own right. This Bill offered a chance for such distraction.

Members interjecting:

The PRESIDENT: Order! There is too much noise in the Chamber. I ask honourable members to keep it down a bit. The honourable member has the floor.

The Hon. R.R. ROBERTS: Thirdly, the Liberals never stopped campaigning. After the November 1989 campaign, they were determined to continue a program of misinformation and abuse that would lead up to the Federal election. If the interest rate tactic failed to work on John Bannon, they were sure that it would work on Hawke. This Bill was to give substance to an ongoing political campaign, which history now shows was just another concrete kiwi that could not fly.

None of these reasons indicate the slightest concern for individuals. This is a politically motivated Bill—it is not a positive proposal. It is interesting to consider the Bill as proposed and to consider what was offered by the Liberal Party during the election campaign. One of the most significant features of the Bill is the variable limits on income. For the first dependant, the income level increases by $5 200 per annum or $100 per week; for each subsequent dependent up to four the income level increases by $2 600 or $50 per week up to a maximum income of $55 540.

The Liberal's proposal did not make any attempt to differentiate between families with dependants, or families without, or even single persons. For a Party which seeks to drape itself in the trappings of a 'family Party', this is a shocking failure. The Labor scheme was, as the Premier indicated, directed to those people most in need. The Liberal scheme was little more than a quick copy of Labor's earlier assistance schemes, tarted up for the State election.

It is worthwhile remembering that during 1989 the Liberals made three attempts to devise a mortgage relief scheme. The first was an ill-thought out scheme whereby ETSA and the E&WS would forgo revenue to allow the funds to be used to pay interest rates. When it was pointed out that this would have a serious impact on the finances of these utilities, this plan had to be scrapped. Then there was the plan for tax rebates for mortgage payments which the then Leader of the Opposition claimed was fully supported by his Federal colleagues. Unfortunately for the then Leader, it was a policy that had been rejected only a week earlier by Mr Peacock, by Mr Hewson and by Mr Howard. In fact, Mr Olsen was forced to concede that he had no Federal support and another plan simply disappeared like mist in the night.

The Hon. G. Weatherill: Couldn't they get their act together?

The Hon. R.R. ROBERTS: No. In desperation the Liberals finally turned to Labor's own schemes—the interest rate protection plan and the mortgage relief scheme. Both these schemes had been in place for a number of years and were interest-free loan schemes. The proof that these schemes were the foundation of the Liberal scheme is well documented.

The Hon. T. Crothers: Interest rates are falling.

The Hon. R.R. ROBERTS: Only by $20. Much of the eligibility criteria used in the Liberal scheme was directly taken from Labor's existing scheme. Examples are: the limit on the maximum size of the loan ($90 000); restrictions on other property holdings; and the requirement that repayments exceed 30 per cent of gross household income.

After two failed attempts at mortgage relief, the Liberals were forced to copy Labor's own policies. That is the truth of the matter. Homesure is also based on the interest rate protection plan and the mortgage relief scheme, but its pedigree is clear. Homesure is a logical progression from existing Labor policy; it builds on policies of the past. We believe it is better because we were concerned that the earlier schemes may not have fully met the needs of the community.

The third significant advantage of the Homesure scheme is the fact that it is open to purchasers of homes which are the principal place of residence after 1 January 1990. The Liberal scheme ended abruptly at the end of 1989. There was no help, and no thought for home purchasers in 1990. The Opposition was effectively saying to the people of South Australia, 'It does not matter what the interest rates are next year, we're only interested in helping you if you are currently mortgaged and you're voting at the next election'. The Labor scheme is available to homebuyers who are not yet in their own home. The Liberals realise the poverty of their own scheme; that is why they are putting this Bill forward.

This Bill should be opposed. It is a cynical, politically motivated act designed not to benefit South Australians, but rather to fulfil political needs, many of which are now historical. This Bill has no place in the future. Indeed, if its proponents believed there was a need for a better mortgage rate relief scheme, why are they not proposing their own scheme? Do they acknowledge that their scheme is inferior to Labor's? If so, why was that not acknowledged during the campaign? If Labor's proposal is better than the Liberal scheme, why did the Liberals not support it during the campaign—a very simple proposition? The Liberals were prepared to be elected on a policy which it now admits was clearly inferior to Labor's. The Government opposes the Bill.

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

The Hon. R.I. LUCAS: Some weeks ago, when I intended to speak to this Bill, I wanted to do so at some length, as this legislation is of great interest to me. Given the passage of time and that we are in the last days of the session, time will not permit that, so what was to be a very interesting process of wending my way through the history of this package will now have to be telescoped to perhaps five or 10 minutes. Nevertheless, I intend to enjoy my five or 10 minutes.

I must say that I have a great deal of sympathy for the new chum of the Chamber, the Hon. Ron Roberts. I can just imagine it—he drew the short straw. The question would have been posed, 'Who is to defend the indefensible? Who will have to read out this speech in this Chamber to try to indicate and justify why the Government is voting against its very own election promise?' I suppose that, as is the case with many aspects of union politics with which the Hon. Ron Roberts would be very familiar, it was a matter of last on, first off. Because the Hon. Ron Roberts was last on he was obviously to be first off in relation to trying to defend the indefensible.

It was quite clear that the Hon. Ron Roberts did not really have his heart in his contribution because, as I said, in relation to this proposition, he was trying to defend the indefensible. I support very strongly the very eloquent speech given by my colleague, the Hon. Legh Davis, some weeks ago on this Bill and I will not repeat the history that he outlined so very well to all members in this Chamber. Needless to say, I reject the nonsense that was written for the poor Hon. Ron Roberts for his contribution in this debate today. As I said, I speak on this matter with some passion because, as did others in the Liberal Party, I had some involvement in the development of the interest rate relief package for the Liberal Party prior to the last State election. It was an excellent scheme that was developed by my colleagues.

The Hon. R.R. Roberts: Why don't you put it up?

The Hon. R.I. LUCAS: The reason why we do not put it up is that the honourable member's Party is in Government and it made the promise. All we are doing for the 35 000 to 40 000 struggling home owners, who were sold a pup by that blond-haired blue-eyed leader of yours, is giving the Government a chance (and tonight will be the night) to see whether it is prepared to keep its election promise. As I said, the Liberal Party scheme was an excellent one which was calculated to provide much needed assistance to some 30 000 struggling home buyers in South Australia. As I have indicated once before very briefly, we had the farcical situation in South Australia where one day later the Bannon Government introduced its own scheme—a mirror copy of the Liberal scheme announced on the Sunday—and then proceeded, through the Minister's and the Premier's mouth, and their officers, to put around the notion that the Liberal Party had pinched the Government's interest rate relief package.

The Hon. Ron Roberts perpetrated the nonsense again this evening through the stuff that was written for him. Both the Minister of Housing and Construction and the Premier said on the record in another place that the interest rate relief package and the mortgage relief scheme were defective and deficient because they would not and could not assist a wide enough group of struggling home buyers in South Australia. This Government was trying to suggest that the Liberal Party had pinched the Government's scheme and presented it as its own. As we said at the time, this Government's scheme was uncosted; it pinched the costings, with minor changes, from the Liberal Party. It did not know what it would cost, and it had no—

The Hon. G. Weatherill: You didn't have any policy.

The Hon. R.I. LUCAS: Well, we had enough for you to try to pinch. It had no savings program that could create the funds needed for a scheme costing some $36 million in a 12-month period. I want to place on record in my three minutes left what happened on that Sunday and Monday after the Liberal Party, through John Olsen, announced its interest rate relief package. This information comes from informed sources within the Premier's Department and was backed up from the horse's mouth—officers within the Premier's own office—after the election.

What happened was that they went into a state of frenzy at lunchtime on the Sunday when John Olsen announced the Liberal Party interest rate relief package. The Government had a view that both Parties could do nothing about

interest rate relief and had been saying so. It challenged the Liberal Party and, in the days leading up to the policy speech, asked, 'What are you going to do about it, Mr Olsen?' John Olsen then came out with this costed and well-considered policy. All of a sudden Government was in a state of frenzy. On Sunday afternoon, Rod Cameron was here, and he conducted market survey research amongst 400 South Australians about a range of things but, in particular, the response from South Australians to the notion of an interest rate relief package. That information was fed into the powers that be, including Premier Bannon, and it indicated that there was considerable support for the Olsen package.

The Hon. Peter Dunn interjecting:

The Hon. R.I. LUCAS: As my colleague the Hon. Mr Dunn said, they were heading down the gurgler. On the Sunday evening there was an emergency meeting of the strategy and campaign groups on the 11th floor of the Victoria Square building. When I drove past there at 11 o'clock on Sunday evening, the lights were still burning. There was an emergency or informal meeting of Cabinet members on Sunday evening. The decision was taken by Premier Bannon and his senior Ministers that, contrary to what they had been saying for two or three weeks, they had to pinch the Liberal Party policy. The policy speech which had been drafted had then to be rewritten by Messrs Rann, Anderson and Co., with Mr Chris Willis throwing his oar in as well. It had to be rewritten in the early hours of Monday morning.

The Hon. G. Weatherill: What did he throw in?

The Hon. R.I. LUCAS: That is about all he is capable of, as the Hon. Mr Weatherill would know, but we will not pursue that. In the early hours of Monday morning all photocopiers in the Premier's Department—those not usually used by the Premier's Office—were purloined or requisitioned by the Premier's Office for a hurried photocopy job of the rewrite of the policy speech. Between 11 or 12 o'clock on the Monday morning, they were still in the Cabinet room putting the finishing touches to the Premier's speech which was to be delivered that afternoon.

That is the end of my time. As I said, I was certainly looking forward to spending considerably longer in this debate going through some of the outrageous behaviour and outrageous statements made by the Minister of Housing and Construction, the Premier and others during that election campaign in relation to this Homesure relief package. However, I did want to put on the record once and for all what went on in that frantic frenzied 24 hours after the policy speech of John Olsen on behalf of the Liberal Party, to give the lie once and for all to this notion that the Liberal Party had in some way pinched a Bannon Government scheme in relation to interest rate relief.

The Hon. Peter Dunn: They could still get only 48 per cent of the vote.

The Hon. R.I. LUCAS: As the Hon. Mr Dunn said, they could still get only 47.9 and a bit per cent of the vote, yet they still managed to achieve Government. With those few words—and as I said, I was not going to delay the proceedings tonight, as we have a lot of work to do—I indicate my strong support for my colleague the Hon. Legh Davis in the introduction of this legislation.

We know that the Centre Left does not have much in the way of strong policies and philosophical bent at all, but some of our colleagues on the Left, such as the Hon. Mr Weatherill and others, proclaim, at the very least, that they are here for the working class families of South Australia and to look after the interests of struggling home buyers and workers. I would urge our friends and colleagues from the Left, such as the Hon. Mr Weatherill, to vote according to their conscience and against the nonsense being perpetrated by the Centre Left—the mouthpiece of which is the Hon. Ron Roberts on behalf of the Premier—in relation to this and support the Democrats and the Liberal Party in passing this measure, which will assist supposedly some 40 000 struggling home buyers (although, perhaps, as the Hon. Mr Davis will point out in his concluding remarks, many fewer struggling home buyers) in South Australia.

The Hon. L.H. DAVIS: I thank members for their contribution. I thank my colleague the Hon. Robert Lucas for his strong support, and I also indicate my appreciation for the Hon. Ian Gilfillan's thoughtful contribution and confirmation that the Australian Democrats—like the Liberals—recognise the sham associated with the Homesure scheme, which was promised at the November 1989 election by the Labor Party.

The Homesure scheme—as my colleague has said—was cobbled together in great haste. It was delivered with considerable embarrassment, and it has been executed with dishonour. Today, we have seen the Government's response to the Liberal initiative which seeks to give legislative effect to an election promise. How ironical it is that we have the Bannon Government making history by voting against its own election promise. Whereas the Labor Government recognised the seriousness of the situation and used its Minister of Small Business to respond to the motion which was critical of the Government's handling of the small business crisis in South Australia (and we saw evidence of that in the Chamber this afternoon), what did it do when it came to respond to this Liberal Party criticism of the Government's total failure to deliver its election promise with respect to housing interest rate relief for some 35 000 to 40 000 families? It did not wheel up a Minister to defend what was quite clearly the indefensible. It wheeled up the most junior member of the Legislative Council Labor Party: the hapless Hon. Ron Roberts, who perhaps naively or—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: —in a quite unsuspecting fashion took on this impossible defence of the Homesure scheme and the way in which it was being treated by the Government. As the Hon. Ron Roberts said, this Bill had a number of purposes, and many of those reasons are now behind us; they most certainly are, Mr Roberts. There are 33 000 or 34 000 angry South Australians who have been disfranchised from participating in the Homesure scheme. Since I introduced this Bill some weeks ago, I have had further discussions with financial institutions, such as banks and building societies, and I have done further calculations, and have found that I was far too conservative in my estimation of the number of people who will be disfranchised under this scheme as it now operates.

Members will recall that at election time, and indeed as late as 2 January, in an advertisement in the *Advertiser* the Homesure scheme was made available to any homebuyer who had purchased their first home after 2 April 1986—any person at all—and to any person who had purchased a home other than their first home after 2 April 1986, but was paying more than 30 per cent of household income in home loan repayments.

There was general agreement between the Parties that 35 000 families would be eligible for Homesure relief as it was announced in November. There was no discussion and no question on that point. There was a family income limit just in excess of $55 000 which is also unquestioned. However, what the Labor Party did in its official advertising

after 2 January, and in its Homesure brochure, was to disqualify anyone who had purchased their first home after 2 April 1986 from being eligible for the Homesure scheme unless they were paying more than 30 per cent of their gross family income in mortgage repayments.

I spoke to the State Bank as late as today, and it confirmed what I said when I introduced this Bill at the end of February, namely, that no more than 10 per cent—perhaps not even 10 per cent—of home buyers would be allowed to enter into a mortgage agreement to finance the purchase of their home if their mortgage repayment commitment was in excess of 30 per cent of their gross family income. In other words, the banks and building societies, which are the main providers of housing finance in South Australia, simply will not allow new home owners to extend themselves beyond 25 per cent of gross family income when it comes to mortgage repayments. That is understandable; they are protecting the interests of those people.

There is no question that 90 per cent of all new home buyers, when entering into that contract, do not pay more than 30 per cent of their gross income in mortgage repayments. In other words, the proposition is frighteningly simple: the Labor Government has disqualified 90 per cent of the people whom it claimed would qualify for Homesure. In its own words, it talked about 35 000 families being eligible, but since November that figure has risen to 40 000. It talked about the scheme costing $35 million in the first full year of operation. If it picks up only 10 per cent of the people who previously were to be covered by Homesure, it means that the Government will outlay no more than $3.5 million in its first year; in other words, the people of South Australia have been conned to the tune of $31.5 million by what was the most blatant broken promise that we have ever seen from a South Australian Government.

So, Premier Bannon has changed the criteria that he promised he would honour at election time. By changing the criteria the Government has effectively disqualified 90 per cent of the families who believed that they would qualify for Homesure.

What was the benefit of Homesure? Acceptable applicants were going to receive $20 a week—$1 040 a year—as long as housing interest rates stayed above 15 per cent. Presently rates are at 17 per cent, and we are told today that some financial institutions have moved that down half a point to 16.5 per cent. However, the general view in the financial community is that interest rates will not come plunging down quickly. In other words, the reason for Homesure will still be with us, certainly for the balance of the 1990 calendar year—and we should not forget that.

Of course, the original criterion was that people would continue to get their $20 a week irrespective of whether the housing interest rate was 17 per cent, 16.5 per cent or 16 per cent. So, what did the Bannon Government do about that promise, that commitment of $20 a week—no questions asked—providing families qualified on the criteria that I previously explained?

It has varied that criterion as well and there is now a sliding scale. If housing interest rates fall from 17 per cent, where eligible families receive $20 a week, to 16.25 per cent the Homesure interest relief falls to $13 a week; and if it falls to 15.75 per cent the relief falls to $8 a week. In other words, the Government varied the criteria there as well.

So, the Government has broken the promise not once but twice. First, it ruled out 90 per cent of families eligible, and the remaining 10 per cent who were lucky enough to qualify must be paying more than 30 per cent of their gross family income in mortgage repayments and are probably—and one would suspect, as my colleague the Hon. Robert Ritson observed a little while ago—at the upper end of the income scale in perhaps the $50 000 to $55 000 range. We find that the remaining 10 per cent who still qualify do not get $20 a week while housing interest rates remain above 15 per cent, they receive a sliding scale if and when interest rates fall.

The Hon. R.J. Ritson: It is home unsure!

The Hon. L.H. DAVIS: Exactly, it is home unsure. It is a scheme of dishonour instead of a scheme designed to benefit people suffering from these punitive and high interest rates under Federal and State Labor Governments. As I have said, it is a well established practice of the State Bank and other banks and building societies to allow no more than 25 per cent of gross household income to be directed to home loan repayments. It can be fairly and squarely said, without any noise from members opposite, that the Government which relied on this to carry its tired legs over the election line has won office on false pretences because the majority of people who will benefit—

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order! The Hon. Mr Davis has the call.

The Hon. L.H. DAVIS: The people who have been disqualified from Homesure—the 30 000 plus families—almost invariably live in the marginal seats which, of course, were the battle ground of the 1989 State election. So, I predict that the Homesure scheme will cost the Government no more than $3.5 million in the first 12 months, whereas the original Bannon promise was going to cost $36 million.

I find that quite despicable. The Hon. Ron Roberts at least did not even attempt to defend the indefensible. He did not address the Bill. All he offered was some hyperbole directed at the Liberal Party's negative tactics. Members should recognise that this Bill seeks to give effect to the Labor Party's promise and, in Committee, the Hon. Ron Roberts will have an opportunity to ask questions of me about where this Bill varies in any respect from what the Labor Government promised. It follows, faithfully to the letter, exactly what was promised. Yet, the Hon. Ron Roberts and members opposite—those gutless wonders who break promises to the working people they are supposed to represent—

Members interjecting:

The Hon. L.H. DAVIS: Well, some are gutful wonders. I will accept that correction.

The Hon. R.I. Lucas: A member of substance!

The Hon. L.H. DAVIS: One of them is a member of substance—a gutful. I am appalled to think that those members can come in here without hanging their heads in shame after seeing what has been done. How can the Left, which in the Labor Party is meant to care for the workers, stand by and see this blatant disregard for an election promise occur? What has been said in Caucus about it? Has the Hon. George Weatherill, the Hon. Carolyn Pickles or the Hon. Terry Roberts stood up for the workers and said, 'What is going on here? If we make an election promise why don't we stand by it?' Where are the old fashioned values which the Labor Party was built on? Where have they gone? Where is honest John Bannon? It is a shambles; it is a shame; and a disgrace. Homesure is a joke. I think it is the greatest scam I have seen in my ten years in politics—there can be no question of that.

I am delighted that the Democrats have joined with the Liberal Opposition in supporting this legislation. I regret that the Democrats did not see fit to support us in pressing this legislation through so that it could be considered in another place and become legislation. Lest members opposite rely on the fact that this session concludes next week,

I can tell them quite openly and publicly that I intend to reintroduce this legislation in the August budget session, in the event of it not gaining passage in another place. I take this matter seriously. It is not good enough for the Premier to make a shamefaced lie, as he has done, of an election promise, to blatantly break it and to disqualify 90 per cent of the people who believed that they would qualify for Homesure relief of $20 a week.

It is not good enough for the Premier to even break that promise of $20 a week and scale it down as interest rates fall. The Government's going to the election and saying, 'Rely on John Bannon for your future', has had a salutory ring about it for 33 000 families, which would involve something like 80 000 South Australians. Over 5 per cent of the population of this State have been directly affected by this broken promise. One in 20 people have been directly affected by this broken promise. I hope that sinks in to members opposite. I hope they recognise the magnitude of this deceit. I hope they recognise that it is still not too late to rectify this matter, because if we do not rectify it this session we most certainly will at the August budget session.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Short title.'

