LEGISLATIVE COUNCIL

Thursday 22 November 1990

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

WILPENA STATION TOURIST FACILITY BILL

At 2.17 p.m. the following recommendations of the conference were reported to the Council:

As to amendments Nos 1 to 7:

That the House of Assembly do not further insist on its disagreement to these amendments.

As to amendment No. 8:

That the Legislative Council do not further insist on its amendment.

As to amendment No. 9:

That the Legislative Council amend its amendment by:

Leaving out paragraph *(b)* and inserting the following paragraph:

(b) in relation to an increase in the capacity of the facility referred to in section 3 (6)—

(i) the Minister has increased the capacity under that subsection and the provisions of section 3 (7) have been complied with;

and

(ii) neither House of Parliament has disallowed the increase pursuant to section 3 (8a).

and make the following consequential amendment to the Bill:

Clause 3, page 3, line 42—Leave out paragraph *(a)*.

Page 4—After line 6 insert new subclause as follows:

(8a) The Minister must cause a copy of a notice referred to in subsection (6) to be laid before both Houses of Parliament as soon as practicable after the original was published in the *Gazette* and either House may disallow the increase in the capacity of the facility provided for by the notice within nine sitting days after the copy of the notice was laid before that House.

and that the House of Assembly agree thereto.

As to amendment No. 10:

That the Legislative Council do not further insist on its amendment.

Consideration in Committee of the recommendations of the conference.

The Hon. BARBARA WIESE: I move:

That the recommendations of the conference be agreed to.

The conference on this matter has been, in many ways, a very long and tortuous one. There were moments during the course of the conference when I wondered whether some members really were interested on reaching a compromise and enabling the Wilpena tourist facility to proceed. However, we did reach a compromise, about which I for one am very pleased, because I believe that it will be very important to South Australia's tourism industry for this development to proceed. I believe, too, in relation to environmental considerations in relation to the Flinders Ranges National Park, that the benefits that will flow from this development will also be significant.

The aim of the Government from the beginning, with the introduction of this legislation and with the position that was taken by the House of Assembly in the conference, was, first, to ensure that this legislation would enable a tourism development to proceed by ensuring that potential investors would have confidence in it and, as honourable members would be aware, there has already been considerable litigation and threat of further litigation on as many points as could possibly be brought forward.

The second aim of the Government was to preserve the integrity of the agreement which had been reached, in a proper way, with Ophix Finance Corporation on the proposed development. It seems to me that the outcome of this conference has achieved those two objectives and, as honourable members would be aware, there were four amendments upon which there was disagreement between the two Houses.

The first amendment related to the process to be followed for pursuing the environmental impact assessment. The House of Assembly was concerned that the process that was being proposed by an amendment moved by the Legislative Council was not in accordance with the usual practice. However, following discussion on that matter and, on reflection, the House of Assembly agreed that the process proposed was manageable and, therefore, objection to that amendment was withdrawn.

The second issue was a key issue from the perspective of the Government, because it is an issue which relates very strongly to whether or not there will be investor confidence in this project, in view of the threats of litigation. I remind honourable members that one of the purposes of the legislation was to remove grounds for vexatious litigation to occur. The Legislative Council amendment would have opened the potential for that to occur, in the view of the House of Assembly, and there was considerable debate on this matter. Subsequently, the Legislative Council agreed to withdraw its objection.

The third issue, on clause 12, was considered by all to be the major issue of the conference and it related to the procedures to be undertaken for an expansion of the proposed development from the 2 924 person provision to 3 631. The effect of the Bill, after it left the House of Assembly, had been to provide for the developer to bring the proposal for expansion to Parliament for approval, if the developer wished to receive the protections that the Bill provided; or, if the developer wanted to take his chances with a proposal that fell outside the terms of the Bill, then that choice was open. That reflected the choices that were available within the lease and, for the Government, it was a very important matter of principle that the integrity of the agreement should be preserved.

The effect of the Legislative Council amendment was to remove the latter provision; in other words, to require that the proposal be approved by both Houses in any circumstances. In effect, this changed the terms of the lease. Ultimately, a compromise reached after many hours of discussion and thought will allow the Minister to approve the proposed expansion subject to the provisions that exist within the legislation for proper assessment of environmental factors, adherence to the environmental management plan and proper examination of other issues. Following gazettal, the approval is to be laid before both Houses of Parliament with a further provision that either House will be able to disallow the approval within a space of nine sitting days.