The Hon. R.R. ROBERTS: The term 'residential property' is included in clause 3 *(a)* and it is repeated again in 3 *(b)*. 'Residential property', in my view, needs to be defined. For instance, does a 'residential property' include a residence owned by a person who rents a room to someone or uses it as an office? In such a case would that deny that person eligibility under this legislation?

The Hon. L.H. DAVIS: I must say that I welcome the honourable member's question because it gives me an opportunity to advise the Council that I wrote to the Minister of Housing and Construction, the Hon. Kym Mayes, on 2 April. I said that, because the Committee debate on Homesure will take place on Wednesday 4 April, I believed it would be helpful for all members of the Legislative Council interested in this subject if an officer with knowledge of the Homesure scheme could be made available to assist during the Committee. I went on to say:

> I will leave it to your judgment as to whether the officer should sit with the relevant Minister or me during the Committee stages. In any event I believe such assistance would be of great benefit to the Legislative Council during its deliberations.

I received a letter from the Minister this morning and, as one would expect in line with their broken promise of November last year, it was not giving anything away. The Government gave me the flick and it has given 90 per cent of people who would have been eligible under Homesure the flick. They have given 32 000 families the flick, 80 000 people: so it is not surprising that they have given me the flick.

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: I will come to the honourable member's question in a minute. Just hear me out. The Minister's letter states:

> I refer to your letter of 2 April 1990 requesting the assistance of Government employees during the consideration of your private member's Bill on interest rate relief. In short, the Bill in question is your Bill not the Government's. It is not the responsibility of the Government to provide officers for your needs, therefore your request is not acceded to.
>
> Yours sincerely, Kym Mayes, Minister for Housing and Construction.

The Hon. T.G. Roberts: Very sincere letter.

The Hon. L.H. DAVIS: Yes, it is a succinct letter, to the point: the velvet glove with the iron fist which has been used so effectively by the Government in their handling of Homesure. In response to the member's question, I would say that if he had had an officer here he would have quickly had an answer to that question, because Homesure operates along the lines that are outlined in this Bill. We do not need legislation to give effect to Homesure. It is an administrative act. We have introduced legislation because we had to, to give effect to the Government's promise which has been broken in such a blatant fashion.

So, the Government operates Homesure administratively. Here am I telling a Government member, who has the responsibility for the passage of legislation, how Homesure works. Does it not say something about the Government's handling of Homesure? If the Hon. Ron Roberts looks at the definition section I accept there is no definition of residential property, but clause 3 *(b)* states that a person is eligible for relief under this Act if the property is the person's principal place of residence. Presumably that would be one of the many criteria which would be examined when it comes to establishing eligibility for Homesure.

I would have thought that the regulations which can be passed pursuant to Clause 5 would cover any ambiguities. I must confess I do not know exactly how it is administered at present. If we would have had an officer here we most certainly would have had a very quick response to the honourable member's question, but I will undertake to obtain an answer for the honourable member and I will deliver it to him in a written form in due course.

The Hon. R.R. ROBERTS: So you do not believe it is necessary at this stage to define that phrase within the definition?

The Hon. L.H. DAVIS: It is quite clear when we talk about the property as the person's principal place of residence that that is something which is well established, just as it is established in the Electoral Act, for example, and regulations and administration will pick up any ambiguities that one may feel exist in the Act. The Act does not flesh out the administrative detail of a scheme such as this.

The Hon. R.R. ROBERTS: I do not want to be pedantic but we are not talking about a person's principal place of residence; we are talking about the question of what is a residential property. A principal place of residence could be a tent. It could be in the back of a factory, and it is an unfortunate fact that there are people residing in all sorts of different places. So the question is not about principal place of residence. The term used is 'residential property'. If we say 'principal place of residence' we could get into a situation where we are funding small businesses where part of a person's principal place of residence is a shop. I do not believe that that ought to qualify. I think it is a reasonable question to have a definition of 'residential property' for the purpose of making funds available.

The Hon. R.I. Lucas: Do you want to move an amendment?

The Hon. R.R. ROBERTS: It is not my Bill; it is your Bill, and I think it is a fair question. The Opposition should be able to address the questions I am putting. Perhaps we should report progress.

The Hon. L.H. DAVIS: I find this both hilarious and depressing. I find it depressing because the honourable member, a backbencher for the Government, who is handling this legislation, does not know how the Government administers a Homesure scheme.

Members interjecting:

The CHAIRMAN: Order!

The Hon. L.H. DAVIS: There is a Homesure scheme in operation now, and that scheme is administered satisfactorily. It may come as some surprise to the honourable member to learn that, in fact, what is contained in this

legislation is word for word the very full description of how the scheme would be administered from Labor Party documents which I have read into *Hansard* in my original speech.

I believe this Bill, after consultation with Parliamentary Counsel, fully describes the scheme and the administration of the scheme. The regulation of the scheme can be handled without every detail being fleshed out in the legislation.

The Hon. R.I. LUCAS: The Hon. Ron Roberts, as I indicated in my second reading speech, is a new member in this Chamber and is not well versed in the Committee stage of debate on Bills and we have not yet seen much exposure of the Hon. Ron Roberts in this debate. When the Hon. Ron Roberts asks about residential property he says that we are not talking about a person's principal place of residence. The Hon. Ron Roberts has not understood clause 3, because it sets out the critera that have to apply for supposedly the 35 000 to 40 000 struggling home buyers to be eligible for the scheme. Paragraph *(a)* which he has picked is not to be looked at on its own. All the criteria have to apply. So, as the Hon. Mr Davis has capably pointed out in his earlier response, it is important to look at the other criteria as well. We are not just talking about clause 3 *(a)*; we are talking about clause 3 *(a)*, 3 *(b)*, 3 *(c)* and, indeed, right through to one element of 3 (i), which is the annual household income, which has to apply. So if the Hon. Ron Roberts was a struggling home buyer, one of the 35 000 to 40 000 which the Bannon Government promised to assist (although it has now heartlessly broken its promise) and was having a look at this legislation, he would have to comply with all the parts of this particular clause.

As the Hon. Mr Davis pointed out capably to the Hon. Ron Roberts, one does not just look at clause 3 *(a)* but at all the other paragraphs in that clause. We are talking not just about a person buying a residential property on or after the commencement date of 2 April 1986, as in paragraph *(a)*, because there is the question of whether the property is the person's principal place of residence. The Hon. Ron Roberts talked about people living in tents at the back of their small businesses, and so on. Perhaps Port Pirie is different from the rest of South Australia, but that is not the circumstance about which we are talking.

We are talking about those 35 000 to 40 000 struggling home buyers to whom the Bannon Government—of which the Hon. Ron Roberts is a member—promised to provide assistance of about $86 a month. The Government has withdrawn that promise for many of them. The Hon. Mr Davis seeks to assist these people and the Hon. Ron Roberts is trying his best not to help them, by opposing this Bill. The provisions must be read together. It is the person's principal place of residence. As the Hon. Mr Davis mentioned, and as the Hon. Mr Burdett indicated by way of a quiet interjection earlier, the notion of a person's principal place of residence is a common phrase—the Parliamentary Counsel looks wise and is nodding over there—in legislation. An established body of law will assist those who want to nit-pick or who would seek a further definition of what is the principal place of residence.

Members interjecting:

The Hon. R.I. LUCAS: No—in many court decisions. The Hon. Mr Davis talked about one piece of legislation. The Land Tax Act is another one, and there would be many others about which we have an understanding in respect of a person's principal place of residence. I just point out to the Hon. Ron Roberts that in asking questions on this clause he should do so with the full knowledge that all these criteria have to apply to a struggling home buyer who is trying to get assistance from the Government and who is being denied it by the Bannon Government at the moment, and not just one of these criteria.

The Hon. L.H. DAVIS: I want to take the liberty of giving the Hon. Ron Roberts something to examine—two advertisements from the *Advertiser* of 2 January and 6 January 1990. The advertisement of 2 January is a Homesure scheme advertisement, as follows:

> Homesure . . . a program to help home buyers to meet mortgage payments on their principal place of residence.

The honourable member will note the following statement:

> You may be eligible for assistance if:
> - you purchased your first home after 2 April 1986.
> - you purchased your home, other than your first home, after 2 April 1986 AND ARE PAYING MORE THAN 30 PER CENT OF HOUSEHOLD INCOME in home loan repayments.

As the Hon. Ron Roberts would know only too well, that advertisement would give effect to the Bannon Government's promise at the last election. That is the promise that the Opposition is seeking to implement in this Bill. The honourable member will see that it is an official advertisement from the Government. We are merely trying just a month or two later to give effect to that promise.

If the honourable member now turns to the advertisement of 6 January 1990 he will notice that the first two criteria have been squashed into one, as follows:

> You may be eligible for assistance if:
> - you purchased your home after 2 April 1986 AND ARE PAYING MORE THAN 30 PER CENT OF GROSS HOUSEHOLD INCOME in home loan repayments.

Thereby hangs the tale whereby 90 per cent of people have been disqualified. I ask the Hon. Ron Roberts, or perhaps the Minister who is representing the Government on the front bench, whether they disagree with the interpretation that the Opposition has put on that. Is it not true that the advertisement of 2 January 1990 gives effect to the Bannon promise at the 1989 election and is contained in the Bill now being debated? Is it true that the advertisement of 6 January is considerably different from that of 2 January and effectively disqualifies 90 per cent of families who otherwise would have been eligible for Homesure interest rate relief?

The Hon. R.R. ROBERTS: I am aware of what the Hon. Mr Davis is saying. He is asking me to comment—

The Hon. I. GILFILLAN: Mr President, I rise on a point of order, and ask you to rule that this debate has nothing to do with this amendment or clause. It is reopening the overall debate and I ask you to rule it out of order.

The CHAIRMAN: I am not willing to rule it out of order. It is relevant that we normally have a fair bit of latitude in Committee. The questioning of clauses and Bills even though there has not been an amendment moved has been allowed.

The Hon. I. Gilfillan: What about the advertisements?

The CHAIRMAN: I have ruled that it is okay.

The Hon. L.H. DAVIS: With respect, Mr Chairman, I am simply looking at the advertisement to indicate the position to the Hon. Ron Roberts—

The CHAIRMAN: The Hon. Mr Roberts has the call.

The Hon. R.R. ROBERTS: Mr Chairman, on a point of order, I do not want to extend the debate any further than is necessary, but I thank the Hon. Mr Gilfillan for his comment, because I agree entirely with what he is saying. My interpretation of these advertisements has nothing to do with the debate. We are examining clause 2, drafted by the Hon. Mr Davis who, I am reliably informed, has a legal background. I have asked a simple question: 'What is a residential property?' I am fully aware of what a principal place of residence is but, as this is part of the criteria, I am simply asking what a residential property is.

The Hon. R.I. Lucas: Go home tonight and open the front door. That's a residential property.

The Hon. R.R. ROBERTS: Some people live at the Hyatt Hotel, but I cannot afford that and none of the Homesure people can afford it, either. I will not pursue that. Obviously, the Hon. Mr Davis cannot answer my question succinctly, or he does not want to include a definition, and that is fine. If he wants to pursue this matter further, he can report progress and report back to the Committee later. However, if the Hon. Mr Davis does not want to do that, I am willing to take his assurance that he will put his intention in writing and provide it to me.

Clause passed.

Clause 3—'Eligibility for relief.'

The Hon. R.R. ROBERTS: I have another question about the wording of this clause as drafted by the Hon. Mr Davis. Paragraph *(d)* refers to a 'possessory interest in any other residential property'. A person is eligible for relief under the Bill if a person and his or her spouse are the sole owners of a property and neither the person nor, if he or she is married, his or her spouse, has a possessory interest in any other residential property. 'Possessory interest' could mean a situation where one owns residential property but one may have leased or let it to someone else and so one is not in a possessory position in respect of that property. Will the Hon. Mr Davis explain that wording so that I can be assured that there is not a loophole for people to double dip on the system?

The Hon. L.H. DAVIS: I do not wish to prolong the Committee debate. This is an extraordinarily trite question. The honourable member has referred to two paragraphs of the clause. The point simply is that as part of the criteria to become eligible for Homesure relief one must not have an interest in any other residential property and, where it is not the first residential property for the applicant, the annual repayment of principal and interest exceeds 30 per cent of the annual household income. The term 'possessory interest' should not confuse the honourable member. It is a simple term to say that one has an interest in residential property. That is all, no more no less.

The Hon. R.R. ROBERTS: My other question is in relation to clause 3 *(h)*, which refers to annual household income. Are we talking about income from 1 January to 30 December, or will it work on a financial year, or will that annual assessment be made from the day that the loan is approved until 12 months later? How is that expected to operate?

The Hon. L.H. DAVIS: I find these questions quite remarkable because they are administrative questions that are dealt with in the current Homesure scheme. We are talking about a gross income—the income of both husband and wife aggregated—and it is applied on an annual basis. The honourable member should look at the election phamplet 'John Bannon: Your future, your choice', which actually sets out household income and various levels of household income depending on the number of dependants in the household.

It is an administrative matter. I do not want to bother the Committee with it but it is pretty obvious when one talks about household income that there are clear tests which can establish what the household income is.

The Hon. R.R. ROBERTS: I do not want to be pushed aside by reference to administrative matters. This is reasonably important because the level of assistance depends on the household income. From an administrative point of view, if all these assessments are made on 1 July it becomes much simpler. However, if it is annual income 12 months from the day a person entered the scheme and got assistance it becomes much more complex to do the calculations on each case.

The Hon. L.H. DAVIS: I find the honourable member being tedious in the extreme, having said he does not support the legislation he is now nitpicking the legislation.

Members interjecting:

The CHAIRMAN: Order!

The Hon. L.H. DAVIS: The honourable member should recognise that we have a Homesure scheme up and running. It has been running for several months without the benefit of an Act. Presumably, it is running in such a way that questions such as these are being resolved. We have a piece of legislation which outlines the skeleton of Labor's election promise—which certainly is a skeleton, the flesh having been picked off it. That is not the point. The administrative detail and regulations can be worked out subsequently.

I would think that if the Hon. Kym Mayes had had the decency and the guts he would have made an officer available so the Hon. Mr Roberts's question could have been resolved. I would have thought that a backbencher in the Government with knowledge and access to officers, at least had the advantage of being able to find out what the information was. I should remind the Hon. Ron Roberts that I have tried to get information on housing matters and a steel wall has descended—a veil of silence has descended. Officers in HomeStart and in other areas of housing have been told they are not allowed to speak to me. So, I am afraid that in some matters of detail I simply cannot provide the answer. The honourable member, albeit a backbencher in Government, is in a far better position than I to obtain that information.

The Hon. R.R. ROBERTS: Great play has been made of my junior status within this Party and great play has been made of my lack of knowledge. Some of the things I have learnt in this place I have learnt by example. When it comes to tedium, I have learnt most of that from members opposite. The questions I am asking are of the proposer of this Bill. I said in my second reading speech that I believed that this Bill was cobbled together as a political stunt prior to the Federal Election and it really was not thought out.

Every simple question the junior backbencher has asked is yet to be answered. So, if the honourable member does not have the answer, I will accept that and I will sit down. I am finding it a little bit tedious myself that every time I ask the honourable member a simple question on a proposal that a person with a legal background should be able to answer, all he does is refer to public advertisements in the paper which do not have any legal standing whatsoever. I am only a boy from the bush and I know that.

The Hon. L.H. DAVIS: I do not know what the reference to the boy from the bush means but I think somehow the honourable member lost his way on the track to town, because I have provided answers. As far as those advertisements go it was a question of you, Mr Roberts, or did that escape you?

Clause passed.

The CHAIRMAN: I point out that clause 4 being a money clause is in erased type. Standing Order 278 provides that no questions shall be put in Committee upon any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill.

Clause 5 and title passed.

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

That this Bill be now read a third time.

The Council divided on the third reading:

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

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

Majority of 3 for the Ayes.

Third reading thus carried.

Bill passed.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 906.)

The Hon. T. CROTHERS: I rise to support this Bill in the form in which it has come to this Council from another place. I do not propose to waste the time of this Chamber by canvassing once again the debate which took place in another place and which is a matter for the public record through the agency of *Hansard*. I hope I can safely assume that the Liberal Opposition in this Chamber will, as its Liberal colleagues have done in another place, support the amendment moved by the Government in that place to clause 2 of the Bill. Indeed, during the currency of that debate, the Opposition's colleagues went on the public record to say that they strongly supported the amendment to clause 2.

Turning to clause 3 of the Bill, I indicate that the Government opposes this clause. The clause seeks to do away with expiation notices, and some views have been expressed by a few people that the existence of the expiation provisions have trivialised the use of marijuana amongst users or potential users, particularly amongst the younger age group. Mr President, I am sure you will be aware that last year the Office of Crime Statistics released a report entitled 'Cannabis: The Expiation Notice Approach'. This report was produced as part of the monitoring processes of the Office of Crime Statistics. It said that critics of the new procedures (which came into being as a result of the new expiation scheme, which itself came into force on 30 April 1987) have been concerned that, by allowing some offences to be dealt with outside courts of criminal jurisdiction, it would reduce symbolic barriers to cannabis use amongst vulnerable groups.

For example, that charge is always levelled at young people. According to this view, the advent of a notice system would lead to more widespread experimentation with cannabis and to higher rates of reoffending among established users. This study assesses whether properly collated and interpreted statistics provide any basis for believing that these figures have been realised. It has been concluded that available evidence does not provide reason for such pessimism, although it should, and indeed it must, be emphasised that, in the absence of comprehensive data on consumption patterns, a definitive statement about trends in cannabis possession and use in South Australia is not possible.

However, it is clear that statistics on offences detected by police after the introduction of expiation notices closely match those recorded before the law was changed and that the circumstances of cannabis offences and the social profiles of detected users are also similar. All this is consistent with a view that amendments to the South Australian legislation did not precipitate major changes in the extent and nature of cannabis possession, cultivation or use. In the light of that report, I indicate that the Government in this place supports the Bill in the form in which it has come to us from another place.

Bill read a second time.

PARLIAMENTARY REMUNERATION BILL

Second reading.

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

That that Bill be now read a second time.

In October 1987 the House of Assembly approved the principle that parliamentarians' salaries should be tied to those of Federal parliamentarians. At that time there was a discussion about whether the salary should be tied to the salaries of public servants, or whether the other States should be followed, particularly Eastern States, or whether parliamentarians' salaries should be tied to a fixed amount below Federal parliamentarians' salaries.

Later, in 1987, the member for Davenport in another place introduced a Bill similar to the one before us today, but at that time members in another place throught they did not have enough time to think it through and decide what State parliamentarians' salaries should be.

There is no doubt that society does not accept that, on an ongoing basis, parliamentarians should decide their own salaries. As the national economy is decided by our Federal parliamentary colleagues, it seems appropriate, especially as other States have moved in this fashion, that we move to tie our salaries to a fixed amount below the salary of Federal parliamentarians. This means that when Federal authorities consider salaries of Federal parliamentarians they must also consider the effect they will have on the States and the overall economy of the country. I am sure that these matters will be considered by the Federal authorities. The Senate, which is the States' House, can look at the rights and situations in the States and put a point of view.

In the past when the tribunal, which is an independent body, brought down a decision, there were all these forces at work which said, 'Well, it is too much,' 'It is the wrong time,' or 'It should not happen.' That also proved that the system was unsatisfactory. In the past changes in Federal and State Parliaments occuring at different times created public confusion about who was receiving an increase and how much. In fact, the public generally believe that all parliamentarians—State and Federal—were receiving all the increases if there were any.

This Bill ties our system into the Victorian system except that Victoria has tied its increase $500 below the Federal parliamentary salary. The increase in this Bill is $1 000 below the Federal parliamentary salary. The Bill does not tie in the operation in one hit. At the commencement of this legislation (if it is passed by Parliament) our salaries will move to 93 per cent of $1 000 below the Federal Parliamentary salary; at 1 January next year it will move to 96.6 per cent below that figure; and then on 1 July 1991 it will be 100 per cent of $1 000 below the Federal parliamentary salary. This means that it will be a gradual process.

I suggest that this Bill is a rationalisation of parliamentarians' salaries. They must be fixed by somebody. As I have said, in the long term they should not be fixed by Parliament itself. The purpose of this Bill is to tie parliamentarians' salaries to the national figure because the national economy will, generally speaking, reflect the eco-

nomic circumstances in the State. This Bill will take away the problems in the mind of the public as to whose salaries are being fixed and to salary changes being made so often. In the future, salary changes will be made only when they are made at the Federal level.

Clause 3 defines 'basic salary' and picks up the staged implementation of bringing parliamentarians' salaries to within 100 per cent of $1 000 below the Federal Parliament's salaries and also describes what a Commonwealth parliamentary salary is.

Clause 4 relates to the remuneration of members of Parliament. It explains what the basic salary is and the entitlement of members in office. That is really taken from the existing legislation and is available for people to peruse if they wish.

Clause 4 (4) provides a clarification in regard to electorate allowances. I think this is necessary because it has been raised by the tribunal. This clarification makes clear that electorate allowances and other allowances and expenses for parliamentarians usually have regard not only to their parliamentary duties but also to their duty to be actively involved in community affairs and their duty to be ready to assist their constituents in dealings with governmental and other public agencies and authorities.

I submit to the Council that a 3.2 per cent increase at this stage, or whenever the Government proclaims the Bill (and I hope it will not be too far in the future if it is passed), is not an excessive increase. I commend the Bill to the Council for its approval.

The Hon. G. WEATHERILL: The Government supports this Bill for a number of reasons. Originally, when Mr Stan Evans introduced this private member's Bill relating to salary increases in another place 18 months ago, the Government stated then that, although this was the appropriate way to go, the time was not right. We agreed with the concept that phasing in this legislation over a 15 month period was the best way to implement it.

There has not been an increase in parliamentary salaries for some time, and we have not yet received or considered the 3 per cent increase which other people have received following this establishment of the last wage fixation principles some nine months ago. The first increase, which will be approximately 3.1 per cent to 3.2 per cent, is in line with that. Subsequently, increases will be in line with the increase announced under the national wage decision. Furthermore, as a Party we have a policy that there should be a link between parliamentary salaries throughout Australia. When this Bill is finally passed we will be joining Queensland, New South Wales and Victoria in a similar method of establishing our wages.

The Hon. I. GILFILLAN: I move:

That the debate be now adjourned.

The PRESIDENT: Is that motion seconded? It is not seconded.

The Hon. I. GILFILLAN: I am sorry that the Council has not seen fit to adjourn the matter. I would like to make some comments in relation to the overall principle of the fixing of parliamentary salaries, and in the light of the non-adjournment I will make what comments I think are appropriate without being able to use the figures which I would have preferred to discuss in this Chamber.

As I understand the actual implication of the proposal in the Bill to the current level of parliamentary salaries, the increase is likely to be quite modestly, but not exhorbitantly, above what would be a CPI rise. The Democrats believe that there is a reasonable basis for dealing with parliamentary salaries—as detached from the allowances and other forms of increment—on the basis of the CPI adjustment. We have not seen or heard any argument which justifies a departure from that formula, and have recommended for some years—in fact since 1984—that formula as being the most appropriate one to tie to parliamentary salaries.

I believe that the situation needs to be considered in the light that there may well be a substantial rise in Federal parliamentary salaries in the pipeline. I will be asking the proposer of the Bill whether he indeed expects there to be any rise, in the time frame that we are talking about in this legislation, in salaries for Federal parliamentarians and, if so, what it is predicted to be. If there is a need for the Hon. John Burdett to seek that information elsewhere, perhaps he could give me an undertaking to provide me with that information.

The other argument which is put up in support of this Bill and which I totally reject is that we must be linked into a Federal parliamentary structure. In many areas, South Australia has steadfastly sought to be on a separate basis from the overall Federal setting of cost of living and salaries. Therefore, it seems to be an extraordinary anomaly to be uniform and locked into a Federal structure in this area, when there is no obligation for us to so do. I do not believe the argument that, by linking it into the Federal scene, any of the odium that is attached to rises in parliamentary salaries will be removed. If, indeed, the Democratic proposal had been accepted by members, the automatic CPI rise would be seen to be adequate. It would be more than many thousands of South Australian workers were getting, and I believe that members would be adequately paid for their work if that were to come into place.

The argument has been put, not by the Hon. Mr Burdett but in other forums, that we have to pay members of Parliament more to obtain the calibre of people needed for the job. In answer to that, I would say that there has never been a shortage of candidates for all the political positions I have seen contested in this State in the time during which I have been interested in Parliament, so there is certainly no deterrent to the number of candidates. I ask each individual member to reflect: do they believe that they are adequate or inadequate to do the job? If they are inadequate, do they believe that they would stand down and let someone who had come in because they were offered more money to take their place?

Some nonsense is talked about our having to lure so-called better quality people into doing this job by offering them more money. I believe that it would be a retrograde step. If we had people standing for Parliament purely on the basis that they saw it as a more lucrative occupation than elsewhere, then those people would be coming into Parliament for the wrong reason. Will the Hon. Mr Burdett make some observation, whether replying now or in due course, on the appropriateness of the clause dealing with electorate allowances?

As I understood it, there is separate legislation in a separate situation, where the Parliamentary Remuneration Tribunal is controlled under a separate Act dealing specifically with electorate allowances. That is a question of explanation and information. I indicate quite clearly that the Democrats oppose the Bill. We do so on the ground that it is the wrong pattern to follow for determining remuneration for Parliamentarians in South Australia.

We do not believe that there is any justifiable ground for saying that Parliamentarians in South Australia should be paid substantially higher salaries—and I refer specifically to salaries, not to allowances, facilities or for support staff. I believe that there are alternative methods which would be

distinctly South Australian, and I am ashamed that we as a State have surrendered our sovereignty in the determination of our parliamentary salaries. The Democrats oppose the Bill.

The Hon. J.C. BURDETT: I thank members for their contributions. I thank the Hon. Mr Weatherill. The Hon. Mr Gilfillan has really asked me two questions: first, would I give an undertaking to provide what information is available in regard to increases in the near future in Federal parliamentary salaries. Although I do not think that there would be any official information, I undertake to ascertain whether there is and give it to him in writing if there is. As I understand it, because the salary is fixed by an authority which has not yet sat or made determinations, the only information there could be is what has been stated in the press, which is speculation.

Certainly, there has been speculation that there will be an increase within the next 12 or 18 months or thereabouts. As far as any reliable or official information is concerned, I should think that that is all there will be, but I undertake to ascertain whether there is any better information and, if there is, I will give it to the Hon. Mr Gilfillan. The other question the Hon. Mr Gilfillan directly asked me was in relation to allowances. I mentioned that in the explanation of clauses and said that there was a clarification of what allowances are, which is provided under clause 4 (5) of the Bill, as follows:

> The electorate allowances and other allowances and expenses determined by the Remuneration Tribunal for members of Parliament may vary according to the office held or the electorate represented by a member, the place at which a member usually resides or any other factor that the tribunal considers relevant.

Clause 4 (4) provides:

> The Remuneration Tribunal must, in determining electorate allowances and other allowances and expenses for members of Parliament, have regard not only to their parliamentary duties but also to—
>
> *(a)* their duty to be actively involved in community affairs; and
>
> *(b)* their duty to represent and assist their constituents in dealings with governmental and other public agencies and authorities.

The reason for that clarification is a matter which has been raised by the tribunal itself: that if we are talking strictly about allowances relating to the electorate, then allowances which relate to what you must carry out as a member of Parliament, say, in community duties (which is dealt with in this clarification), may not come into it. This was simply an attempt, largely invited by the tribunal itself, to clarify what electorate allowances are and what they should be deemed to be.

I respect the Hon. Mr Gilfillan's right to disagree with the Bill but I have the right to disagree with his reasons for doing so. I believe that there is a need for uniformity, not to have constant increases with people not knowing whose salary was being increased and by whom. The Hon. Mr Gilfillan referred to the odium involved in salary increases and, of course, that is true. He said that he did not know whether this system would reduce that—and he might be right.

However, the point at issue is not odium (although that is important and does happen) but justice. The salaries of members of Parliament have for some time been below those of senior public servants and even those in middle management in the Public Service, and certainly below those of senior people and middle management in private enterprise. The workload of members of Parliament is extensive. We work long hours—as we have been during these past few days and will be in the near future. I must say that the Hon. Mr Gilfillan clearly does undertake a very heavy workload. There is no doubt about that.

The responsibility is high. I think that we ought to be remunerated (and perhaps we still will be if this Bill passes) at a lower rate than those other spheres that I mentioned but at some rate which has relativity to those. On the basis of other Parliaments we are very much under-remunerated. We have a poor relationship with other Parliaments in Australia, and I seek leave to table a document (which is purely statistical) which sets out the relativity of salaries between the Federal, New South Wales, Victorian, Queensland, South Australian, Western Australian and Tasmanian Parliaments.

Leave granted.

The Hon. J.C. BURDETT: I think I have answered the matters that have been specifically raised, and I commend this measure to the Council.

The Council divided on the second reading:

Ayes (19)—The Hons J.C. Burdett (teller), M.B. Cameron, T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Diana Laidlaw, Anne Levy, R.I. Lucas, Carolyn Pickles, R.J. Ritson, R.R. Roberts, T.G. Roberts, J.F. Stefani, C.J. Sumner, G. Weatherill and Barbara Wiese.

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

Majority of 17 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 6 passed.

Schedule.

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

Page 3—Leave out from the item relating to the Chairman of Committees in the House of Assembly '32' and insert '37.5'.

This amendment relates to the salary of Chairman of Committees in the House of Assembly. In the past, as far as research has taken us back, back to 1948 and before, the relationship between the salary of the Speaker and the salary of the Chairman of Committees was that the Chairman of Committees receives 50 per cent of the salary of the Speaker. I am informed that, when the schedule was drafted, the Victorian model was adopted. Inadvertently no check was made and it was not ascertained that in the schedule as it stands in the Bill that relativity was destroyed. So, the relativity which has applied since 1948 (namely, 50 per cent), and further back from that, is inadvertently and by mistake taken out through the schedule in the Bill. This amendment, to leave out '32' and insert '37.5' (that is, half of 75 per cent), would restore half the salary for the Chairman in relation to the Speaker, which we have traditionally had going a long way back. For this reason, I have moved my amendment.

The Hon. G. WEATHERILL: The Government supports the amendment.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

ADELAIDE CHILDREN'S HOSPITAL AND QUEEN VICTORIA HOSPITAL (TESTAMENTARY DISPOSITIONS) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to construe certain testamentary dispositions in favour of the Adelaide Children's Hospital Incorporated and the Queen Victoria Hospital Incorporated to be in favour of the Adelaide Medical

Centre for Women and Children; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

In view of the lateness of the hour I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill seeks to ensure that testamentary dispositions made to the Adelaide Children's Hospital Incorporated ('A.C.H.') and the Queen Victoria Hospital Incorporated ('Q.V.H.') will pass to the new Adelaide Medical Centre for Women and Children.

The Queen Victoria Hospital and the Adelaide Children's Hospital were dissolved by proclamation published in the *Gazette* on 19 January 1989. By the same proclamation an incorporated body named the Adelaide Medical Centre for Women and Children ('A.M.C.W.C.') was established to take over their functions.

Executor Trustee and Agency Company has advised that it has prepared many wills which contain testamentary dispositions to one or other of the former hospitals. It is likely that there are many other wills containing similar provisions. The efficacy of such dispositions is now in doubt.

The Crown Solicitor has advised that although it may be that legacies to the Adelaide Children's Hospital and the Queen Victoria Hospital will take effect in favour of the A.M.C.W.C., executors who did not ask for the directions of the Supreme Court would be taking a great risk.

The Crown Solicitor has further advised that the dissolution of the Queen Victoria Hospital and the Adelaide Children's Hospital will result in a number of applications to the Supreme Court for directions, that this process will be expensive for the estates concerned and that there is no guarantee that the Court will find that gifts to the two former bodies will pass to the A.M.C.W.C.

In the circumstances it is considered appropriate to pass legislation to ensure that testamentary dispositions to the Queen Victoria Hospital and the Adelaide Children's Hospital will pass to the A.M.C.W.C. (Similar legislation was passed in 1986 in the form of the Little Sisters of the Poor (Testamentary Dispositions) Act).

I commend this Bill to Honourable Members. The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 provides that the measure will be taken to have come into operation on 19 January 1989 (the day on which the proclamation under the South Australian Health Commission Act 1976, dissolving the Adelaide Children's Hospital and the Queen Victoria Hospital and incorporating the Adelaide Medical Centre for Women and Children was made).

Clause 3 provides that certain testamentary dispositions referred to in subclause (1) will be taken to be dispositions in favour of the Adelaide Medical Centre for Women and Children. Subclause (2) is designed to ensure that the execution, before 19 January 1989, of a disposition of a kind referred to in subclause (1) in a manner contrary to that subclause, is not invalidated by the retrospective operation of the measure. Subclause (3) ensures that surrenders and releases effected by testamentary disposition are included in the measure

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

FENCES ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Fences Act 1975. Read a first time.

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

That this Bill be now read a second time.

In view of the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill amends the Fences Act 1975 (the Act) by dealing with the jurisdictional limits of courts concerned with fencing matters and by enabling a court of appeal to amend its original order to allow for any increase in fencing costs that occur during the period a decision was under appeal.

Section 13 of the Act sets out the jurisdictional limits of courts dealing with fencing matters. The pecuniary amounts set out in section 13 were originally linked to the normal jurisdictional limits in the Local Court. However, an amendment to the Local and District Criminal Courts Act has increased the monetary limits of the Small Claims Jurisdiction and the Local Court of Limited Jurisdiction. The proposed amendment will ensure consistency between the Acts.

The second amendment has been suggested by the Senior Judge.

The Senior Judge has indicated that possible injustices can occur where an appeal is instituted against a court's determination on a fencing matter. As a result of the time delays associated with an appeal, by the time the original decision of the court is confirmed by an appeal court, the fencing contractor may not be prepared to do the work for the amount originally quoted.

The current provisions of the Act do not allow a court to vary the original order to reflect any increase in contract price which may occur as a result of the appeal process. The Senior Judge has suggested that an amendment be made to the Act to enable a court to vary the original order in this manner.

The Government agrees that currently difficulties could arise in some cases where, due to the time involved in the appeal process, the original court order cannot be put into effect. Many of the potential difficulties will be avoided by the amendment to the Act to allow the court of appeal to vary the original order.

I commend this Bill to Honourable Members.

The provisions of the Bill are as follows. Clauses 1 and 2 are formal.

Clause 3 inserts a new section after section 12. The new section empowers an appellate court to vary any determination as to the cost of fencing work to take account of any variations in the cost subsequent to the determination appealed against.

Clause 4 substitutes section 13 which deals with the jurisdiction of the local court under the Act. The substituted section provides that a local court of full jurisdiction has jurisdiction over proceedings involving a monetary claim exceeding the jurisdictional limits of local courts of limited jurisdiction. A local court of limited jurisdiction has jurisdiction over all other proceedings under the Act. The current section is to the same effect but refers to the specific amounts that constituted the jurisdictional limits at the time of the latest amendment to the Act in 1983. The current section also provides for small claims under the Act. Small claims

can be provided for by Ministerial notice under the Local and District Criminal Courts Act 1926.

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

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

The Hon. BARBARA WIESE (Minister of Tourism) obtained leave and introduced a Bill for an Act to amend the Administration and Probate Act 1919. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

In view of the lateness of the hour, I seek leave to have the explanation of the Bill incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill deals with the amendments to the Administration and Probate Act 1919 ('the Act') concerning the commissions, charges and fees made by the Public Trustee.

The Public Trustee charges:

(a) Capital Commission calculated as a percentage of the amount involved in administering an estate. With two minor exceptions, the Capital Commission rates are fixed rates rather than maximum rates;

(b) Income Commission calculated at a fixed percentage, and

(c) Fees in respect of a number of services, for example, the preparation of tax returns. These fees are generally maximum fees.

At present the Public Trustee is not able to charge Capital Commission at a rate less than that specified in the regulations unless Court approval is obtained. The Public Trustee now seeks authority to charge Capital Commission up to a maximum rate as opposed to a fixed rate. This would enable the Public Trustee to reduce Capital Commission on the grounds of hardship or equity in a particular estate, reduce Capital Commissions for all estates or for all those in a particular class of estate. In addition, reduced capital commission is sought on the share of the proceeds of the sale of a matrimonial home payable to a surviving spouse. At present the reduction applies only to transfers to a surviving spouse.

In respect of the fees prescribed in the regulations, the maximum rates have not been adjusted for inflation since the last review in 1982. As a consequence they require revision to reflect more accurately the cost of providing those services and market rates charged by other organisations for similar services.

A proposal is currently being considered that will enable the Public Trustee to be in a position to rely less on commissions and more on fees, with the result that a charging system may be developed in which charges more closely relate to the cost of providing those services for which a charge is made.

The provisions of the Bill are as follows.

Clause 1 is formal.

Clause 2 amends section 112 of the principal Act. Section 112 authorises the Public Trustee to charge a commission and fees in respect of any services provided. Subsection (6) empowers the Governor to fix a scale of commission and fees for the purposes of the section. This clause strikes out subsection (6) and substitutes a new subsection that confers a broader power to prescribe fees. Under the new subsection the Governor is empowered to fix a commission or fee for the purposes of the section, but is also empowered to fix a maximum or minimum commission or fee. Where a maximum or minimum is set, the Governor may authorise the Public Trustee to determine the amount applicable to any given case, subject to that maximum or minimum. The clause also makes a consequential amendment to subsection (5) and deletes an interim provision (subsection (7)) that has become redundant.

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

REMUNERATION BILL

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

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

That this Bill be now read a second time.

As the matter has been dealt with in another place I seek leave to have the explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill provides for the establishment of a remuneration tribunal to determine the remuneration payable to members of the judiciary and the remuneration or part of remuneration payable in respect of certain other offices which involve the exercise of powers of statutory independence.

The tribunal provided for under this Bill would replace the remuneration tribunal established under the Renumeration Act 1985, which latter Act is to be repealed under the Statutes Repeal and Amendment (Remuneration Act) Bill 1990.

In respect of the members of the judiciary, the Bill maintains the previous situation under the Remuneration Act 1985 whereby their remuneration was determined by an independent Remuneration Ttribunal.

This Bill also proposes that the remuneration of the offices of State Coroner, Deputy State Coroners, Commissioners of the Industrial Commission and the full-time Commissioners of the Planning Appeal Tribunal be determined by the independent Remuneration Tribunal.

The Remuneration Tribunal, under the Remuneration Act 1985, determined remuneration for these offices at the same time as it determined remuneration for members of the judiciary. The Government considers it appropriate for that approach to be continued. Whilst these offices are not of a judicial nature, their functions require them to exercise powers in a manner that is independent of the Government of the day. It is accordingly appropriate that their levels of remuneration continue to be set independently so as to protect their independence in the performance of their statutory functions.

I commend the Bill to the Council.

Clause 1 is formal.

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

Clause 3 sets out definitions of terms used in the measure. 'Remuneration' is defined by the clause to include salary, allowances, expenses and fees.

Clause 4 provides for the establishment of a new remuneration tribunal.

Clause 5 provides that the remuneration tribunal is to consist of three members appointed by the Governor on

the nomination of the Minister. Under the clause, the Minister must exclude from consideration as a possible nominee any person whose own remuneration could be affected directly or indirectly by a determination of the tribunal. One member of the tribunal must be appointed by the Governor to be President of the tribunal.

Clause 6 provides for the terms and conditions on which members of the tribunal hold office. A maximum term of office of seven years is fixed under the clause. A member is, on completion of a term of office, eligible for reappointment.

Clause 7 provides that a member of the tribunal is entitled to such remuneration as is determined by the Governor.