If there were to be no disallowance motion on this question, it would be presumed that the proposed expansion of the development would have the approval of Parliament. Of course, that compromise is not the preferred position of the Government, but it is certainly preferable to the position taken by the Legislative Council in the amendment that it carried, because it provides a time limit for consideration by the Parliament of a proposed expansion, so that there is no room for the development to be upheld unreasonably or to be frustrated. However, it does provide for parliamentary scrutiny, an issue that was desired very strongly by members of the Liberal Party and the Australian Democrats, but something that members of the Government expected to occur in any case, because the Government never expected that the developer would not bring the matter before Parliament, thereby receiving the protection that the Bill provided. In that sense, the question of parliamentary scrutiny in practice was never likely to be an issue.

The fourth point upon which the two Houses disagreed was the question of legal costs of the Australian Conservation Foundation and the Conservation Council associated with cases brought in relation to this matter. The amendment carried by the Legislative Council allowed for full Supreme Court and High Court costs, to date, to be provided to those two organisations. A compromise has been reached on this matter also, because the Government opposed the notion that costs should be provided for the entire legal procedure. Under this compromise, the Legislative Council's amendment will be withdrawn, but in place of that the Government will undertake to provide reimbursement to the two organisations mentioned up to a figure of $10 000 and as long as accounts were presented by 11 October of this year, the date of the introduction into Parliament of this legislation.

A specific agreement was reached within the conference, and I would like to read the terms of that agreement into the record so that everyone is aware that the Government is making this commitment and that it will be honoured, even though there will be no reference to it in the legislation that passes the Parliament. The agreement is as follows:

The Government undertakes to make an *ex gratia* payment of up to a maximum of $10 000 towards the party and party legal costs of the Australian Conservation Foundation Inc. and the Conservation Council of South Australia Inc. in relation to action No. 2946 of 1988 in the Supreme Court and actions Nos A7 and A23 both of 1990 in the High Court of Australia incurred up to 11 October 1990 and presented for payment on or before that date, which costs shall be determined in accordance with procedures verified by the Auditor-General.

That, in brief, is the outcome of the conference. As is the nature of these conferences, and as I have already indicated, this is a compromise, and it is not acceptable in every respect to all Parties who participated in it. But, from the Government's perspective the outcome is certainly very acceptable.

First, it clears the way for a major tourist facility to be developed in a key area of South Australia—an area which has the potential to become a major international tourist attraction for South Australia and Australia. Subject to the company Ophix Finance Corporation being able to obtain financial backing, the legislation in its current form certainly provides the sorts of protections that are required to enable this development to take place. Once the development is up and running, I believe there will be the capacity for South Australia to tap significant new markets in tourism, and it will give us the opportunity to link with other significant national tourist destinations in this country.

It is significant, I believe, that the operator of the proposed facility is All Seasons, which already operates a number of outback tourist accommodation houses in various parts of Australian, most notably at Yulara. This means that there is an added incentive for proper marketing of the facility to occur and for the capacity for packages to be developed which will enable South Australia to participate in some of the wealth being generated by tourism to the outback and to various parts of Australian which link because of appropriate accommodation facilities as well as the natural attractions that exist in these areas.

The facility will also be important because it will provide the means for the Government to set about providing the appropriate environmental protections and management plans for the Flinders Ranges National Park—a matter that the Government has not had the capacity to address in an appropriate way to this time because the resources required are indeed extremely significant.

The developer, under the agreements that have already been reached, will have to play a major role in providing some of those protections and in helping to manage the environment in the area. However, the agreement reached on lease payments means that the Government will have access to considerable resources which would not otherwise be available and which will allow for the proper management of people who come into the area and will also allow for the employment of additional park rangers who will be able to provide the controls that currently cannot be provided.

Another significant benefit of this development which seems not to have been aired very much in this place, particularly by members opposite and the Democrats (who often give us lectures in this Council about the problems of people living in rural areas and the decline that is taking place in some rural areas), is that it provides significant new opportunities for regional growth in the north of South Australia. It provides significant new opportunities for jobs for people in the area and, significantly, many Aboriginal people will have the opportunity to be employed as rangers, tour guides and in other positions. It is important to note that this development has had the full support and backing of the local Aboriginal communities.

Some interesting comments were made about local regional issues in the North by the local member during the course of his contribution to the debate on this Bill in another place. He outlined some of the concerns of local people about the threat of some services being withdrawn in that region because there is a declining population and, in circumstances like that, it can be expected that a less than desirable range of community services and supports will be provided if there are no jobs and if there is not the capacity for a local community to survive.