Clause 8 provides that a sitting of the tribunal may be convened by the President of the tribunal of his or her own motion or at the request of the Minister. Under the clause, the tribunal must sit at least once in each year for the purpose of determining, or reviewing previous determinations of, remuneration.

Clause 9 provides that the tribunal is to be constituted of two or three members for the purposes of making a determination. A decision of the tribunal must be concurred in by two members of the tribunal.

Clause 10 provides that the tribunal is not bound by the rules of evidence but may inform itself in any manner it thinks fit. The tribunal must allow persons, or persons of a class, affected a reasonable opportunity to make submissions orally or in writing to the tribunal before making a determination. A person may appear before the tribunal personally or by counsel or other representative. The Minister is, under the clause, entitled to intervene, personally or by council or other representative, in any proceedings of the tribunal to introduce evidence, or make submissions, on any question relevant to the public interest.

Clause 11 provides that the tribunal has the powers of a Royal Commission.

Clause 12 allows the tribunal to determine its own procedure subject to the provisions of the measure.

Clause 13 confers jurisdiction on the tribunal to determine the remuneration payable to—

(a) the Chief Justice of the Supreme Court;
(b) the Puisne Judges of the Supreme Court;
(c) the President of the Industrial Court;
(d) the Deputy Presidents of the Industrial Court;
(e) the Senior District Court Judge;
(f) the other District Court Judges;
(g) the Chief Magistrate;
(h) the Deputy Chief Magistrate;
(i) the Supervising Magistrates;
(j) the Assistant Supervising Magistrates;
(k) the Senior Magistrates;
(l) the Stipendiary Magistrates;
(m) the other Magistrates;
(n) the Supervising Industrial Magistrate;
(o) the other Industrial Magistrates;
(p) the State Coroner;
(q) the Deputy State Coroners;
(r) the Commissioners of the Industrial Commission;
(s) the full-time Commissioners of the Planning Appeal Tribunal.

Clause 14 provides that the tribunal has, in addition, jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of any other office if such jurisdiction is conferred on the tribunal by any other Act or by the Governor by proclamation.

Under clause 15, the tribunal is required to have regard to the principle of judicial independence in appropriate cases.

Clause 16 requires the tribunal to forward a report to the Minister setting out the terms of and grounds for a determination as soon as practicable after it is made. The Minister must table any such report in Parliament. A determination must be published in the *Gazette* within seven days after it is made.

Clause 17 allows the tribunal to give a determination retroactive operation.

Clause 18 provides that a determination of the tribunal is not subject to appeal.

Clause 19 provides that a determination is binding on the Crown and is sufficient authority for payment from the Consolidated Account of the remuneration to which it relates.

Clause 20 provides for the making of regulations

The Hon. R.I. LUCAS secured the adjournment of the debate.

STATUTES REPEAL AND AMENDMENT (REMUNERATION) BILL

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

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

That this Bill be now read a second time.

As this Bill has been dealt with in another place, I seek leave to have the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is to repeal the Remuneration Act 1985 and to make consequential amendments to various Acts to enable a changed approach in the fixation of the remuneration for members of Parliament, chief executive officers and certain statutory office holders. As a result of this Bill and the related Remuneration Bill 1990, the jurisdiction of an independent Remuneration Tribunal will be limited to determining the remuneration of the judiciary and holders of other statutory offices which involve the exercise of powers of statutory independence.

Currently the Remuneration Tribunal, pursuant to the Remuneration Act 1985, is also empowered to determine the remuneration of members of Parliament, chief executive officers and certain other statutory office holders.

Under the Parliamentary Remuneration Bill 1990, it is proposed to set the levels of remuneration of members of Parliament by reference to the levels of remuneration paid to members of the House of Representatives of the Federal Parliament, thereby removing the need for a continuation of the tribunal's role in this area.

A changed approach is also proposed in the fixation of the remuneration of chief executive officers and holders of the following statutory offices:

Auditor-General
Electoral Commissioner
Deputy Electoral Commissioner
Chairman, South Australian Health Commission
Commissioner of Highways
Chairman, Industrial and Commercial Training Commission
Chairman, Metropolitan Milk Board
Ombudsman
Commissioner of Police
Deputy Commissioner of Police
Commissioner of Public Employment.

It is considered that a more efficient and timely approach to the fixing of the levels of remuneration for these officers could be achieved if they were determined by the Governor in lieu of the tribunal and on a basis that is consistent with the fixing of the remuneration of other executive officers. In addition, such a changed approach would also enable individual contracts to be entered into having regard to the experience, background, skills and special circumstances of such senior officers.

I commend the Bill to the Council.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation.

Clause 3 is an interpretation provision.

Clause 4 provides for the repeal of the Remuneration Act 1985.

Clause 5 amends the Agent-General Act 1901, so that the remuneration of the Agent-General is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 6 amends section 55 of the Constitution Act 1934 which relates to the Joint Standing Committee on Subordinate Legislation. The section currently fixes and provides for the adjustment and payment of salaries for the Chairman and other members of this committee. The clause amends this section so that it provides instead that the Chairman and other members of the committee are to be entitled to such salaries as are fixed by or under the proposed new Parliamentary Remuneration Act.

Clause 7 amends the Electoral Act 1985, so that the remuneration of the Electoral Commissioner and Deputy Electoral Commissioner is to be determined by the Governor instead of the Remuneration Tribunal.

Clauses 8, 9, 10 and 11 amend the Government Management and Employment Act 1985. Under the clauses, the remuneration of the Commissioner for Public Employment and chief executive officers of administrative units is to be determined by the Governor instead of the Remuneration Tribunal. The clause also amends schedule 2 to that Act which lists public officers, or classes of public officers, excluded from the Public Service. Under the schedule, officers whose remuneration is determined by the Remuneration Tribunal are excluded from the Public Service. As a consequence of other amendments contained in the measure under which the remuneration of various public officers will be determined by the Governor instead of the Remuneration Tribunal, it is necessary to recast this exclusion. Accordingly, clause 11 amends the schedule so that, instead, it excludes from the Public Service any person who is appointed under another Act on terms and conditions of appointment that are to be determined by the Governor, a Minister or any person or body other than the Commissioner.

Clause 12 amends the Highways Act 1926 so that the remuneration of the Commissioner of Highways is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 13 amends the Industrial and Commercial Training Act 1981. The amendment transfers the power to determine the remuneration of members of the Industrial and Commercial Training Commission from the Remuneration Tribunal to the Governor.

Clauses 14 and 15 amend the Industries Development Act 1941. Under that Act, the remuneration of all members of the Industries Development Committee is determined by the Governor. Under the amendments, the remuneration of those committee members who are members of Parliament will instead be fixed by or under the proposed new Parliamentary Remuneration Act.

Clause 16 amends the Metropolitan Milk Supply Act 1946 so that the remuneration of members of the Metropolitan Milk Board is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 17 amends the Ombudsman Act 1972. Under the amendment, the remuneration of the Ombudsman is to be determined by the Governor instead of the Remuneration Tribunal.

Clauses 18 and 19 amend the Police Act 1952. The amendments transfer the power to determine the remuneration of the Commissioner of Police and the Deputy Commissioner of Police from the Remuneration Tribunal to the Governor.

Clauses 20 and 21 amend the Public Accounts Committee Act 1972. That Act currently fixes and provides for the adjustment and payment of salaries for the Chairman and other members of the Public Accounts Committee. The Act also provides for expenses and allowances prescribed by regulation. Under the amendments, the Chairman and other members of the Committee will instead be entitled to salaries, allowances and expenses fixed by or under the proposed new Parliamentary Remuneration Act.

Clause 22 amends the Public Finance and Audit Act 1987 so that the remuneration of the Auditor-General is to be determined by the Governor instead of the Remuneration Tribunal.

Clauses 23, 24 and 25 amend the Public Works Standing Committee Act 1927. That Act currently fixes and provides for the adjustment and payment of salaries for the Chairman and other members of the Public Works Standing Committee. The Act also provides for travelling allowances prescribed by regulation and for the reimbursement of certain other expenses actually incurred. Under the amendments, the Chairman and other members of the committee will instead be entitled to salaries, allowances and expenses fixed by or under the proposed new Parliamentary Remuneration Act.

Clause 26 amends the Solicitor-General Act 1972. Under the clause, the remuneration of the Solicitor-General is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 27 amends the South Australian Health Commission Act 1976, so that the remuneration of full-time members of the commission is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 28 amends the Valuation of Land Act 1971 in a similar fashion by transferring the power to determine the remuneration of the Valuer-General from the Remuneration Tribunal to the Governor.

The Hon. R.I. LUCAS secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT 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.

In view of the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The main purpose of this Bill is to amend the Motor Vehicles Act 1959, to facilitate the introduction of an on-line computer system by simplifying the procedures set out in the Act for the issue, renewal and transfer of registration of motor vehicles and the issue and renewal of driver's licences and learner's permits. In addition to simplifying existing procedures it is desirable to tighten up the transfer procedures to deter manipulation of the system by those involved in car theft rackets and thereby protect vehicle buyers. The opportunity is being taken to also make some housekeeping amendments to the Act. These are set out in the explanation of clauses.

The Bill provides for the issuing of a new temporary permit to drive an unregistered motor vehicle in a case where an application for registration or renewal of registration cannot be processed immediately. There will be occasions during normal business hours when the computer system will be down and it will not be possible to complete the processing of applications. If the Registrar decides to grant registration, a permit to drive the vehicle without registration will be issued to provide cover to the client until the transaction is completed. The permit will be issued free of charge because subsequent registration will date from the time that the permit was issued. The permit will expire when the registration label issued in respect of the vehicle is affixed to the vehicle or on the expiry date specified in the permit, whichever occurs first.

If the Registrar returns an application for registration or renewal of registration, the person may apply for a permit to drive the vehicle without registration and a permit may be issued by the Registrar on payment of a nominal fee, to be prescribed by regulation, and insurance premium to cover the term of the permit. If the Registrar subsequently grants registration on an application made after the issue of the permit, the registration will commence on the day that it is effected. The permit will expire, if registration is subsequently granted, when the registration label issued in respect of the vehicle is affixed to the vehicle or on the expiry date specified in the permit, whichever occurs first. If registration is refused, the permit will expire on the date shown in the permit.

The Bill also amends the Act to empower the Registrar to return an application for registration or renewal of registration and any money paid. Applications are often received without full particulars and in some cases without sufficient information to determine the fee payable. Processing and recording can be significantly simplified if applications can be returned where all requirements for registration have not been met.

The Bill also provides for the issue of a new temporary licence or learner's permit where an application for the issue or renewal of a licence or permit cannot be processed immediately. If the Registrar decides to grant a licence or permit, a temporary licence or permit will be issued to provide cover to the client until the transaction is completed. The temporary licence or permit will expire on the expiry date specified in the licence or permit.

The Bill also empowers the Registrar to return an application for the issue or renewal of a licence or learner's permit if the application is not properly completed or the correct fee is not paid. In such a case a person may apply for a temporary licence or learner's permit. A temporary licence or learner's permit issued in such a case will expire on the expiry date specified in the licence or permit or on the day that a proper application for a licence or permit is determined by the Registrar, whichever occurs first.

The Bill proposes to simplify procedures for the transfer of registration. The old owner will be required to give the new owner the current certificate of registration or a current duplicate issued in the name of the old owner. This means that a person disposing of a vehicle currently registered under the Act and intending to authorise transfer of the unexpired registration and insurance to the new owner must have transferred the registration of that vehicle into their name to be in possession of a current certificate of registration. This procedure will ensure that transfers of motor vehicle registration are only accepted and processed in strict order of the sequence of change of ownership. Where an applicant is unable to effect a transfer of registration in accordance with the new proposed procedures, the other option will be for the new owner to apply for registration of the vehicle in their name. This application would be subject to the possibility of a police inspection and subsequent check against stolen vehicle records. A more accurate record of changes of vehicle ownership will result, with a reduction in avoidance of transfer fees and stamp duty.

Currently the form of application to transfer registration is printed on the reverse of the certificate of registration together with a notice of transfer of the vehicle. Under the new procedures the old owner will not be required to notify the Registrar of the transfer. Instead a notice of transfer will be required to be completed and signed by both vendor and purchaser and retained by the vendor as proof that he or she has disposed of the vehicle. This notice will be printed on the back of the certificate of registration. To cover the transfer of vehicles in respect of which a certificate printed with forms for the existing procedure has been issued, new forms will be made available but the current certificate of registration issued in the transferor's name will still have to be given to the transferee to be lodged with the new application form unless the transferee opts to apply for fresh registration in his or her name. The Bill increases the time allowed for lodging an application to transfer registration from seven days to 14 days after the transfer. Experience has shown that many people find the seven day period too short a time in which to complete transfer requirements, particularly if a public holiday falls within the period.

The Bill also gives the Registrar power to record a change of ownership of a registered motor vehicle but without actually registering the vehicle in the new owner's name or removing the old owner's name from the register of motor vehicles and provides for a notice of transfer under new section 56 *(b)* (iii) to be, in the absence of proof to the contrary, proof, in all legal proceedings, of a change of ownership of a registered vehicle. These provisions are designed to protect the old owner from legislation which makes the registered owner guilty of an offence that is, the parking provisions of the Local Government Act 1934 and the photographic detection device provisions of the Road Traffic Act 1961) even though he or she may have disposed of the vehicle and no longer has possession of it.

Where a vehicle has been registered at a reduced registration fee, transfer of registration is not permitted under the Act unless the new owner satisfies the Registrar that he or she is entitled to the same reduction in fees. The opportunity is being taken in this Bill to amend section 42 of the Act to provide that in such a case registration may also be transferred if the balance of the fee in respect of the unexpired portion of registration is paid. This will take away the need for a new owner who is unable to satisfy the Registrar of their entitlement to a reduction in fees to apply for fresh registration in their own name.

Section 60 of the Act provides that if the registration of a vehicle is neither cancelled nor transferred within 14 days

after the transfer of ownership of the vehicle the registration becomes void and the Registrar cannot transfer the registration but must cancel it. The Bill amends the section to give the Registrar a discretion whether to cancel registration.

The Bill provides for various permits issued under the Act in relation to motor vehicles to be carried in vehicles in accordance with the regulations rather than to be affixed. This will simplify the issue of permits to drive a motor vehicle without registration and permits to drive a motor vehicle the registration label in respect of which has been lost or destroyed. A label for affixing to the windscreen, in addition to the paper permit, will not be required.

The Bill removes the need for the Registrar to issue registration labels in respect of Government vehicles. Government vehicles are clearly identifiable by the blue and white Government number plates and the issue of a continuous Government label for affixing to the windscreen is unnecessary.

The amendments to the Act contained in this Bill are of the highest priority because it is not possible to finalise the design of some parts of the on-line computer system until the precise details of the legislation passed by Parliament is known.

I commend the Bill to honourable members.

The provisions of the Bill are as follows:

Clause 1 is formal.

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

Clause 3 amends section 5 of the principal Act, an interpretation provision, by inserting a definition of 'registration' to ensure that registration includes reregistration or renewal of registration.

Clause 4 repeals section 16 of the principal Act and substitutes a new provision. New section 16 rationalises and consolidates the provisions relating to permits to drive an unregistered motor vehicle contained in existing sections 16 and 49 of the Act and regulation 11a of the Motor Vehicles Act Regulations, 1968.

Subsection (1) empowers the Registrar to issue a permit to the owner of a motor vehicle authorising the vehicle to be driven on roads without registration in the following cases: where an application for registration is made but the Registrar is unable to determine the application without delay; where the Registrar decides to grant registration but is unable to effect registration without delay; where a person applies for a permit following the return by the Registrar of an application for registration or where a person applies for a permit in prescribed circumstances or in circumstances in which, in the Registrar's opinion, it is unreasonable or inexpedient to require a motor vehicle to be registered. In the latter two cases the prescribed fee and an insurance premium are payable. The term 'prescribed circumstances' is intended to cover those cases in which a permit may be issued under regulation 11a (1) *(a)* to *(d)*. Regulation 11a (1) *(e)* currently covers the fourth case. Subsection (1) also empowers the Registrar to impose appropriate conditions on a permit.

Subsection (2) re-enacts existing section 16 (1) which empowers a member of the Police Force stationed at a police station situated outside a radius of 40 kilometres from the Adelaide GPO to issue to a person who has sent an application for registration of a motor vehicle not previously registered in that person's name to the Registrar in Adelaide a permit authorising the vehicle to be driven without registration.

Subsection (3) requires a permit to be in a form determined by the Minister.

Subsection (4) re-enacts existing sections 16 (2) and 49 (2) which gives a motor vehicle in relation to which a permit has been issued the status of a registered vehicle.

Subsection (5) re-enacts existing sections 16 (3) and 49 (3) which provide third-party bodily injury insurance cover in respect of a vehicle for which a permit has been issued.

Subsection (6) re-enacts existing section 16 (7) which provides that where an application for registration made before the issue of a permit is subsequently granted, registration will be taken to have commenced from the time of the issue of the permit.

Subsection (7) re-enacts sections 16 (4) and 49 (4) which set out when a permit expires.

Subsection (8) re-enacts existing sections 16 (5) and 49 (5) and regulation 11a (3) in a slightly altered form. Whereas the existing provisions require a permit to be affixed to the vehicle to which it relates in the position prescribed for the carriage of a registration label, the new provision requires carriage of the permit in the vehicle in accordance with the regulations.

Subsection (9) provides that a person must not drive on a road a motor vehicle in respect of which a permit under this section is in force unless the permit is carried in the vehicle in accordance with the regulations. The maximum penalty is a division 11 fine ($100). This provision is similar to those contained in existing sections 16 (6) and 49 (6).

Subsection (10) empowers the Registrar to revoke a permit if a condition of the permit is contravened. This provision is currently found in regulation 11a (4) but has no counterpart in existing section 49 although the section empowers the Registrar to impose conditions.

Subsection (11) provides that a person who contravenes a condition of a permit is guilty of an offence. The maximum penalty is a division 10 fine ($200). Again this provision is currently in regulation 11a (5) but is lacking in section 49.

Subsection (12) empowers the Registrar to issue a duplicate permit if he or she is satisfied that a permit issued under subsection (1) has been lost or destroyed. This provision currently exists in regulation 11a (6) but is lacking in section 49.

Subsection (13) empowers a member of the Police Force to issue a duplicate permit if he or she is satisfied that a permit issued under subsection (2) has been lost or destroyed. This provision is lacking in existing section 16.

Subsection (14) re-enacts existing section 49 (9) which empowers the Registrar to refund part of the registration fee where the Registrar is unable to grant registration and extends it to cover the case where a permit is issued by a member of the Police Force.

Subsection (15) re-enacts the interpretation provision in existing section 16 (8).

Clause 5 amends section 20 of the principal Act to remove the reference to renewal of registration which is unnecessary because of the definition of registration inserted by clause 3 of this Bill.

Clause 6 inserts new section 21 to give the Registrar power to return an application for registration of a motor vehicle and any money paid in respect of the application in the following cases: where the application is not entirely in order; where the full amount payable to the Registrar in respect of the application has not been paid; where the owner of the vehicle is unable to provide all the necessary information at the time of the lodging of the application; where the Registrar requires the particulars of the application to be verified; where a court has ordered a vehicle not be registered until some condition has been complied with and the condition has not been complied with.

Clause 7 repeals section 42 of the principal Act and substitutes a new provision to make the registration of a motor vehicle registered at a reduced registration fee transferable if the balance of the prescribed registration fee is paid.

Clause 8 amends section 48 of the principal Act so that there is no longer a requirement for the Registrar to issue registration labels in respect of vehicles registered under the continuous registration Government scheme or for a registration label issued in respect of such a vehicle to be displayed in the vehicle.

Clause 9 repeals section 49 of the principal Act.

Clause 10 amends section 50 of the principal Act to provide for the carriage of permits under that section in accordance with the regulations instead of the affixing of permits.

Clause 11 amends section 51 of the principal Act to provide for the carriage of permits under that section in accordance with the regulations instead of the affixing of permits.

Clause 12 amends section 53 to delete references to the affixing of permits and to refer to the carriage of permits in accordance with the regulations.

Clause 13 amends section 56 of the principal Act which sets out the obligations of the transferor of a motor vehicle. Instead of the existing requirement that if the transferor does not apply for cancellation of registration of the vehicle he or she must give the Registrar a notice of transfer of the vehicle, the new provision requires the transferor to hand over to the new owner the current certificate of registration or a current duplicate, to sign an application to transfer the registration of the vehicle and to sign, in the presence of the transferee, a notice, in a form determined by the Minister, of the transfer of ownership of the vehicle.

Clause 14 repeals section 57 of the principal Act and substitutes a new provision. This section sets out the obligations of the transferee of a motor vehicle. The new section extends the time for lodging an application to transfer the registration from seven to 14 days and makes the section apply when the transfer of ownership of a vehicle occurs not later than 14 days before the expiration of its registration instead of not later than seven days. The new provision also requires the transferee to lodge the current certificate of registration or a current duplicate with the application to transfer registration. The transferee is required, within seven days after the transfer, to sign, in the presence of the transferor, a notice of the transfer.

Clause 15 inserts new section 57a into the principal Act to make it clear that the Registrar has power to record a change of ownership of a registered motor vehicle without actually registering the vehicle in the name of the new owner or removing the name of the old owner from the register.

Clause 16 makes a consequential amendment to section 58 of the principal Act to remove the need for a notice of sale to be lodged before the Registrar can transfer the registration of a vehicle and to instead require the current certificate of registration or a current duplicate to be lodged.

Clause 17 amends section 60 of the principal Act so that if the registration of a motor vehicle is neither cancelled nor transferred within the allowed time the registration is no longer automatically voided and the Registrar is no longer required to cancel the registration but has a discretion.

Clause 18 amends section 74 of the principal Act by substituting a division 8 fine ($1 000) instead of the division 10 ($200) fine. This amendment corrects a mistake made when section 3 of the Motor Vehicles Act Amendment Act (No. 3) 1989 (Act No. 35 of 1989) purported to strike out a reference to 'Two hundred dollars' which had already been struck out in the schedule of Statute Law Revision amendments to the Motor Vehicles Act Amendment Act 1989 (Act No. 11 of 1989) which was already in operation.

Clause 19 amends section 75 of the principal Act by removing the provisions relating to temporary licences (to be transferred by this Bill to new section 77c) and by empowering the Registrar to return an application for a licence that is not entirely in order or in relation to which the prescribed fee has not been paid.

Clause 20 amends section 75a of the principal Act to make it clear that the Registrar has the power to renew a learner's permit and to empower the Registrar to return an application for a learner's permit that is not entirely in order or in relation to which the prescribed fee has not been paid.

Clause 21 repeals section 77c of the principal Act which provides for the issue of a temporary licence or temporary learner's permit pending the preparation and delivery of a licence or permit that bears a photograph of the holder and substitutes a new provision that sets out the following additional cases where the Registrar may issue a temporary licence or temporary learner's permit: where the Registrar is unable to determine an application for a licence or learner's permit without delays; where a person applies for a temporary licence or temporary learner's permit following the return of an application by the person for the issue or renewal of a licence or permit or in circumstances in which, in the Registrar's opinion, the issue of a temporary licence or temporary learner's permit is justified (already the case in respect of temporary licences under section 75). The new section also requires temporary licences and temporary learner's permits to be in a form determined by the Minister and sets out when such a licence or permit expires.

Clauses 22 to 24 amend, respectively, sections 79b, 81 and 84 of the principal Act to make it clear that those sections apply in relation to the renewal of licences and learner's permits.

Clause 25 amends section 99a of the principal Act to remove the reference to renewal of registration which is unnecessary because of the definition of registration inserted by clause 3 of this Bill.

Clause 26 amends section 138b of the principal Act to make it clear that it applies in relation to the renewal of licences and permits.

Clause 27 inserts new section 142a into the principal Act to provide for a notice of transfer of ownership of a motor vehicle under section 56 *(b)* (iii) to be, in all legal proceedings, proof of the matters stated in the notice, in the absence of proof to the contrary.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

MARINE ENVIRONMENT PROTECTION BILL

In Committee.

(Continued from 3 April. Page 1085.)

Clause 6—'Minister to seek advice of Environmental Protection Council.'

The Hon. M.B. CAMERON: Before we deal with the amendments, I wish to clarify the matter I raised early in the Committee yesterday when I asked the Minister whether certain dockets would be produced so that members could be properly informed. The Minister indicated that she would take that request to her colleague in another place and would

bring back a reply. Can the Minister say whether such a request has been made to the Minister, who is the progenitor of this Bill, and whether a reply is available?

The Hon. ANNE LEVY: I took up the matter with my colleague in another place and I have been provided with the following reply:

I referred this request to my colleague the Minister of Water Resources (Hon. Susan Lenehan). The Minister has indicated that it will not be possible to accede to the honourable member's request. However, if the member can identify the particular papers or matters of interest to him, the Minister is prepared to provide a personal briefing for the member.

The Hon. M.B. CAMERON: That is the most odd reply. I would have thought that I had identified the matters that I wanted information about. I do not want to go through them again, but they are: Nos 1478/83, infiltration and inflow, which has to do with salt into the Port Adelaide sewerage works; 1949/82, sewerage grouting program (a very secret Government document); 260/88, condition of major pipe work; and 1046/82, hazardous area classification.

I can give the names of the people who wrote those dockets or the contact officers, if that is necessary. I do not know what is in the dockets, except that the dockets that I have received so far indicate some problems and I would be interested to know, before the passage of the Bill, whether there are any other problems. It would simplify matters considerably if the dockets were produced so that members, and not only myself, could look at them. I do not know whether the Minister has any contact with her colleague at this stage, but will she ask one of her officers to ask whether those dockets can be produced? They are not terribly secret. If the Government is committed to freedom of information, then surely it is a simple matter to produce these dockets for members of Parliament.

The Hon. ANNE LEVY: I undertook to contact my colleague in another place about the dockets referred to by the honourable member. I have done so, as I indicated. I have brought back the response from the Minister that the honourable member requested to be provided to him. I have provided that reply. I reiterate: the Minister's reply indicates that she would be happy to provide a personal briefing for the honourable member, should he request it.

The Hon. M.B. CAMERON: I do not want to continue for long, but I am going to seek to put an FOI provision in this Bill, because clearly we have to do something to get information. I will be seeing Parliamentary Counsel for that purpose. It may not be possible, but I will certainly attempt to do it. I do not want a personal briefing on the sewerage grouting program; I do not want to waste the time of officers on that sort of thing. I can read a docket. It is not a drastic thing. I seek information, which is the basis of what we are doing. Many of the problems that have occurred in the past have resulted through lack of information.

I will now attempt to have some sort of FOI provision included in the Bill, because information has to be provided to members of Parliament. If the Government is committed to FOI, that is the way it has to be.

The Hon. J.C. Burdett: Not just selective freedom of information.

The Hon. M.B. CAMERON: Yes.

The Hon. DIANA LAIDLAW: I move:

Page 3, line 17—Leave out all words in this line and insert 'MARINE ENVIRONMENT PROTECTION COMMITTEE'.

This amendment seeks to delete reference in the heading of Part 11 to the Environment Protection Council (EPC) and insert 'Marine Environment Protection Committee'. The provision in the Bill now is certainly a vast improvement to that in the Bill when it was presented in another place earlier this session. The Liberal Party concedes that to the Government but, nevertheless, we do not accept the EPC option as provided in the Bill. We believe that the size of the task in licensing and policing future marine pollution and the magnitude of that responsibility to the community now and in the future requires a specialised group of advisers. My amendments establish the Marine Environment Protection Committee which will consist of seven persons who would have the sole responsibility for the complex and demanding area of marine pollution.

The approach offered by the Government through the Environmental Protection Council is clumsy. It has even been suggested that it would be quite unworkable, and I would also argue that it is a kneejerk reaction by the Government to community pressure to ensure that the Government and Minister are more accountable on this issue and that the Minister did not have the discretionary powers as provided in the Bill when it was in another place.

My amendment details the terms and conditions on which members would hold office, and it looks at allowances and expenses, the issue of a quorum, staff facilities, information and so forth. Of particular importance to the Liberal Party is the following provision in new clause 6c:

(4) The committee must cause—

(a) accurate minutes to be kept of proceedings at its meetings; and

(b) a copy of the minutes for each meeting to be forwarded to the Minister as soon as practicable after they have been made and confirmed.

(5) The Minister must cause a copy of the minutes for each meeting of the committee to be kept available for inspection (without fee) by members of the public during ordinary office hours at an office determined by the Minister.

The Liberal Party is adamant that this provision is necessary. We note that the Bill does bind the Crown. We had the arguments aired last night about how it would be practical for the Crown to be forced to comply with the provisions of this Bill. The Liberal Party believes that the clause and subclause, to which I have just referred, in respect of the availability of minutes of the committee, is an essential provision to ensure that the community has an understanding of the matters being addressed by it and, further, that the Government is kept accountable for the matters that have been addressed by the committee.

I note that the Democrats have placed on file an amendment which is essentially the same as that which Liberal Party's placed on file some time ago; and I am pleased to see that. However, there are some differences with respect to the functions of the committee, and perhaps that can be discussed at a later point.

The Hon. ANNE LEVY: The Government opposes this amendment and the whole concept of the Marine Environment Protection Committee on three major grounds. The main one is that it is an unnecessary duplication. The Environmental Protection Council exists and would have the power to review the Act, anyway. It is totally unnecessary to set up yet another body with much the same functions. We maintain that it is much better to recognise the Environmental Protection Council as the advisory body.

The other objections are of course not related just to the title. However, the whole concept is being discussed at this stage in the hope, I presume, that there will not be discussion at other stages.

The Hon. Diana Laidlaw: That was my intention.

The Hon. ANNE LEVY: Yes. The Government objects to the proposed committee being involved in the administration function of granting licences which is not normally given to bodies such as this. In comparing the membership of the proposed Marine Environment Protection Committee with that of the Environmental Protection Council (which does exist), one sees that the membership is almost identical,

except that the committee proposed by the honourable member does not include any representative of local government.

I feel it is very surprising, given the concern of local government in these matters, that the member is proposing to set up a committee virtually identical in membership to the Environmental Protection Council, with the outstanding omission of any representative of local government. As Minister of Local Government, I find this very surprising and rather insulting to the third tier of government in this State.

The Hon. M.J. ELLIOTT: So that this debate does not get protracted, I am absolutely committed to such a clause going into the Bill. I have a consequential amendment in almost identical terms with a few minor variations that we can look at later. I have spoken with members of the Environmental Protection Council, former members, and people who have been associated with it, and they suggest to me that the Government has a problem in that the Environmental Protection Council does not know what to do with itself and that the Government might to some extent like to give it a particular job to do.

That aside, I think it is very important that we do have a specialist body in relation to marine matters. It is one thing to have a person on the Environmental Protection Council who may represent environmental interests more generally; it is quite a different thing to have a person who has specialist environmental knowledge in relation to marine environment itself. So, because we could do that with virtually every member of this committee, we are looking at people with relevant expertise in relation to the marine environment itself and matters relating to marine pollution.

Whilst the Minister has contemplated the power to coopt other expertise, it is not the same as having a group which is predominantly composed of people with absolutely relevant expertise on the matter. We have a problem with the Environmental Protection Council, which would theoretically have a number of jobs to do. That is one item on the agenda, whereas the Marine Protection Committee has one job and one job alone. Having that single purpose, it would, I believe, be very single minded about doing its job, and would have no other distractions. In fact, I believe that that is a great strength. I was intrigued by the Minister's suggestion that they would be administering licences; that certainly is not the case. They would certainly be keeping a watching brief, but there is a great difference between a watching brief and the total administration.

As to comparing membership, I think I covered that matter when addressing the question of unnecessary duplication. As I said, I am totally committed to this. The Minister can get back up and try to persuade but I have thought through this carefully and, having consulted widely, I believe this is the way to go.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Pages 3 and 4—Leave out this clause and insert new clauses as follows:

Establishment of Marine Environment Protection Committee

6. (1) The Marine Environment Protection Committee is established.

(2) The Committee is to consist of seven members appointed by the Governor of whom—

(a) one is a nominee of the Minister;

(b) one is a nominee of the Minister of Health;

(c) one is a nominee of the Minister of Fisheries;

(d) one is a nominee of the South Australian Fishing Industry Council Incorporated;

(e) one is a nominee of the Conservation Council of South Australia Incorporated;

(f) one is a nominee of the Chamber of Commerce and Industry, South Australia Incorporated;

and

(g) one is a person with expertise in matters relating to the marine environment and its protection nominated by the Minister.

(3) One member of the Committee must be appointed by the Governor to be its presiding member.

Terms and conditions on which members hold office

6a. (1) Each member of the Committee is to be appointed for a term of office, and on conditions, determined by the Governor, and, on the expiration of a term of office, is eligible for reappointment.

(2) The Governor may appoint a suitable person to be a deputy of a member of the Committee.

(3) The deputy of a member has, while acting in the absence of the member, all the powers, rights and duties of the member.

(4) The Governor may remove a member of the Committee from office for—

(a) any breach of, or non-compliance with, a condition of appointment;

(b) mental or physical incapacity;

(c) neglect of duty;

or

(d) dishonourable conduct.

(5) The office of a member of the Committee becomes vacant if the member—

(a) dies;

(b) completes a term of office and is not re-appointed;

(c) resigns by written notice addressed to the Minister;

or

(d) is removed from office by the Governor pursuant to subsection (4).

(6) On the office of a member of the Committee becoming vacant, a person may be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Committee becomes vacant before the expiration of the member's term of office, the person appointed in place of the member must be appointed only for the balance of the term of office.

Allowances and expenses

6b. A member of the Committee is entitled to receive such allowances and expenses as may be determined by the Governor.

Quorum, etc.

6c. (1) Four members of the Committee constitute a quorum of the Committee, and no business may be transacted at a meeting unless a quorum is present.

(2) A decision in which any four members of the Committee concur is a decision of the Committee.

(3) The presiding member of the Committee must preside at any meeting of the Committee at which he or she is present, and in the absence of the presiding member from a meeting of the Committee, the members present must decide who is to preside at that meeting.

(4) The Committee must cause—

(a) accurate minutes to be kept of proceedings at its meetings; and

(b) a copy of the minutes for each meeting to be forwarded to the Minister as soon as practicable after they have been made and confirmed.

(5) The Minister must cause a copy of the minutes for each meeting of the Committee to be kept available for inspection (without fee) by members of the public during ordinary office hours at an office determined by the Minister.

Functions of Committee

6d. The functions of the Committee are—

(a) to advise the Minister in respect of the formulation of regulations and other statutory instruments for the purposes of this Act;

(b) to advise the Minister in respect of the granting of licences under this Act including the conditions to which they should be subject;

and

(c) to investigate and report upon any other matters relevant to the administration of this Act at the request of the Minister or of its own motion.

Staff, facilities, information, etc.

6e. The Minister must ensure that the Committee is provided with such staff, facilities, information and assistance as it reasonably requires for the effective performance of its functions.

I do not intend to speak in length to this amendment. I canvassed a number of the issues in respect of inserting the title. One could perhaps argue that it is consequential upon acceptance by this Council of the earlier amendment. However, I would comment in relation to the Minister's remarks that certainly it is not stated or envisaged that this Council would be involved in the issuing of licences as the Minister

suggested. Simply, it would be involved in looking at those issues, and the Government should be obliged to take account of the considerations of that committee.

In respect of the representation from local government, I am pleased to see that the Minister is such a strong advocate of local government, as am I in the right place and context. However, the Liberal Party does not believe it is appropriate in this context. As the Minister in the other place has maintained, and as was maintained in the White Paper, this Bill is about point source, and not diffuse source, pollution. If it was intended that this Bill be extended to stormwater issues (and that is not the case), it would be appropriate for local government to be involved in this Bill. When a working party has looked at the local government's involvement with stormwater and pollution, this Committee could look at the composition of the advisory committee. However, at this stage I think it would just lead to confusion (which I believe is already the case) about the ambit of this legislation.

The Hon. M.J. ELLIOTT: As my amendment is in identical terms, I will not move my amendment. We had an argument about who thought of it first. I was talking to the same people as the Liberals and was sharing ideas about what I intended to do. The Opposition's amendment happened to get on file first. I support this wonderful amendment. We have already discussed the issues, so there is no need to discuss it further.

The Hon. ANNE LEVY: The Government opposes this amendment. I have already indicated our main grounds for opposition. I just point out that, in response to the Hon. Ms Laidlaw, as has been pointed out, this Bill is designed so that it can, in the future, cover the question of diffuse discharges. It is intended that it initially only apply to point discharges, but it has been carefully designed so that it can apply in future to diffuse discharges, in which, as the honourable member admits, local government has a very vital interest. It seems to me to be quite wrong to set up an Environmental Protection Council, (which will at some stage deal with diffuse pollution), without a representative of local government.

The Hon. M.J. ELLIOTT: I take on board the comments of the Minister. This Bill will, quite clearly, operate for some time without attacking the question of diffuse sources of pollution. It would seem reasonable that the question whether or not there should be a local government representative would be a matter of discussion at the time when we decided that this Bill would have wider application, in particular, in relation to diffuse sources of pollution. That is the time to talk about that. I think that, as the Bill is currently constructed, the local government representative would have no particular role to play. I think we should really discuss that matter later.

Clause negatived.

The Hon. M.J. ELLIOTT: I move:

To amend the Hon. Ms Laidlaw's amendment by striking out paragraph *(c)* in new clause 6d and inserting—

(c) to examine on its own initiative and report to the Minister on any matter relating to—

(i) this Act or its administration and any changes that should be made to this Act or in its administration;

or

(ii) the protection of the marine environment.

The wording that I propose hopes to achieve a similar goal to that which I think the Hon. Ms Laidlaw is attempting to achieve. However, it makes it absolutely beyond doubt that this committee can examine matters on its own initiative, and I believe that is important if this committee is to function properly and in the way in which, at least the Liberal Party and the Democrats, intend it to proceed. It spells out more clearly what the committee can do. It does not undermine what the Hon. Ms Laidlaw is attempting to achieve.

The Hon. DIANA LAIDLAW: In relation to new clauses 6a, 6b, 6c and 6d, the Liberal Party is keen for the wording of our amendments to remain as appears on file. We would argue that we have provided for the committee 'to investigate and report upon any other matters relevant to the administration of this Act at the request of the Minister or of its own motion'. It is essentially the same as that which the Democrats seek in their amendment, but we think that our form is neater and we are quite satisfied with the function as provided in our amendment.

Amendment negatived.

The Hon. M.J. ELLIOTT: I move:

Page 4—Insert new clause as follows:

Functions of Committee

6d. (1) The functions of the Committee are—

(a) to advise the Minister in respect of the formulation of regulations and other statutory instruments for the purposes of this Act;

(b) to advise the Minister in respect of any matter referred to the Committee by the Minister;

(c) to examine on its own initiative and report to the Minister on any matter relating to—

(i) this Act or its administration and any changes that should be made to this Act or in its administration;

or

(ii) the protection of the marine environment.

(2) The Committee must present a report setting out its advice in respect of the regulations and other statutory instruments that it considers are required for the purposes of this Act within 12 months after the commencement of this Act.

There are two matters which I do not believe are quite covered by the Hon. Ms Laidlaw's amendment. First, I do not believe that the capacity to make a report on possible changes to this Act has been considered or covered adequately. Also, there are matters more broadly related to the protection of the marine environment, which once again may also have the outside ambit of this Act but which may be of some significance. Neither of those two matters seem to be clearly within the ambit of what is allowed for in *(c)*. Otherwise, the rest of what is there achieves the same end.