This development will provide the opportunity for towns such as Hawker to take on new life, and already there is an indication that the prospect of this development taking place is leading to the relocation of people and services into the town of Hawker. I believe that there will be further opportunities for the local regional economy to gain a boost from this development.

I believe also that the local tourism operators who, understandably, initially were very concerned that a development of this kind might take away from their own businesses, are now coming to realise that they, too, will benefit from the increased interest that will be drawn to that local region, and that the entire community will have the opportunity to benefit from the new wealth generated by it.

I am very sorry that there has been so much disharmony in the South Australian community about this proposed development. I believe that much of it has been fuelled by people who have been dishonest in the information that they have presented to various sectors of our community, as evidenced by the blatantly inaccurate pamphlets and other pieces of written material that have been circulated. As a result of that, many people who otherwise would have been strong supporters of this development in South Australia have become opponents. I can only hope that, when this development proceeds and when people start to appreciate the style of the development and the environmental sensitivity of the plans, they will put this disharmony behind them and become strong supporters of it.

The Hon. R.I. LUCAS: I rise to support the motion and, in doing so, thank the representative managers of the Legislative Council for collectively, and in a united way, maintaining the faith in the conference in presenting the Legislative Council's views in the face of spirited debate from the managers from the House of Assembly. I do not believe that now is the time to repeat the detail of the arguments for and against the Wilpena development. That

debate has been held in this Chamber and in the other Chamber, and what we ought to do now is discuss the result of the conference of managers between the two Houses.

From the outset, the Liberal Party's position has been clear in relation to Wilpena. We support a development but only under certain strict conditions. We were not prepared to sign a blank cheque either for the developer or for the Government. The Legislative Council and the Liberal Party saw the essential issue of the conflict between the two Houses as being clause 12 of the Bill. Quite simply, the distinction was that the Legislative Council and the Liberal Party believed that Parliament should have the ultimate say as to whether the development should increase from 2 924 overnight visitors to a maximum of 3 631 overnight visitors. That was the essential disagreement between the two Houses, and it was the view of the Liberal Party and the Legislative Council that that principle could not be breached.

I am very pleased to say that, as a result of the conference, that principle remains, although in a slightly different fashion. In the end, Parliament will have the say as to whether or not the development can increase from 2 900 to 3 600. As envisaged in the legislation, there are conditions and restrictions, such as the environmental maintenance plan, an assured supply of water and compliance with the essential terms of the lease. They are the factors which will need to be considered in relation to the decision as to whether we increase the number of overnight visitors from 2 900 to 3 600.

The result of the conference is clear: that in the end the Houses of Parliament (and given the strength of views both ways in relation to the Wilpena development) will each have the opportunity to debate the issue as to whether or not the development should be increased from 2 900 to 3 600 overnight visitors. As I said, that was the principal difference between the Houses, and I for one am very pleased with the result of the conference of managers.

I accept that, in the resolution of this matter, a restriction will be placed on the time within which the decision needs to be taken by the Parliament. Indeed, I think that is a sensible provision. Whilst arguing very strongly that the Parliament should make the decision, we would not want to support a position where the Parliament for month after month just delayed taking the decision on whether or not to support it. So, the compromise position in relation to the time for consideration of nine sitting days is eminently sensible, and is certainly one that I believe the Legislative Council should accept.

The other amendments have been canvassed by the Minister, and I do not intend to repeat the details other than to comment on the question of costs, which was an important issue to the Legislative Council and to the Liberal Party. On that matter I think a true compromise position has been reached. We understand that, potentially, the costs to the Conservation Foundation might be some $10 000 to $20 000, and the position that has been adopted by the conference is that up to $10 000 of those costs will be reimbursed to the conservation movement. So, in the tradition of conferences, that is a good example of true compromise.

There has been, as there is with most conferences, give and take between the Houses on most of the other issues. But, as I indicated, if I was to rank their relative importance, the amendments to clause 12 would rank at 110 on a scale of 100, with the others ranked, in my view at least, considerably lower. There has been compromise. There has been give and take, but I am very pleased to see that the essential principle for which the Legislative Council held out, that is, that the ultimate decision should be taken by the Houses of Parliament, has in the end been supported by the conference of managers.

The Hon. K.T. GRIFFIN: I support the motion to agree with the decision of the conference of managers. Essentially, the amendments by the Legislative Council are being agreed with in one form or another. There has been compromise, as the Minister and my colleague the Hon. Mr Lucas has indicated, in respect of the question of costs, and also in relation to the question of whether or not acts unspecified in clause 9 of the Bill should not apply.