This amendment really does everything that the Hon. Ms Laidlaw sets out to do, plus those two extras: the fact that recommendations can be made about the Act and possible changes to the Act, which I think would be an important role for the committee, and also more general matters in relation to the protection of the marine and environment may be relevant to the committee. We should give it the power to so do.

Amendment negatived.

The Hon. Diana Laidlaw's amendment carried; new clauses inserted.

Clause 7—'Discharge, etc., of prescribed matter.'

The Hon. DIANA LAIDLAW: I move:

Page 4, line 5—Leave out 'prescribed matter' and insert 'pollutants'.

This is consequential upon the passage last night of an amendment which deleted a reference to 'prescribed matter' and included the definition of 'pollutant'.

The Hon. ANNE LEVY: The Government opposes this amendment for exactly the same reason as it opposed the one yesterday evening.

The Hon. M.J. ELLIOTT: I supported the amendment last night, and as this is a consequential amendment it would make it a nonsense to do otherwise on this occasion.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 4, lines 7 and 8—Leave out 'prescribed matter, or permit prescribed matter' and insert 'any pollutant, or permit any pollutant'.

This amendment is also consequential.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 4, line 14—Leave out '$100 000 or division 4 imprisonment, or both' and insert '$150 000 or division 3 imprisonment, or both'.

This is an important amendment as far as the Liberal Party is concerned, and I have much pleasure in moving it.

When the Bill was originally introduced in another place there were no penalties provided for offences by a natural person. The Government amended that position in the other place. We now have incorporated in the Bill a penalty of $100 000, or a division 4 imprisonment, or both. The Liberal Party is seeking to increase that penalty to $500 000, or a division 3 imprisonment which would equate to a maximum of seven years.

We note that in relation to penalties, the Minister in the other place argued—and we believe convincingly—on the desirability of establishing national standards, and this issue of national standards will be on the agenda for Ministers meeting in July of this year. So, we favour national standards. However, we would argue that, with respect to national standards, we should be seeking the highest standard. The standard that applies in New South Wales, as I have moved tonight, is that for an offender who is a natural person, the penalty is $150 000, or a division 3 penalty. We understand that the Australian Democrats will be arguing a similar case for uniformity, and the highest penalty situation as applies in New South Wales. They will be arguing that case in relation to a body corporate. We would suggest that for the sake of consistency they should support this amendment.

The Hon. ANNE LEVY: The Government opposes this amendment. While I agree that any figure picked as a penalty is, to some extent, arbitrary, I am sure that the honourable member is aware that the question of nationally uniform penalties will be discussed by the meeting of the Ministers of Environment in July of this year, where it is expected that a natural penalty will be derived. It is felt that to suddenly jump to the figures proposed by the Hon. Ms Laidlaw, both the individual and the body corporate penalties, would not be courteous to our counterparts in the other States, that it would be pre-empting a discussion which will take place in July. The Minister has given a commitment that, once a national standard has been established, it will be written into the South Australian legislation.

The feeling seems to be that, by inserting the figure of $100 000 for a natural person and $500 000 for a body corporate, that gives the greatest possibility that we will not be forced to spend time with an amending Bill. Hence, the Government opposes the Hon. Ms Laidlaw's amendment.

The Hon. M.J. ELLIOTT: The Democrats support the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 4, line 15—Leave out '$500 000' and insert '$1 000 000'.

I will not repeat the arguments that I used in relation to an offence by a natural person. This amendment seeks to increase the penalty for an offender that is a body corporate to $1 million.

The Hon. M.J. ELLIOTT: I support the amendment. Originally the Government was looking at only a $100 000 fine. I believe that a maximum fine of $1 million is perfectly reasonable. It is a maximum fine and one which would be applied only in the most extreme of circumstances. To be quite frank, with a very large company, which might also be involved in a very large discharge, I think one needs a fine of that size to act as a real disincentive.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 4, line 20—Leave out 'PRESCRIBED MATTER' and insert 'POLLUTANTS'.

This amendment is consequential to the amendment that I moved last night.

Amendment carried; clause as amended passed.

Clause 8—'Production or disturbance of prescribed matter.'

The Hon. DIANA LAIDLAW: I move:

Page 4—

Line 23—Leave our 'prescribed matter' and insert 'any pollutant'.

Line 25—Leave out 'prescribed matter' and insert 'any pollutant'.

These amendments are also consequential.

Amendments carried.

The Hon. DIANA LAIDLAW: I move:

Page 4—

Line 28—Leave out '$100 000 or division 4 imprisonment, or both' and insert '$150 000 or division 3 imprisonment, or both'.

Line 29—Leave out '$500 000' and insert '$1 000 000'.

Amendments carried; clause as amended passed.

Clause 9—'Installation or construction of certain equipment, structures or works.'

The Hon. DIANA LAIDLAW: I move:

Page 4, line 35—Leave out 'prescribed matter' and insert 'any pollutant'.

Again, this amendment is consequential.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 5, line 2—Leave out '$100 000 or division 4 imprisonment, or both' and insert '$150 000 or division 3 imprisonment, or both'.

This amendment in relation to fines is consequential.

Amendment carried.

The Hon. DIANA LAIDLAW:

Page 5, line 3—Leave out '$500 000' and insert '$1 000 000'.

Amendment carried: clause as amended passed.

Clause 10—'Application for licence.'

The Hon. DIANA LAIDLAW: I want to note briefly correspondence that was received by the shadow Minister of Agriculture, the member for Goyder (John Meier) which has come to my attention in recent days. The Oyster Growers Industry Association of South Australia expressed concern about the listing of oyster leases as a point source of pollution and asked whether that was deemed to be appropriate. It provided the member for Goyder with a series of correspondence, including a letter from the Minister for Environment and Planning wherein she states:

I can assure you, as I have assured Parliament recently, that I am not about to use the proposed Marine Environment Protection Act to impede the proper development of this industry. In fact, we would see the main effect of this legislation as promoting efficient oyster farming.

That sentiment is shared by the Liberal Party and it is one that the shadow Minister of Agriculture wanted me to note during debate on this Bill.

Clause passed.

Clause 11 passed.

Clause 12—'Licence conditions.'

The Hon. DIANA LAIDLAW: I move:

Page 5—

Line 43—Leave out '$100 000 or division 4 imprisonment, or both' and insert '$150 000 or division 3 imprisonment, or both'

Line 44—Leave out '$500 000' and insert '$1 000 000'.

These amendments are consequential.

The Hon. ANNE LEVY: For the record, I wish to emphasise that the fact that I have not raised objections to any of these amendments changing the penalties in the various

clauses does not in any way indicate that the Government supports them. Our position is the same as indicated the first time an amendment of this nature was moved. I want to make clear that, for the sake of time, I am not objecting to each amendment. However, we oppose each and every one of them for the reasons I outlined in relation to the first amendment.

Amendments carried; clause as amended passed.

Clause 13—'Term of licences.'

The Hon. R.I. LUCAS: Clause 13 provides:

(1) All licences under this Act are to be granted for a period of not more than one year expiring on a common day fixed by the Minister.

When is that likely to be?

The Hon. ANNE LEVY: I cannot give a definite answer. It is hoped that a period some time in July this year can be established but it is also felt that it is important that it not coincide with the time for clean air licences and other such matters. There has to be a proper staggering of the introduction of these different licences, so that date in July can only be a rough guide.

Clause passed.

Clauses 14 and 15 passed.

Clause 16—'Matters to be considered in granting or renewing licences or attaching licence conditions.'

The Hon. DIANA LAIDLAW: I move:

Page 6, lines 28 to 33—

Leave out all words in these lines and insert 'give effect to or apply such policies, standards or criteria as are prescribed by regulation and applicable to the application or licence in question'.

This amendment relies, in part, on clause 3 being recommitted and definitions being provided for the terms 'standards' and 'criteria'. The Minister indicated last night that she would be prepared to bring back amendments for that purpose. I am pleased to note that such amendments are on file. They have not as yet been moved which makes it a little difficult in speaking on this matter.

Much of the debate last night when discussing the issue of applicable water quality standard, as moved by the Democrats, resolved around the issue of how we would insist, if at all, that the Minister in granting or renewing licences or attaching licence conditions, would be required to take into account certain standards and criteria.

The arguments presented by the Democrats were legitimate and concerned the Liberal Party. Therefore, I move this amendment to strike out the words that the Minister just merely 'take into consideration such policies, standards and criteria as the Minister may from time to time promulgate by notice published in the *Gazette*'. Instead, I require that the Minister 'give effect to or apply such policies, standards or criteria as are prescribed by regulation'. We believe that by removing the words that she would merely 'take into consideration' and substituting the words 'give effect to or apply' would firm up this area considerably and the Minister would have to heed the committee's advice in these matters.

Further, these standards and criteria would not merely be promulgated by notice published in the *Gazette* but they would now be prescribed by regulation and, therefore, would be open to public scrutiny and debate and could become an issue in this place. We believe that this tightening up of the situation, as provided in this amendment, overcomes many of the legitimate concerns raised by the Democrats and debated at length last night. It certainly overcomes our misgivings in relation to this Bill. I stress that this amendment does, of course, require the Government to move amendments that were circulated earlier this evening in relation to the definition of both 'standards' and 'criteria'.

The Hon. ANNE LEVY: The Government opposes this amendment for two reasons: first, on advice from Parliamentary Counsel and, secondly, a strong principle that policy matters should not be determined by regulation. That is a general principle on which Acts are framed. Parliamentary Counsel always advises, as I have heard explained in this Chamber on numerous occasions, that policy is not determined by regulation. Regulations are made under an Act for administrative purposes but are not policy forming. The honourable member's proposal puts policies into regulations.

The Hon. R.I. Lucas: What about standards and criteria?

The Hon. ANNE LEVY: I am talking about the amendment as moved by the Hon. Ms Laidlaw which refers to policies being determined by regulation.

The Hon. R.I. Lucas: Are you objecting to that?

The Hon. ANNE LEVY: I am objecting to policy being determined by regulation.

The Hon. R.I. Lucas interjecting:

The Hon. ANNE LEVY: I object to the amendment because it provides that policies are being determined by regulation and it is a long standing principle that policies are not determined by regulation. Under the previous arrangements under which the Government draw up this Bill, there was going to be the Environmental Protection Council which, of course, has as its function overviewing gazettal notices and giving advice on them prior to gazettal. Gazettal, of course, was the procedure which the Government wished to put into this legislation.

The Hon. DIANA LAIDLAW: Since I have entered this place I have certainly been given considerable advice about proper forms of debate. That advice included an early warning to me not to refer to the advice of Parliamentary Counsel to a Minister or a member.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: That is a different matter. For the future protection of Parliamentary Counsel, however, I raise that point.

The Hon. R.I. Lucas: The Minister does not have to. There is one rule for her and one rule for others.

The Hon. DIANA LAIDLAW: That is right. There are different standards established progressively by members on the opposite benches. I protect Parliamentary Counsel in this regard. The Minister is being rather pedantic, as her only opposition to this amendment is to the issue of policies. No-one in this place knows what the Government means by 'policies'. It has not been debated here. It has not been canvassed—

The Hon. R.I. Lucas: It's not featured in White Paper.

The Hon. DIANA LAIDLAW: —and it is not featured in the White Paper. In other amendments yet to be moved we seek to have 'standards' and 'criteria' defined. I am not sure how one deals with this matter. Do we pass the amendment, then recommit clause 3 to insert the definitions for 'standards' and 'criteria' and then see whether the Government will define 'policies', or whether it will remain steadfast on this issue?

I do not want to be stubborn. If there is a problem, perhaps we can address it so that the amendment would provide that the Minister would have to give effect to or apply such standards or criteria as are prescribed by regulations and applicable to the application or licence in question. The Minister's arguments against the amendment were not so substantial that I would not be willing to make a small adjustment to my amendment of which the substance is most important.

The Hon. R.I. LUCAS: I support what the Hon. Diana Laidlaw has said. Perhaps we can approach the Committee

stage of this or any Bill in a spirit of trying not to prolong the debate. As I said by way of interjection to the Minister, we want to know whether the Minister and her advisers are objecting to 'standards' and 'criteria' or whether it is just to 'policies'. The Minister repeated three or four times the same statement to the Committee, and it seems that the objection relates to 'policies'. Perhaps a drafting giving effect to such policies, and such standards and criteria as are prescribed by regulation may be the way to go.

If the substantive part of the Minister's problem is that 'policies' have never been and never should be prescribed by regulation, then the substantive point in the amendment could be met with a drafting amendment along those lines. Perhaps there is a better way. The Hon. Mr Burdett has been looking at this and may have a better suggestion. If at this stage we are unable to come up with a better suggestion, I would hope that the majority of the Committee can agree to the form of words moved by the Hon. Diana Laidlaw and then, in another place, or if there is a conference, we can tidy up the question of policies being prescribed by regulation.

The Hon. J.C. BURDETT: I support the amendment moved by the Hon. Diana Laidlaw. Policies ought to be determined by Parliament and not by the Government—

The Hon. M.B. Cameron: Certainly not a minority Government.

The Hon. J.C. BURDETT: True. The Government introduces Bills and it should spell out things in the Bills that it introduces. The preferable way and the first option is that the Bill says all that one needs to know about matters of policy. The second position, which the Hon. Diana Laidlaw has been prepared to adopt, is that it be by regulation, where there is still some parliamentary control. The worst option is as in the Bill, 'by notice published in the *Gazette* over which Parliament has no control. Laws and legislation ought to be made not by the Government but by Parliament. Preferably, policies, standards and criteria should be spelt out in the Bill but, because it is often difficult to do that in regard to individual matters of detail, the second position, by regulation, is that correctly adopted by the Hon. Diana Laidlaw.

The worst position is by notice published in the *Gazette* or by proclamation (it amounts to the same thing) over which Parliament has no control. I object to taking these important matters out of the purview of Parliament and, therefore, I support the amendment.

The Hon. M.J. ELLIOTT: I had an amendment on file, which was worded quite differently from the Hon. Ms Laidlaw's amendment. However, the effect of the amendments is essentially the same and I am not so small minded as to insist on my amendment. There is no difference between my opinion and what appears to be the opinion of the Liberal Party that, when a licence is granted, there is a need to have a set of rules which are as clearly as possible defined and preferably defined within the Bill or, if not within the Bill, then prescribed by regulation.

Certainly, we should not have a set of rules over which Parliament has no control whatsoever. We do not know whether the rules will be tough or weak or will vary from one case to the next, or whether they will depend on the capacity to exert pressure by various companies or the whims of particular bureaucrats or Ministers. That refers not just to present people, because the legislation will stay in place for a long time. It does not reflect a lack of trust of people here now or at any other time. I support the amendment.

The Hon. ANNE LEVY: The question was asked about the definition of 'standards' and 'criteria'. I have put on file amendments to that effect and we will have to recommit clause 3. Those definitions have been brought forward specifically at the request of members opposite yesterday evening. For 'standards' and 'criteria' as defined in my amendment there would be no objection to their being promulgated by regulation. I repeat that it is the 'policies' aspect to which the Government takes exception. The 'standards' and 'criteria', provided the definition is inserted in the Bill, would not be a problem to the Government.

The Hon. DIANA LAIDLAW: My comments are in a conciliatory sense as my amendment has the majority support of the Committee. I have sought advice and I understand that 'policies' could also mean the same as 'objectives'. If 'objectives', rather than 'such policies' was in the Bill, would the Minister and the Government be more relaxed?

The Hon. R.I. Lucas: That is at least the term that is in the White Paper.

The Hon. DIANA LAIDLAW: 'Objectives' is, yes.

The Hon. ANNE LEVY: There seems to be a slight problem here, in that this is perhaps a policy matter which really needs the opinion of the Minister with whom the Bill originated. May I suggest that it does not matter very much, anyway, seeing that this Bill is likely to end up in a conference. This is a matter which doubtless can be discussed amicably in the conference.

The Hon. DIANA LAIDLAW: I think that this Bill does matter, and I am sorry that the Minister is being so flippant about the efforts—

The Hon. Anne Levy: I didn't say that the Bill didn't matter.

The Hon. DIANA LAIDLAW: Well, even this clause. I think all of it matters, and that is why I was trying to accommodate the Minister: so that aspects of this Bill do not have to go to conference. I thought that if we could have agreed to a matter on the floor of this place, in respect to objectives or policies it would be better. However, as I say, we have the numbers and perhaps it should go through.

The Hon. ANNE LEVY: I want to make it clear that I am not suggesting that this is a trivial matter at all. I am saying that the particular word to be used is a matter of Government policy. I cannot make Government policy when the Minister with whom the Bill originated is not available for me to consult, and when the departmental advisers are able to give advice on technical matters but not on things which are strictly policy matters. I say that it does not matter, but not that it is not important. However, it does not seem to me that it matters very much what we end up with this evening. This question of policy obviously needs to be discussed between the Hon. Ms Laidlaw and the Minister concerned, and there will be an opportunity to do this in the conference that will inevitably occur. I am not suggesting that the matter is trivial, and I would not like that in any way to be inferred from anything I have said.

Amendment carried.

The Hon. R.I. LUCAS: I raised a question on this clause in the second reading debate. The Minister has already read, part of the answer in relation to standards of criteria. I also asked a series of questions in relation to section 16 (2) *(a)* (ii), particularly regarding the intention of this clause. Are we, for example, talking about prohibited matter, such as nuclear waste? As I understand, the Minister had briefing notes yesterday evening and she might be prepared to provide the considered response to the Committee.

The Hon. ANNE LEVY: The advice with which I have provided relates to the comments made by the Hon. Mr Lucas in discussion of 'prescribed matter' and 'matter of a prescribed kind'. The Hon. Mr Lucas is correct in what he stated. It was intended that these be different, and that

'matter of a prescribed kind' was essentially prohibited matter, but only above a certain concentration. We had expected initially to list those substances that are listed in annex 1 of the Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter, that is, the London convention. Those substances that are listed in Annex 1 of the London convention we expected to list as matters of a prescribed kind.

Persons who want to discharge these materials in substantial quantities or concentrations would be directed to the Waste Management Commission. However, we should also note that under the Environment Protection (Sea Dumping) Act persons may not apply for a permit to dump these materials. The annex to which I refer includes organohalogen compounds, mercury and mercury compounds, cadmium and cadmium compounds, plastics, oil and high level radioactive matter. The convention does allow dumping of materials in which the first five of these are trace contaminants. The first five that I have mentioned are the group—

The Hon. R.I. Lucas: Including cadmium.

The Hon. ANNE LEVY: Yes—including cadmium but not including high level radioactive matter. I think this is significant in relation to the honourable member's comments on transitional provisions. Our intention has been to licence discharges to allow discharge of trace contaminants even after the compliance period of eight years. During the compliance period discharge levels would be reduced from the present levels to some objectives set with regard to the criteria.

The Hon. R.I. LUCAS: I thank the Minister for that. Were the examples she gave a comprehensive list of the annex or are other compounds included in the annex?

The Hon. ANNE LEVY: As I understand it, that is the contents of the annex. Obviously, it probably does not say that it is just organo-halogens but lists them.

The Hon. R.I. LUCAS: To clarify my understanding of that, the Government would be saying in this piece of legislation that cadmium, as an example, on some occasions would be matter of a prohibited kind; that is, the Minister could not grant a licence or authorising a discharge of cadmium in certain circumstances. I take it that that was in relation to very heavy concentrations above a certain limit. Is that correct?

The Hon. ANNE LEVY: As I understand it, no licence would be available for any new discharge of high concentrations of cadmium.

The Hon. R.I. Lucas interjecting:

The Hon. ANNE LEVY: Yes, discharge from a new industry. However, for existing industries there would be a transitional phase where it would be permitted in decreasing quantities over time.

The Hon. R.I. LUCAS: We have talked about BHAS, for example. There may be others; I do not want to single out one particular industry or company, but we are familiar with the example. In relation to discharge of cadmium into the gulf, for example, my layperson's reading of subclause (2) indicates that, without limiting the effect of subclause (1), the Minister may not, in effect, 'grant a licence authorising the discharge, emission or depositing of matter of a prescribed kind'. So, on my understanding of this provision, the Minister may not grant a licence authorising the discharge of cadmium, in this case by an existing industry like BHAS, above a certain kind but, based on her advice, the Minister says to me that somehow, through a transitional period, BHAS would be able to discharge cadmium above that particular concentration level during the transitional phase.