As the Hon. Mr Lucas has indicated, the essential characteristic of the amendments, which the Legislative Council insisted upon, was the involvement of the Parliament in the final decision to go from 2 924 overnight visitors in the development to 3 631. It was always a very important aspect of the Legislative Council's amendments that that should be upheld. The argument during the course of the debate in the Committee stage was that such a proposition would, in effect, vary the terms of the lease. There are differing points of view about the significance of that. Some held a very strong view, as was the case with the Minister, that that would create some prejudice in the capacity of the developer to raise funds. I took the view during the Committee stage that that was very much overplayed, and that, with the lease having come to Parliament through this legislation, it would be appropriate for the Parliament to scrutinise it without being a rubber stamp.

As has been indicated, the compromise in relation to clause 12, which I believe to be of such critical importance in the context of this Bill, is that, instead of the Parliament actually having to approve the increase in the number of overnight visitors initially before the Minister can give consent to the increase in capacity, the Minister will not make that decision unless satisfied that the environmental maintenance plan and essential terms of the lease have been complied with. The Minister will then give a notice in the *Gazette* approving the increase and, according to the amendment, the notice published in the *Gazette* will, as soon as practicable thereafter, be tabled in both Houses of Parliament.

Both Houses of Parliament will then have the opportunity to move for the disallowance of the increase, and will be required to do that within nine sitting days. As the Hon. Mr Lucas has indicated, one can debate the merits of nine days, six days, 12 days, 28 days or such other period as may come to mind, but I think quite reasonably that nine sitting days takes into consideration the need for any lessee to be able to move reasonably quickly and, provided the Government of the day in each House is prepared to facilitate the consideration of any motion for disallowance within that nine sitting days time frame, I would not see that as an impediment to the process. I think I should also add that in the context of the nine sitting days, it does follow the gazettal of a notice to increase the capacity of the development, and one would expect if the Minister of the day wishes to have that upheld, and either no motion for disallowance is moved, or if moved does not succeed, it would be an issue that would be the subject of considerable consultation with interested parties and it may well be the subject of some public debate.

So, when it came into the Parliament, it would not be as though the Parliament was being taken by surprise. It would be at the end of a very long process of consultation and public information, consideration by the Minister in conjunction with the lessee, and then the opportunity to move for disallowance within nine parliamentary sitting days. Effectively, that is three sitting weeks. Of course, with holiday periods and with recesses intervening, it may well be

a much longer period than that. I am satisfied that, by moving to a process of disallowance of a Minister's decision rather than a motion to support a prospective decision to increase, the Legislative Council has not lost any measure of support for the general principle that, ultimately, there is a parliamentary oversight of the decision to increase the overnight visitor capacity from 2 924 to 3 631.

Honourable members will also need to reflect upon the amendment to clause 12, in the context that those provisions are for the Minister to take into consideration the environmental maintenance plan. Particularly in respect of water. Compliance with the essential terms is in fact mandatory at all stages, from the increase in the initial size under clause 3 (2), through to the increased 2 924 overnight visitors and then the increase to 3 631 overnight visitors.

One amendment on which the Legislative Council managers gave way was the amendment which we proposed to clause 9 (1), which provides that:

> The Planning Act and the Native Vegetation Management Act do not apply to the acts or activities referred to in sections 3, 5 and 6, and those acts and activities may be undertaken in accordance with this Act, notwithstanding any other Act or law to the contrary.

The concern which I expressed in the Committee stages of the consideration of this Bill was that, although there is a provision in the lease which requires the lessee to comply with various statutes, regulations, by-laws and proclamations, it could be construed that that contractual obligation was overridden by the reference in clause 9 (1) to an exemption from any other Act or law to the contrary.

Whilst I think that is certainly an arguable position, I was persuaded, as were other managers for the Council, that the risk was not a significant one, particularly after reviewing the index of statutes in the volumes of the State statutes. There did not seem to be any other Act which might impinge upon this. Probably the weightier argument, at least in relation to legislation such as the Building Act, Occupational, Health, Safety and Welfare Act, Workers Rehabilitation and Compensation Act, was in favour of those continuing to apply by force of law.

So, whilst there is an argument in relation to clause 9 (1), in the words to which I have referred, the Council managers were of the view that the paramount consideration must be to ensure that the parliamentary role remains in the Bill, and that has been achieved.

Of course, all the other amendments, Nos 1 to 7, were agreed to by the House of Assembly. The question of costs is a compromise, as the Hon. Mr Lucas has indicated, but the undertaking given by the Minister, and thus by the Government, at least in some measure satisfies the concern that by passing this legislation the action in the High Court, whilst not technically being cut off at the knees, is in practice so terminated or at least most unlikely to proceed.

I am satisfied that the compromise in relation to costs recognises a principle that, on this side of the House, we were anxious to have recognised, whilst not unduly compromising or affecting the Bill.

So, I am pleased that there have been quite significant amendments to the Bill overall, both in the House of Assembly and in this Council, and that the consequence of the conference of managers is that those amendments which strengthen the legislation and tighten the environmental safeguards are maintained. Accordingly, I support the motion.

The Hon. M.J. ELLIOTT: It comes as no surprise that I will be opposing this motion, because it waters down what little had previously been achieved in this place, and because, should it fail, of course the Bill will fail, which it deserves to do. What has happened all along has been wrong. The project proposal is wrong. This Bill and the way in which the project developed was wrong. This Bill is rubber stamping something which is wrong. It is compounding the situation, particularly in terms of what it is doing in retrospectivity and access to the courts. That principle alone, aside from the resort development, should have been enough for anybody of conscience to have opposed the legislation.

The Labor Party, particularly in this whole development debate, really has lost its way and is being driven by a bunch of bureaucrats, whom the Government has not got the wit to see past. They are propelling the Government in all sorts of bizarre directions. They have had so many projects fall over because they have been half-baked that they are absolutely desperate to get this one up. I think everybody in this place can count the ones that have fallen over so far, which have gone through the same sort of development process, cooked up in the back rooms and then put upon a public which does not want them, and then the Government tries to come up with arguments about 'glass domes' and being 'anti-development'.

The Minister referred to the Four Seasons chain that will be involved in this development. Those people are involved in Yulara, a resort that works very well. It is also worth noting that it is not built on the Rock or right next to the Rock, but is placed a significant distance away, so that it does not impinge upon what the people have actually gone to see.

An honourable member: Outside the park.

The Hon. M.J. ELLIOTT: Yes. I want to make it quite clear that many of the people who have been opposing the development have not said there should be no developments there. They have said, very clearly, that the location of the development could have been better and the process by which the decision was made could have been better. The United States is doing everything in its power to remove concessionaires from its national parks at present. Anybody who has had the opportunity to visit there will know that that is the case. They have regretted the past mistakes of allowing concessionaires into their parks.

The parks do not belong to the executive Government. They certainly do not belong to developers. I would argue that national parks belong very much to the people. Yet, this Bill is denying the access of the people to the courts. In fact, the executive Government has signed an agreement with the developers and has then asked Parliament to agree to not allow the public to have any say whatsoever as to what is happening in their national parks.

I do not believe that the Ophix agreement was proper, and I do not believe that anything that has happened since has been proper. The public interest, quite clearly, is being completely denied. The Liberal Party has suggested the essential principles have been maintained in these amendments. Whatever happened to that essential principle that was contained in the press release by the Leader of the Opposition when he said that they would not have a bar of retrospectivity? Yet, all the elements of retrospectivity have remained, every one of them. Even clause 9, which at one stage was amended to some extent, has reverted to its original form. Clause 9 was the whole essence of this Bill, providing that the National Parks Act does not apply in a national park, that the Native Vegetation Act does not apply in a national park, and that the Planning Act does not apply.

So much for essential principles. The essential principles, and what seems to be the core of what the Leader of the Opposition first said, have disappeared. In fact, as I said previously although most of them were not powerful, almost

every amendment has been watered down to a substantial extent, and even the one the Opposition is still feeling so proud about allows a town of 2 900 people—about the size of Hahndorf—which in distance would be the equivalent of the distance from Parliament House to Greenhill Road. That will go ahead now, solely under the control of the Minister, and we as a Parliament will not have another look at it until they say they want to get larger. I suppose the Opposition can be proud of themselves if they want to, but I will not have a bar of that.

It appears that the Government, with the support of the Opposition, is pushing for a referendum and, soon, for electoral reform. I wonder whether the Government would be game to run a referendum on Wilpena at the same time. If we are to spend a few millions of the taxpayers' dollars, why not ask a few other questions in which the public is interested? I guarantee that the public would throw it out. It is a challenge to the Government, but I know that it will not take that on.