If my understanding is correct (and that is what I understood the Minister to say), how does the Minister achieve that when it would appear that subclause (2) *(a)* (ii)—the one that I have just read—is unequivocal? The Government does not appear to have the power to allow BHAS to do what the Government intended it to do.

The Hon. ANNE LEVY: It has been drawn to my attention that the solution is really in schedule 1 under the transitional provisions, where subclause (1) provides:

> Where due application is made for a licence under this Act and the applicant satisfies the Minister that the activity for which the licence is sought was lawfully carried on by the applicant on a continuous or regular basis during any period up to the passing of this Act, the Minister must grant the licence notwithstanding that the activity is of a kind for which a licence would not be granted apart from this subclause.

This subclause is transitional for existing industry, whereas clause 16 (2) *(a)* (ii) catches new industry.

The Hon. R.I. Lucas: Prohibitive for a new industry—it will prevent.

The Hon. ANNE LEVY: Yes, but subclause (1) of the schedule in the transitional provisions permits it during the transition.

The Hon. R.I. LUCAS: I do not want to prolong the Committee, but I think this matter is important. It is still a little hazy. I see the point that the Minister is making and we will reflect upon it as we move through to the transitional provisions. For the time being, I will leave that matter.

The other matter that I raised in the second reading debate related to the confusion regarding 'prescribed matter' and 'matter of a prescribed kind'. If we do not have prescribed matter in the definition clause after a conference (if we have it), the problem would appear to resolve itself. We would no longer have a definition of 'prescribed matter' but, rather, we have a definition of 'pollutant' and, therefore, matter of a prescribed kind or prohibited matter, so on my understanding it does not really then have that conflict.

If at some stage in another place or in conference 'prescribed matter' was defined in the definition clause, and therefore 'prescribed matter' again floated all through the Bill, I would urge the Minister to consider at that time the question of 'prohibited matter' as a definition. However, at the moment it would appear to be resolved, because of other decisions that have been taken by the Committee, and I do not intend to pursue it. However, if we were, in effect, to go back a step, I think we would have to look at that matter again.

The Hon. ANNE LEVY: I appreciate the point that the honourable member has raised. I was about to suggest that his amendment to line 40 was now superfluous. I agree that if, as a result of a conference, 'prescribed matter' were to return to the legislation, a change to that line might be necessary to avoid the confusion to which he referred earlier.

The Hon. M.B. CAMERON: I move:

Page 6, after line 37—Insert paragraphs as follows:

(ia) grant a licence to the Minister responsible under the Sewerage Act 1929, authorising—

(A) the discharge, emission or depositing on or after 1 June 1990 of sludge produced from the treatment of sewage at the sewage treatment works at Port Adelaide;

or

(B) the discharge, emission or depositing on or after 1 January 1993 of sludge produced from the treatment of sewage at any other sewage treatment works forming part of the undertaking under the Sewerage Act 1929;.

I believe this is a very important amendment, because it is a positive step showing that this legislation will mean some-

thing. It also, hopefully, overcomes lack of action over a fairly vital period on the part of the Government. The Minister said in an article in the *News* that people on this side of the Chamber were warned that, if we attempted to water down this significant environmental legislation, we would be in real trouble. I hope the Minister now realises that we are not trying to water this legislation down but, rather, we are trying to water down the sewage, amongst other things, and trying to toughen the legislation so that the sea is no longer subject to the ravages of sewage outflows, both effluent and sludge.

An honourable member interjecting:

The Hon. M.B. CAMERON: I suggest to members opposite who may be tempted to interject again that it might be better if they listened, because this is a very important amendment. Sludge is the worst part of the sewage outflows, and it was interesting to see in the document 'Strategy for the Mitigation of Marine Pollution in South Australia', in ranking the impact on seagrasses of the various outflows into the gulf, that it stated:

> The two sludge discharges, while having significant impacts on seagrasses, were ranked lower than the effluents due to the low public use of those areas.

I think that indicates a quite erroneous attitude towards the environment. Just because people do not use part of the environment, that does not mean that it is not important to ensure that the impact is reduced to the minimum level. The document also states under 'Port Adelaide Sewage Treatment Works, Sludge Discharge':

> Continued discharge of sludge to sea, even with an extended pipeline, has undesirable environmental effects. Land disposal is regarded as the only satisfactory solution.

I could not agree more. I am just bewildered as to why that has not happened in the past. That is the key reason for my amendment, because I do not trust either the Government or the people in charge of this important area to do the right thing. They have had plenty of time to do that and I think it is time that Parliament (and the Parliament now has the opportunity) did something about it.

Quite a deal of the document 'Port Adelaide Sewage Treatment Works Asset Management Plan', that was denied to the Hon. Mr Stefani and me for reasons best known to the Government, relates to the environmental and community impact of the key asset and its risks and consequences of failure. The document contains paragraph 4.1.1 about disposal of digested sludge. It indicates that the State Water Laboratory at Bolivar has written a number of reports monitoring the seagrass beds around the sewage sludge outfall, with the following observations:

> The discharge has affected an area of 1 900 hectares of seagrass meadows, of which 365 ha have been completely denuded.

It goes on, as I did in my second reading speech, to describe exactly what has happened. On page 11 of this document it states:

> With these thoughts in mind and the uncertainty as to whether the degradation in the vicinity of the outfall has stabilised, it is considered likely that an alternative method of digested sludge disposal from the Port Adelaide Sewage Treatment Works will be imposed on the Engineering and Water Supply Department in the near future.

It is quite right, and I hope that Parliament will impose that. This document later sets out the various available options. It indicates that there is a main available for pumping the sludge via the Queensbury pumping station. It is a former rising main, which was disconnected from the Queensbury pumping station in 1978 and extended slightly, and it has been used. It has the required pumping capacity. The document continues:

> Because of its age and previous history, inspection of this main is recommended. The main should be maintained in good repair for use when necessary.
>
> When the main was last used in 1986, odours generated from sulphide release from the sludge necessitated the installation of temporary chlorination facilities . . . This facility will be necessary even when pumping excessive sludge and if this method of disposal is to be used permanently consideration should be given to the installation of a permanent facility.

That is probably very sensible. It continues with the various things that should be done. One of the options is to upgrade the existing standby main and use it permanently. Another is to construct a dedicated main to carry sludge from the Port Adelaide STW to the Adelaide trunk sewer. My understanding is that there is nothing wrong with using the line which already exists. That line is detailed on the map which I tabled in this Chamber.

The real issue in this amendment is that sometime we have to stop doing it. Prior to the election, members on this side of the House indicate that, as a policy, the pumping of sludge to the sea would be stopped on the date after the election. We got 52 per cent of the vote—and I hesitate to say that—and so over half of the population could be said to support this view. The time has come for something to be done, and for that reason I am moving the amendment. I note that members opposite have said, during the second reading debate, 'Why didn't we do something about it when we were in Government.' I refer them to the report in the Marine Pollution Bulletin of 1987 which indicates that the pipeline taking it to sea was commissioned in July 1978. In 1979-80 the monitoring program revealed that all seagrass had been lost from an area of approximately .25 hectares around the outfall. It goes on to say that by 1981, 40 hectares was devoid of seagrass, and that by 1982, 365 hectares was devoid of seagrass. So, a very large-scale investigation program was instigated during the Liberal Government. When the results of the program came back nothing was done, and to this day that material is being pumped back to sea. The Hon. Mr Stefani and I can guarantee that that is the case unless it happened in the past two months—and I hope it has. I think that even if that happened at least we ought to put that in legislation.

Each year, in this sludge .279 tonnes of mercury, 5.77 tonnes of cadmium and 30 tonnes of lead go out to sea. If any member opposite wants to know how I arrived at those figures, I am quite happy to sit down and go through the mathematics and show the formula by which those figures are arrived at. I can assure this Chamber that no engineer in the E&WS will dispute those figures. This is an important amendment and should be passed by Parliament. We should at least, as the E&WS Department is expecting, impose a new method of sludge disposal. It is not acceptable to dispose of sludge in this way any more. It is only the beginning of what should be done with effluent and sludge in this State, but at least this would be a beginning, and this alternative is available.

The Hon. ANNE LEVY: The Government opposes this amendment. Apart from the fact that it is most unusual and against general policy to stipulate dates in legislation, it is usually done by way of proclamation when the Act becomes law. Stipulation of things becoming operative on a certain date is part of the proclamation of an Act, rather than writing dates into an Act.

Apart from that point, which the honourable member might regard as a technicality, the fact is that it is not currently feasible to transfer sludge to the Bolivar Sewage Treatment Works from Port Adelaide through the sewerage system. Despite what the Hon. Mr Cameron says, a 1.9 kilometre long section of that main would need to be used but it is over 50 years old and in very suspect condition.

That main has been used in periods of emergencies for short times—the maximum time being three months. However, it is only suitable for such short-term emergency operations brought about by a particular set of circumstances.

In a statement to Parliament discussing the Government's declared plan to cease marine disposal of sewage sludge, the Minister announced that all sludge discharges to the sea should be stopped by 31 December 1993. However, time is required for extensive capital works to be carried out and it would just not be feasible for that to occur by the dates mentioned in the amendment moved by the Hon. Mr Cameron.

The Hon. M.J. ELLIOTT: The Minister suggested that it is unusual to set a date. In fact, that is exactly what we have done in the transitional provisions, which provide for a final cut off date for all existing users. It just happens to be a longer period of time, but there is still the provision that by then they will comply.

The Hon. Anne Levy: That is for transitional provisions that form part of the schedule: not part of the Bill.

The Hon. M.J. ELLIOTT: Certainly, that is true, but the important thing is that, whether it is in the transitional provisions or in the body of the Bill itself, the effect is the same—that there is talk of a cut off date. I am open to some persuasion as to what the suitable and relevant dates should be. But, certain promises appear to have been made only a few months ago, and I believe that it might be reasonable for the people of South Australia to expect that those promises may be fulfilled. If there has been a sudden discovery that the pipes are a little bit worse than people had realised, or had been told so far, and that more time is necessary for changes to occur, I am open to some persuasion. I invite the Minister perhaps to set about persuading me not that the E&WS should not be obliged in this Bill to stop running sludge out to sea but, rather that the dates set are unrealistic.

The Hon. M.B. CAMERON: I think that the point made by the Hon. Mr Elliott is very sensible. However, I would not want to see dates set to such a level that the damage continues to occur. We have to stop at some time. The sooner the better.

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: Well, there were some dates laid down as the honourable member said. As the Minister has said, for a period of three months this line was used, and this whole problem has been known about since 1982. It is not as if this has suddenly arisen from the clouds. The first official report—which was not given to the Parliament—was available to the Government in 1982, and now the Government suddenly discovers it has to do all this work. I have another document entitled 'Asset Replacement and Management—a Perspective' prepared by the E&WS Department. This is another restricted document, although I am not sure how restricted.

An honourable member interjecting:

The Hon. M.B. CAMERON: It could well be. It is the only way we can get material on what this Government has not done. I am happy to say that. It does not bother me.

Members interjecting:

The Hon. M.B. CAMERON: Members opposite obviously did not listen: what I said was that, once the line was built, and it started to pump during our time of office, we had it monitored and, at the end of our time in office, the monitoring showed that there was a problem. That report was in the Government's hands and it did nothing about it.

This E&WS document talks about the level of expenditure in the Government's capital expenditure programs and states:

> This level of expenditure on asset replacement is typical of recent years and implies an average infrastructure life in excess of 900 years.

This line is pretty young yet; it has a long way to go before it has finished its life. Under 'Sewerage assets and mains' (page 6), the document states that there is 5 200 km of metropolitan sewerage line with an estimated current replacement value of $1.44 billion. The average expected economic life is 80 years, with the average percentage life remaining 65 years. So, this one has 30 years to go before it reaches the end of its average expected economic life.

I do not know the problems in relation to this. This is not my document: it is a Government document. I will go one step further: before the election, when we raised this issue, according to the negative approach of the Government an article referred to the Minister for Environment and Planning, who is responsible for this Bill, as follows:

> The Environment and Planning Minister, Ms Lenehan, said she had last week released a report which gave her a timetable for the alternative disposal of effluent and that all sludge would be poured onto the land by 1993. That was earlier than the Liberals had proposed.

In other words, she was going to be better than us. We had said we would do it at Port Adelaide the day after the election, so I assume that the Minister was agreeing with that. I do not see why the date is any problem: if the Minister wants to extend it a little later than 1993, I will be happy to talk about that in relation to Glenelg, but Port Adelaide is a different matter. An article in the Messenger *Guardian* in the final flurry of the Minister's trying to cover up this problem, stated:

> Sludge stopped by 1992.
>
> A spokeswoman for the Environment Minister (Susan Lenehan) said the State Government is committed to stopping all sludge from the works entering the ocean by 1992.

I have not seen any retraction of that by the Minister in any subsequent *Guardian.* I do not see a problem: all we are doing is putting into legislation the Government's own promises made during the election campaign. For that reason, because they want to be kept honest, I am sure that members opposite will support this.

The Hon. ANNE LEVY: I must reiterate that the Minister has already told Parliament that the Government plans to eliminate all sludge discharges to the sea by 31 December 1993. I am not able to say at what stage the sludge from the sewage treatment works at Port Adelaide will come into the cycle, but the overall commitment is to 31 December 1993.

I can only reiterate that the advice I have is that a section of the pipe is unsafe and cannot be used on a regular basis. The capital works required are not trivial. A preliminary estimate is that to prevent all sludge discharges to the sea will cost in the order of $8 million. To deal with the Port Adelaide sludge disposal will cost anything up to $4 million, that being one component of the $8 million. This is the advice I am given by the E&WS Department, and it is just not practicable to apply a date such as 1 June 1990.

The commitment has been made that no sludge will be discharged into the ocean by 31 December 1993 and, as the capital works necessary continue, the quantity of sludge going into the sea will obviously decrease from now to that date, which has already been presented to the Parliament.

The Hon. M.J. Elliott: The $8 million referred to was for sludge only, not for the liquid effluent.

The Hon. ANNE LEVY: That is right.

The Hon. M.J. ELLIOTT: I do not think that the Minister can react now and say what are the reasonable dates we will be aiming for. If this amendment is sent to the Lower House, the Minister will have an opportunity to insert the dates—

The Hon. M.B. Cameron interjecting:

The Hon. M.J. ELLIOTT: Whatever dates are reasonable, taking into account matters that have been raised. I do not think we would have any problems. If we send this amendment to the House of Assembly it will have a chance to amend it, look at what is there and consider the costs and time frames carefully.

The Hon. M.B. CAMERON: I accept that point of view. However, dates have to be inserted. The Hon. Mr Elliott is not saying that dates should not be put in; he just is willing to discuss dates—and I am quite happy to do that. However, I will be watching very closely in relation to Port Adelaide, because Port Adelaide is an environmental disaster of the worst order. The first thing that people who are dedicated to reducing marine pollution should do is stop that discharge. That is one of the worst areas in South Australia. Any attempt to try to wriggle out of doing something about that will not be acceptable, I hope, to this Parliament, because this Government has had since 1982 to do something about it and has done nothing.

In fact, any documents that we have attempted to get to find out what is happening have been kept from us by the Minister and her advisers. A bit of education will go on in this area, and that education will take place in relation to every Bill that comes before this House whether it covers the E&WS Department or any other department, that is, that we must be provided with information so that this sort of problem cannot recur and the environment is not wrecked through the failure of the Government to act because it thinks it has everything hidden.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 6, line 40—Leave out 'of a prescribed kind' and insert 'of a kind prescribed by regulation for the purposes of this subsection'.

This amendment is for clarification.

The Hon. ANNE LEVY: I thought I had agreed with the Hon. Mr Lucas that as 'prescribed matter' has been replaced by 'pollutant' in the earlier part of the Bill, this amendment was unnecessary. I also gave a commitment that, if the word 'pollutant' is removed at some stage and 'prescribed matter' is put back, this amendment would be necessary to remove confusion and would be considered at that stage. However, since 'prescribed matter' has been omitted and replaced with 'pollutant', this amendment is no longer necessary.

The Hon. DIANA LAIDLAW: I moved the amendment for the very reasons of confusion that the Minister has just confirmed. I was told that, because we sought to remove 'prescribed matter', this should be amended. I was advised that this did not refer to the issue of 'prescribed matter' or 'pollutant' and, therefore, there was reason for the issue to be clarified. This referred to 'prescribed matter', not the other issue.

The Hon. ANNE LEVY: I took it that this amendment was necessary if there was reference to 'prescribed matter' elsewhere in the Bill in order to remove any confusion. As 'prescribed matter' does not occur and has been replaced by 'pollutant', there is no longer any confusion which needs clearing up. The confusion arose only because the Hon. Mr Lucas suggested that there was a difference between 'prescribed matter' and 'matter of a prescribed kind'. Now that 'prescribed matter' does not exist, this amendment is superfluous. I had a discussion about this with the Hon. Mr Lucas 45 minutes ago.

The Hon. DIANA LAIDLAW: I know, and I spoke to the Hon. Mr Lucas at that time. It clarifies the situation; it does not change the meaning of what is in the Bill.

The Hon. ANNE LEVY: It does not change the meaning, but it is unnecessary because there is no longer any confusion.

The Hon. DIANA LAIDLAW: I have moved the amendment.

The CHAIRMAN: Do you withdraw the amendment?

The Hon. DIANA LAIDLAW: No. I have moved it.

The Hon. M.J. ELLIOTT: I think I was following the Minister fairly carefully. Now that the definition of 'prescribed matter' has been removed, I do not believe that we have the problem that the Hon. Ms Laidlaw is attempting to address, except that there is still the question as to how the prescribing is done. I do not think that has been done by regulation at present, which is another part of what the amendment attempts to address. Perhaps the Minister could clarify the matter. At any rate, I think that the original problem has been clarified. In that case, this amendment has become unnecessary and I will not support it.

Amendment negatived.

The Hon. M.J. ELLIOTT: I no longer wish to proceed with my amendment on clause 16 to leave out the whole clause and insert a new clause. I made it clear before that the effect of what I was proposing was identical to the amendments which we have already considered and passed and, as such, I will not move my amendments.

Clause as amended passed.

Clauses 17 and 18 passed.

Clause 19—'Exemption.'

The Hon. DIANA LAIDLAW: The Opposition seeks to delete the clause as we strongly believe that there is no need for this general exemption clause. Clause 19 (2) provides:

The Minister must, in determining an application for an exemption, take into consideration any maters that would be required to be taken into consideration if the application were one for a licence . . .

In those circumstances, we believe that, if the Minister is required to take into account all those matters when issuing an exemption permit for a one-off licence or for a licence which is not of a continuing or recurring nature, that should not be seen as an exemption. The applicant should therefore be able to receive a licence for such purposes.

We also believe that in an emergency situation the general defence provisions in clause 39 would cover most situations. We believe that that should be amended further—and I have such an amendment on file—to ensure that we cover a situation which may still be deemed an emergency but that the dumping of a pollutant, for instance, could have been avoided. The Opposition seeks to clarify that general exemption and expand that general defence clause. On both grounds we believe that this exemption provision is unnecessary.

The Hon. M.J. ELLIOTT: Once again, I have an identical amendment that this exemption clause be struck out. When one considers the efforts we have gone through to proceed with amendments which set very clear conditions under which licences can be granted to then have an exemption clause without heavy stipulations on it would make a farce of the whole thing. There are other mechanisms available already in the Bill. The exemptions are unnecessary and the talk that I have heard in the community does not support this at all.

The Hon. ANNE LEVY: The Government opposes the amendment. Rather than forcing persons to use a general defence, the Government would prefer to encourage them to contact us when there has been an accident that could result in a discharge, particularly if it was of a relatively minor impact. The powers under this clause are for one-off emergency situations. The powers sought by the Minister here are much less than those applying in the New South

Wales Clean Waters Act, where the exemptions are such that the Minister in emergency circumstances can authorise a person, subject to any conditions as may be specified in the instrument, to discharge into any waters any pollutants or any specified class of pollutants without any limitations whatsoever.