I assure the Government—and the Opposition, as they are in cahoots on this question, with the exception of a few people of conscience—that the fight is not finished. If the development goes ahead, I think the developers will have their fingers burnt because many people in South Australia feel so strongly about this matter that the development will be boycotted and, as it will depend not on international travellers but largely on locals, I believe that it will fail, and it deserves to do so.

The Hon. R.R. ROBERTS: As one of the managers from the Legislative Council involved in the process that has finally determined the motion now before this place, I rise to support those recommendations, because I believe that they reflect the process of democratic decision as it is delivered in South Australia today. I would also like to support the remarks of the Minister of Tourism with respect to the people who live in Hawker and those northern areas. I am certain that they will welcome the decision for this important project to go ahead, as it will provide the public infrastructure and job opportunities so much needed in the northern areas.

As I have heard the Hon. Mr Dunn expound in this place on numerous occasions, people who live in the northern areas often have difficulty coming to terms with the mentality of people who do not appreciate the enormity of the outback. They have no perspective of the size and environment of those areas and, at times, outback residents are very concerned with the direction in which they are dragged by people who have no perspective of what is there in the North and whose experience of the wilderness is limited, in many cases, to wandering along the Torrens River and perhaps throwing a stone at a duck. I support the recommendations before the Committee, and hope that they pass without delay.

The Hon. DIANA LAIDLAW: I want to note very briefly the outcome of the conference. I point out that the Parliament is discussing the proceedings of the conference, and not necessarily the development. I recognise that my views in opposition to this legislation were out-voted at the third reading. At that time, I indicated my very strong views, and therefore it will not be my intention to call for a division on the outcome of this conference, although I may personally wish that the conference had not succeeded in reaching this compromise and that the Bill had failed as a consequence.

The Hon. C.J. Sumner: You voted against the third reading. Have you changed your mind?

The Hon. DIANA LAIDLAW: I have just noted the fact that I voted against the third reading. However, I was in the minority, and I recognise that the majority of this Parliament wants the development to proceed through the avenue of this legislation.

The Hon. M.J. Elliott: It is still an abominable Bill.

The Hon. DIANA LAIDLAW: It is an abominable Bill. In fact, the whole thing stinks as, I believe, did the approach to this matter by the Government from the outset some years ago—and I remain of that view. I commend my colleagues for toughening up the environmental provisions and conditions which the Government and the developer must honour in respect of this development. I am pleased that, notwithstanding hours of very difficult negotiations at times, which I suspect was the situation during the conference, the conference insisted on the principle that Parliament should have some say in allowing or disallowing, subject to various conditions, the further development of this facility to cater for more than the figure of 2 900 overnight visitors.

So, as a consequence of this conference there are major improvements in this legislation compared with the original Bill. I have to come to terms with the fact that my view is in the minority and that the majority of this Parliament wants the legislation to pass and the development to proceed. So, if there is a division on the conference outcome I will support my colleagues.

The Committee divided on the motion:

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

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

Majority of 17 for the Ayes.

Motion thus carried.

QUESTIONS

EDUCATION EXPORTS

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Employment and Further Education a question about education exports.

Leave granted.

The Hon. R.I. LUCAS: Legislation now before the Federal Parliament—the Education Services (Export Regulation) Bill—seeks to regulate the provision and marketing of export education services by registering institutions and courses. It also provides for the establishment of trust funds to ensure that overseas students' payments for courses in Australia are safe. The Bill is a belated response to the recent problems where overseas students have lost substantial amounts of money after enrolling in Australian institutions' courses, only to have the institution fold, leaving the students stranded.

The Federal Minister for Employment, Education and Training Mr Dawkins, said in his second reading speech:

> State and Territory Governments are well aware of the problems that have arisen, particularly in the non-formal course area, and are fully behind the Government's moves to bring stability to ensure standards for the education exports industry. Support has also been received from the industry itself.

It has been put to me that there has been virtually no consultation with education institutions or their representative bodies prior to this Bill's introduction into Federal

Parliament, even though the Bill (allegedly due to a drafting error) will impact on all institutions irrespective of whether or not they enrol overseas students. I am also advised that although the Bill will significantly impact on education export institutions located in all States and Territories, there has been no consultation with State or Territory Governments.

The Bill establishes a register of institutions and courses known as the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). Students will be granted a visa to travel to Australia to study only if they are accepted for courses and institutions on CRICOS. There are substantial fines for unregistered institutions or bodies that provide courses to overseas students. There are also substantial penalties for institutions or bodies that fail to establish trust accounts to protect students' payments. Although the Bill does not state so, it is implicit that there will be a registration cost involved, presumably payable to the Commonwealth, for official registration.

However, the introduction of this register of approved institutions and courses appears to duplicate an amendment to a State regulation under the Fees Regulation Act 1927 gazetted on 25 January this year, that allows the South Australian Government to charge fees registering institutions and courses. These fees range from as little as $50 for registering a course to $700 where the Office of Tertiary Education requires a detailed assessment of a course. My questions are:

1. Was the Minister consulted by the Federal Minister for Education about the proposed Education Services (Export Regulation) Bill before its introduction into Parliament?

2. If he was, does he agree with provisions in the Bill and does he believe the Bill duplicates State regulations under the Fees Regulation Act 1927 amended on 25 January 1990?

3. If the Minister was not consulted, will he seek talks with the Federal Minister for Education regarding the implications of the Bill for South Australian institutions irrespective of whether or not they offer courses to overseas students?

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

OPERATION ARK

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

Leave granted.

The Hon. K.T. GRIFFIN: The Stewart report on Operation Ark contains a reference to the hope of the NCA that it would be able to provide to the South Australian Government a 'further interim report' in respect of certain practices discovered within the Prosecution Services Section of the South Australian Police and certain management deficiencies which were coming to the notice of the NCA in the course of its Operation Ark inquiry. The report indicated that 'the Attorney-General is being kept abreast of the progress of that investigation'. In the Attorney-General's ministerial statement earlier this year there is no reference to this sort of investigation going on or that a 'further interim report' into the practices and management deficiencies—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: It wasn't specifically referred to in the schedule or anything like that.

The Hon. C.J. Sumner: It was.

The Hon. K.T. GRIFFIN: The Attorney-General interjects and says that it was there. My perusal of that report and the schedule did not indicate that there was a reference to this sort of investigation going on, or that a 'further interim report' into the practices and management deficiencies had ever been received. My questions are:

1. Did the Attorney-General receive such a 'further interim report' from the NCA and, if so, can he indicate when that occurred?

2. Was the Attorney-General kept abreast of the progress of the investigation as asserted by the Stewart report?

The Hon. C.J. SUMNER: The answer to the first question is 'No'; a report on this topic has not been received. My recollection is that it was referred to in the April statement, but no final report has been received on this topic. As to being kept informed, certain information was provided, as I recollected it, which provided the basis for the ministerial statement I gave in April, but since then no further information has been provided to my knowledge—at least no report has been provided.

The last time that I checked on that was some few days ago with the Chief Executive Officer. So, that matter has not been finalised by the production of a report to Government. I point out what I pointed out yesterday, and in fact I answered this question effectively yesterday by saying that no further reports had been received beyond those mentioned in my April ministerial statement. The reason for that is that the NCA is concentrating on concluding the investigation into public corruption—the corruption of public officials, politicians, police officers and lawyers.

It was alleged in the Masters' *Page One* report on Channel 10 in October 1988 that individuals in that category were not pursuing corruption because they had been blackmailed by brothel keepers. Those allegations were repeated to some extent in December 1989 by the ABC's *7.30 Report*, in which it sought to implicate former Police Commissioner J.B. Giles. Obviously, they are serious allegations, and the NCA has had the task in recent times of trying to track down those allegations to determine whether there is any substance in them. That has been the priority, and that has been indicated publicly several times to date. When that matter is concluded I assume that there will be reports on other outstanding matters.

DRIVERS' LICENCE TESTS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Transport, a question about drivers' licence tests.

Leave granted.

The Hon. DIANA LAIDLAW: Currently there is a 12 to 14 week waiting time for a person seeking to take a driving test. As of today, the earliest date to obtain a booking for a test is 20 February with the next option being 1 March. However, exasperated applicants have been told they may care to ring offices of the Motor Vehicles Registration Division on a daily basis and chance their luck of gaining a cancellation for later that day. The delays are more acute in the metropolitan area than in the country, and are affecting people seeking tests for both private and commercial licences.

According to advice I have received from the Institute of Professional Driving Instructors, the 12 to 14 week waiting times are having a particularly demoralising impact on the enthusiasm of people who have outlaid up to $800 for driving lessons so that they can competently undertake a

test for a commercial class 3 licence. Many such applicants are young people, currently unemployed. They believe that the big outlay on lessons (the $800 to which I referred) to learn how to drive a commercial vehicle is a sound investment as it will improve their chances of gaining a job, at a time of high unemployment levels among young people. I understand that the waiting lists for driving tests are continuing to grow because of funding cuts, which have led to a severe cut from 32 to 24 in the number of available examiners. I ask the Minister:

1. Does he accept that a 12 to 14 week waiting time is an acceptable delay for a person seeking to take a driving test for either a private or commercial licence?