The provision is designed for emergency situations, and we feel that it is preferable to encourage people to come forward rather than plead, in a later court case, a general defence. It is much better to have people acting cooperatively rather than through litigation, which never does anything but enrich lawyers.

Clause negatived.

Clause 20—'Notice to be published of action relating to licences or exemptions.'

The Hon. DIANA LAIDLAW: I move:

Page 8—
Line 8—Leave out 'or exemption'.
Line 9—Leave out 'or exemption'.
Line 11—Leave out 'or exemption'.
Line 12—Leave out 'or exemption'.
Line 19—Leave out 'or exemption'.
Line 21—Leave out ', licensee or person exempted' and insert 'or licensee'.
Line 23—Leave out 'or exemption'.

These are consequential amendments.

Amendments carried; clause as amended passed.

Clause 21—'Register.'

The Hon. DIANA LAIDLAW: I move:

Page 8—
Line 32—Leave out 'or exemption'.
Line 33—Leave out 'or person exempted'.
Lines 34 and 35—Leave out 'or exemptions'.
Line 36—Leave out 'or exemption'.

Amendments carried.

The Hon. M.B. CAMERON: I move:

Page 8, after line 36—Insert paragraph as follows:
(da) details of the effects of the activities authorised by each licence as disclosed by tests or monitoring carried out from time to time in pursuance of this Act by the licensee, or by inspectors or other persons appointed by the Minister;.

Given my views on disclosure, it is very important that people are aware of what is being authorised and what will happen as a result of those authorisations under the licensing provisions of this Bill.

The Hon. M.J. ELLIOTT: Obviously, the Democrats support such an amendment in the cause of open government and to ensure that the public is made aware of such activities.

The Hon. ANNE LEVY: The Government opposes this amendment because it is not the least bit necessary. Anyone requesting specific details can be given them wherever possible. In any case, they will be published in the annual report.

Amendment carried; clause as amended passed.

Clause 22 passed.

Clause 23—'Powers of inspectors.'

The Hon. M.J. ELLIOTT: I move:

Page 10, line 20—Leave out '*(a)* or'.

As I understand the way things are likely to work, a fair deal of self-monitoring will be done by individual companies. That is something that goes on now theoretically. For instance, I understand that BHAS, Apcel and Port Stanvac monitor their effluents—and there is an interesting story to be told one day. However, it is obviously necessary from time to time for our inspectors to want to carry out monitoring. The real problem with self-monitoring (and it occurs at several of those places that I have mentioned) is that the company can choose to some extent when it wishes to monitor. It can choose to release slugs—that is concentrated bursts—of pollutants. This is most likely to occur at night or on a weekend, when it is far more difficult to detect. This occurs in South Australia now; of that there is no doubt. That has certainly been reported to me by employees at several of the aforementioned sites.

Presuming that an inspector has become aware that this sort of practice is occurring, he may even be lucky enough to have an arrangement with a worker who would let him know the next time they were to release more pollutants. That sort of arrangement can be made. If it was to occur at night or on the weekend, the inspector would need to get into the site in a hurry. I am rather fearful that, if a warrant is required, by the time the person has obtained it the release may have occurred and the slug may have gone out to sea, and at that point the offenders cannot be caught in the act.

When one considers that pursuant to clause 23 (1) *(a)* no force is is implied in entering the premises to carry out the inspection, and when one also notes that entry can be made only when there is reasonable suspicion, I would argue that the necessity for a warrant will make it very difficult to pick up what may be some quite severe, blatant and deliberate acts of marine pollution. It is for that reason that I have moved this amendment.

The Hon. ANNE LEVY: The Government accepts the amendment.

The Hon. K.T. GRIFFIN: The Opposition opposes the amendment. I am just appalled that the Australian Democrats and the Government, who say they want to protect individual rights, should accept something which is in other legislation. The fact is that there is no problem about an inspector going in if there is an emergency. The exception provides:

> An inspector may only exercise the power conferred by subsection (1) *(a)* or *(b)* on the authority of a warrant issued by a justice—

that is a perfectly proper provision—

> unless the inspector believes, on reasonable grounds, that the circumstances require immediate action to be taken.

There is the provision for emergency action, and that is quite reasonable. They can act quickly. However, the moment you start to say that they can enter and inspect any land or premises where the inspector reasonably suspects that an offence against this Act has been, is being, or is about to be, committed or where necessary for the purpose of determining whether a provision of this Act is being or has been complied with, without any constraints at all or any requirement for a warrant, you are then opening up the whole opportunity for inspectors to abuse their power.

One of the things we have been fighting for during this session and in previous sessions with legislation is to ensure that there is a proper safeguard against abuse of bureaucratic power by inspectors. That is broader power than a police officer has. A police officer cannot enter premises without a warrant.

The Commissioner issues a general search warrant to police officers, but that cannot be exercised in just any circumstance at all—it is subject to certain predetermined limits of authority. What the honourable member seeks, and the Minister accepts, provides the potential for abuse without control. I will move some amendments in the Water Resources Bill that seek to provide some limits on the power of an inspector to enter premises. It seems to me to be quite outrageous that an inspector, for whatever reason, can just walk in without some form of warrant. This means that they can break into anyone's home without any authority at all.

The Hon. M.J. Elliott: That is paragraph *(b)*, involving 'breaking into'.

The Hon. K.T. GRIFFIN: They can still walk in, so I am just staggered that the Australian Democrats in particular, and also the Minister, who professes some support for civil liberties—or has in the past—should seek to compromise a reasonable constraint upon an inspector. As I say, it is broader power than the police presently have, and I do not believe that there is any justification for changing what the Government appeared to be quite satisfied with when the Bill was presented to us. Now, for some unknown reason, it wants to compromise some reasonable limitations on abuse of power.

Amendment carried.

The Hon. ANNE LEVY: It has been drawn to my attention that there is a typographical error on page 11, line 44. It says 'guilt of an offence' instead of 'guilty'.

The CHAIRMAN: That has been picked up.

Clause as amended passed.

Clause 24 passed.

Clause 25—'Directions where contravention of or non-compliance with Act.'

The Hon. DIANA LAIDLAW: I move:

Page 13—

Line 9—Leave out '$100 000 or division 4 imprisonment, or both' and insert '$150 000 or division 3 imprisonment, or both'.

Line 10—Leave out '$500 000' and insert '$1 000 000'.

Both these amendments deal with penalties and are consequential.

Amendments carried; clause as amended passed.

Clause 26 passed.

New Part VA—'Marine Environment Protection Fund.'

The Hon. DIANA LAIDLAW: I move:

Page 14, after line 13—Insert new Part as follows:

PART VA

MARINE ENVIRONMENT PROTECTION FUND

Marine Environment Protection Fund

26a. (1) The Marine Environment Protection Fund is established.

2. The Fund must be kept at the Trreasury.

(3) The Fund is to consist of the following money:

(a) the prescribed percentage of licence fees paid under this Act;

(b) the prescribed percentage of penalties recovered in respect of offences against this Act;

(c) any money appropriated by Parliament for the purposes of the Fund;

(d) any money received by way of grant, gift or bequest for the purposes of the Fund;

and

(e) any income from investment of money belonging to the Fund.

(4) The Fund may be applied by the Minister (without further appropriation than this subsection)—

(a) for the purposes of any investigations or research into matters relating to the marine environment or its protection;

or

(b) for the purposes of public education programs in relation to the marine environment and its protection.

(5) The Minister may, with the approval of the Treasurer, invest any of the money belonging to the Fund that is not immediately required for the purposes of the Fund in such manner as is approved by the Treasurer.

New Part VA seeks to establish the Marine Environment Protection Fund. It provides that the following moneys be appropriated to the fund: in subclause (3) *(a)* the prescribed percentage of licence fees paid under this Act; and in subclause (3) *(b)* the prescribed percentage of penalties recovered in respect of offences against this Act.

The Liberal Party believes that new Part VA is immensely important. We argue strongly that the research, investigation and public education programs from which funds would be appropriated are vital to ensure the effectiveness of this legislation. It is most important that investigations and research be conducted so that the committee and the Minister have accurate, current and reliable information on matters they are addressing, because they will become part of the conditions of licences and part of the penalty system. If offences are committed under this Act, we have approved massive penalties. Therefore, research is required and this fund seeks to provide a source of funds for that research to be conducted.

The Hon. ANNE LEVY: The Government opposes the amendment on a number of grounds. First, we are concerned about the prescribed proportion of fines which will go into the fund. It would be most unwise to make the fund dependent on penalties. The Bill is not designed to extract large sums of money by way of penalties; it is designed to prevent pollution occurring in the first place. It is not expected that fines will contribute very much to the fund and it would be a measure of success if they did not because it would mean that prevention has occurred and the aim of this legislation is prevention rather than imposing penalties after pollution has occurred.

[*Midnight*]

Furthermore, the fees proposed in the White Paper are sufficient to cover the costs of the operation and administration of this legislation. If there is to be another fund, the fees would have to be increased because the money has to come from somewhere. The Opposition needs to realise quite clearly that its proposal would mean increased fees being charged for licences. If there is to be a fund, regardless of the lack of necessity for it, its purposes seem fairly restrictive. If there were such a fund, the research could be of a much broader nature and could extend to things like pilot plants and testing new processes, which could be of great use in this area but would be prohibited under the terms being written into the fund.

In summary, the Government feels that the fines are not expected to be large and we hope they will not be, because prevention is better than penalty. The suggested fees are only enough to cover operating costs so that any further moneys, other than fines, for the fund would mean increased fees and I hope that anyone who votes for this amendment will realise that. If there is to be a fund, its application is unnecessarily restrictive in that it would not be able to be used for things like pilot plants or testing of new processes, which could be of great benefit, but the research as detailed would be too restrictive.

The Hon. M.J. ELLIOTT: The Australian Democrats support the amendment.

New Part inserted.

Clause 27 passed.

New clause 27a—'Information to be furnished at request of members of Parliament.'

The Hon. M.B. CAMERON: I move:

Page 14, after line 25—Insert new clause as follows:

27a. (1) The Minister must, at the request of a member of either House of Parliament, make available for the inspection of that member any specified documents, or documents of a specified class, that are in the possession of the Minister or the Government of the State and relate to matters that are relevant to the marine environment and its protection.

(2) This section does not apply to documents specifically prepared for Cabinet or documents that contain confidential information relating to the commercial or business affairs of a person or body other than the Government of the State.

This amendment has been drawn up as a result of the earlier refusal by the Minister in another place to provide information on request in relation to marine pollution. It is a very simple amendment which requires the Minister to provide information to a member of Parliament who requests it. It may well be that, with respect to every Bill

that comes before this place from now on, we may have to consider putting in an FOI provision in the hope that eventually we will get freedom of information legislation in this State. This is at least a start towards that very desirable goal.

The Hon. ANNE LEVY: The Government opposes the amendment. It is patently absurd to put clauses like this in every piece of legislation. The Government has promised a freedom of information Bill and it is expected to be introduced in the other place next week. Obviously, it is preferable to have all freedom of information matters dealt with under one piece of legislation rather than scattered throughout all legislation. It is very interesting that the Hon. Mr Cameron has at least put in this new clause the fact that it does not apply to Cabinet documents.

That is an interesting concept since, previously, the honourable member was demanding the production of entire dockets, regardless of what they might contain. At least in this he does agree that Cabinet documents are to be exempt. As I say, it is ridiculous to have a clause such as this scattered through every piece of legislation. There will be freedom of information legislation, which will be general in its application and which members will be able to see, within a very few days. In fact, they would see it a lot quicker if we were ever able to go home.

The Hon. M.B. CAMERON: What an arrogant person this Minister is! That last comment is gratuitous and unnecessary, and exacerbates the situation in the Council. I suggest that the Minister go home and think carefully about the way in which she treats this Chamber and the people in this Chamber by the way she speaks, because it is totally unnecessary to act and speak in that way.

The Hon. Anne Levy interjecting:

The Hon. M.B. CAMERON: You keep going.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Cameron.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Lucas will come to order. The Hon. Mr Cameron has the floor.

The Hon. M.B. CAMERON: There was another display of petulance on the part of the Minister which, of course, has created many of the problems with the passage of this Bill. We would not even be debating this clause if reasonable information had been provided in the first place. All the Government had to do was put in that information, therefore I say to the Minister that this is an essential part of the forcing of this Government to provide information. Do not let the Minister pontificate to me about how in the next few days we will have freedom of informtion legislation. Heavens above! That is what I heard in 1983, and the Government has had plenty of opportunities to keep its promise of 1983.

Do not let members opposite become pompous about how they are going to introduce a Bill and that it is silly to have such a provision in every Bill. I do not believe them yet: I will believe them when the Bill comes in. I believe that when that Bill does come in, we will find it is a very pale shadow of what is required. We have a long way to go yet, but in the meantime this provision must go into this Bill and a similar provision must go into every Bill until we obtain freedom of information legislation.

If the Government had provided the documents in the first place, I can assure members opposite that this move would not have been made. The Minister, in some attempt to be amusing, I suppose, said, 'I have a clause which provides certain deletions.' It just shows that she has not even read the FOI legislation I have introduced for the past five years, or she would know that these exemptions exist in that legislation and always have. Obviously, the Minister does not understand the first thing about FOI.

The Hon. M.J. ELLIOTT: Will the Minister consider reporting progress at this stage so that we can have a fresh start tomorrow morning and, hopefully, finish this relatively quickly? A few clauses are to be recommitted, and it might take a little longer than we first expected, particularly if we try to do it tonight.

The Hon. ANNE LEVY: I am happy to accede to that request because obviously a key player intends leaving. I point out that we are now up to clause 27, having moved from clause 5 in a fairly lengthy session. Discussion last night did indicate that this Bill was expected to finish in this Council this evening. The Government has certainly been acting on that assumption, making its comments as brief as possible in order to speed the process.

Progress reported; Committee to sit again.

ADJOURNMENT

The Hon. ANNE LEVY: I move:

That the Council at its rising do adjourn until Thursday 5 April at 11 a.m.

The Hon. R.I. LUCAS (Leader of the Opposition): I want to place on the record, on behalf of Liberal Party members in this Chamber, our concern at the way in which the Government and the Parliament is being asked to handle the parliamentary program during the last days of this parliamentary session. Liberal Party members—and other members can speak for themselves—have grave concerns about what we and, indeed, staff are being asked to do. One only has to look at the Notice Paper for today's proceedings in the Council to see 17 items of Government legislation—

The Hon. Diana Laidlaw: Three new Bills today.

The Hon. R.I. LUCAS: —in addition to private members' legislation. The House of Assembly Notice Paper has 16 pieces of Government legislation.

In fact, we have one scheduled sitting day and two other optional days that were notified, and we believe we will be sitting next week on Tuesday and Wednesday. We have major Bills in this Chamber in relation to the marine environment, water resources and a handful of others. We still expect the WorkCover legislation to come into this Chamber, and those members who were involved in the WorkCover debate of years gone by will know that members in this Chamber on both sides have a very avid interest in that legislation. It is not something that can be expedited through this Council without proper consideration.

Bills have still been introduced in bulk as recently as last week and, as the Hon. Diana Laidlaw indicated, another two or three Bills were introduced today. We will have to process several of them in the next two or three days as well. Most members of this Chamber, not only members of the Liberal Party, have attempted to be as accommodating as possible to the Government and to those in charge of the Government program in attempting to get as much of the program through the Parliament as is reasonably possible—and I emphasise 'as is reasonably possible'.

However, my colleagues and I have a strong view that it is unacceptable for us to continue in the way that we are being asked to continue. It is unacceptable to us as members of whatever political persuasion in that, first, unless we are unusual, we are all very tired and are not able in many cases to give the proper consideration and consultation that is required for both important Bills and what might appear on the surface to be small Bills. I instance the Bill that the Hon. Dr Ritson has handled on behalf of the Liberal Party

in this Chamber, the Coroners Act Amendment Bill. On the surface, that looked to be a small Bill but, after appropriate consultation, it has required amendment and further discussion and much further consultation—the sort of consultation and discussion that this Chamber should be devoting to all pieces of legislation coming through the Parliament.

We have tried to be accommodating. We are sitting tomorrow morning, and that is the motion that we are debating. We have indicated that we are prepared to sit tomorrow evening and also, albeit at great cost to members on both sides of the Chamber, we are prepared to sit for a few hours on Friday morning. I know that members on both sides have long-standing appointments and engagements for tomorrow morning, tomorrow evening and Friday, and many of those have had to be cancelled. As I said, long-standing appointments and engagements have had to be cancelled because of this permanent rush and mess that we seem to get ourselves into at the end of the session.

That is unacceptable to members, and I believe that it is unacceptable to the staff. Your table staff, Mr President, have to work under great duress during this last session of Parliament. The *Hansard* staff also have to work under great duress, because it is not only the proceedings of Parliament but also the proceedings of committees that continue. The catering staff and the messengers are also asked to work under great duress.

As I said, we have discussed this matter in the Party room today and we have a very firm view that the situation ought not to be allowed to continue for future sessions. We will continue as far as we can and seek as much as possible to accommodate as much of the Government's program for this session as can be reasonably expected of us. We are prepared to sit for a period tomorrow morning and tomorrow evening and on Friday morning as well. However, we urge the Government to continue to negotiate with us and with the Democrats on the Government's priorities over the next three days. We have perhaps 30 or 40 pieces of legislation, and we will not be able to get them through in the next two or three days. The Government ought to take that on notice.

In the coming months, during the break before the next session, I shall be seeking discussions with the Australian Democrats and with representatives of the Government on the various options that we might consider to try to prevent this situation occurring at the end of the next session later this year. We are not locking ourselves into any particular option at this stage. We are prepared to have, we hope, fruitful discussions with the Government and the Democrats, but we have a very strong view that we do not want this situation to occur again. We believe that we are all on notice to come up with something for the end of the next session which will prevent this sort of situation occurring again. If we do not, there are certain procedures that a majority in this Chamber can adopt, if that majority chooses to do so, at the end of the next session.

The Hon. M.J. ELLIOTT: I agree with most of the sentiments expressed by the Hon. Mr Lucas. I think we can all remember at the beginning of the session that we sat for very few hours on quite a number of days. I can point to the time wasting that has taken place in the past couple of days, but it does not discount the fact that there was an enormous amount of available time earlier in the session. If the session had started a couple of weeks earlier, we could have had a couple more weeks, but I suspect that somehow or other legislation would have piled up at the end.

Some of the Bills that we are discussing have been around for a while. When we get significant pieces of legislation, that will always be the case. We have major pieces of legislation, such as the Marine Environment Protection Bill and the Water Resources Bill, which we are now discussing. It is not really until one has seen the other amendments of the other Parties that one can start to work out how everything will mesh in, and we are battling with that now.

That is enough of a problem in itself with a major Bill without having 30 or 40 other Bills appearing over one's left shoulder and wondering exactly how to handle those. The constant distraction of ensuring an adequate job of those Bills means that perhaps we do not always handle even the major pieces of legislation as well as we can.

The Democrats are appreciative that the Government has made life a little easier for us by providing extra staff resources. The only thing I can suggest which would be good for all members of this Chamber is if the load could be evened out more through the session and if, as much as practical, more of the legislation could be introduced earlier in the session. That seems to be the major problem. There is no doubt that some Bills will linger on for a long time, but it is the large number of new Bills that has appeared in the past few weeks or so which is creating the overall pressure, and the Democrats suggest it is about time this stopped. It is not new; it has gone on for years. It is not just this Government. I believe it has happened under previous Governments, including Liberal Governments, so we need to address the problem. The Democrats want that to occur and I support the general sentiments expressed by the Hon. Mr Lucas.

Motion carried.

At 12.25 p.m. the Council adjourned until Thursday 5 April at 11 a.m.