2. If not, is the Minister prepared to involve licensed driving instructors in the driver testing and licensing process in order to cut the waiting times for applicants who are keen to gain an opportunity to do a driver's test?

The Hon. ANNE LEVY: I will refer the honourable member's question to my colleague the Minister of Transport in another place and bring back a reply.

TAXI LICENCES

The Hon. DIANA LAIDLAW: I am advised that the Minister of Local Government has a reply to a question I asked on 17 October concerning taxi licences.

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

Leave granted.

My colleague the Minister of Transport has advised that the question of taxi licences is still under consideration by the Government.

ELECTRICITY TRUST

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Mines and Energy, a question in relation to the Electricity Trust of South Australia.

Leave granted.

The Hon. M.J. ELLIOTT: This question may also need to be referred to the Minister for Environment and Planning for a response. Today's *Advertiser* newspaper contains a report on ETSA's increased contribution to the State's finances, up $53 million on last year. ETSA Chairman, Bob Miersch, is reported as saying the result was helped by an increase in demand for electricity.

Concern is mounting world-wide about the greenhouse effect and the need to cut greenhouse gases, of which carbon dioxide produced by burning fossil fuels is a major contributor. Australia has made significant moves in this regard. South Australia's electricity is produced by burning brown coal, which is the worst offender of fossil fuels in terms of carbon dioxide produced per unit of energy, and Australia's per capita level of carbon dioxide emissions is 13 per cent higher than the average for industrialised countries.

The Government has on many occasions been on the record expressing concern for the environment and talking about the need to move towards a sustainable economic and development situation. Cutting energy consumption, and therefore the greenhouse gases produced by electricity generation, has been recognised as one of the most basic requirements of moving towards sustainability.

Encouraging more efficient use of energy is one way of reducing consumption while not compromising living standards. In March this year, Amory Lovins, an international authority on energy, environment and development, said that Australia's current account deficit could be reduced by almost $7 billion annually in 15 years by implementing energy efficient programs. He identified electrical lighting as a major contributor to our high energy use, and one that was easily tackled. Given that the increasing demand for electricity in South Australia is causing concern to many environmentalists, my questions to the Minister are:

1. Does the Minister acknowledge that while increasing electricity demand may be great for the State's coffers it is disastrous for the environment in the long term?

2. Does the Minister acknowledge the need for reduced energy consumption?

3. What programs, if any, are in place or being considered in an effort to cut South Australia's energy needs through more efficient use of electricity?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to the appropriate Minister or Ministers and bring back a reply as soon as I am able.

AIDS IN PRISONS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Correctional Services, a question on the subject of AIDS in prisons.

Leave granted.

The Hon. J.C. BURDETT: Yesterday's *Advertiser* carried a story headed 'Clash over AIDS program for prisoners'. The clash was between Mr Justice Michael Kirby, President of the New South Wales Supreme Court's Court of Appeal and a member of the Global Commission on AIDS at the World Health Organisation, and Mr Yabsley, the New South Wales Corrective Services Minister.

The Hon. T.G. Roberts: I'll back Kirby!

The Hon. J.C. BURDETT: I don't know—wait until you've heard about it. Members will know that Mr Justice Kirby sometimes does make statements of a fairly radical nature. The clash occurred at a conference in Melbourne about AIDS, and Mr Justice Kirby suggested that there be a distribution by the Government through the authorities of syringes and condoms to Australian prisoners.

The Hon. R.J. Ritson: No heroin?

The Hon. J.C. BURDETT: No, I think you had to find your own heroin—but syringes and condoms to prisoners in Australian prisons. The article states:

> Mr Justice Kirby had said that unless prison administrators could guarantee a totally drug-free environment, it was their 'plain duty' to take steps to prevent the spread of AIDS.
>
> 'If it is too much to adopt a similar exchange system—unused for used needles—at the very least cleaning bleach should be provided in discreet ways for use by prisoners,' he said.

Mr Justice Kirby is reported as saying:

> Condoms should also be available at no cost to prisoners, despite the chance they could be used to conceal drugs or other dangerous objects . . . it is my belief that in due course even more radical steps will be needed as the AIDS epidemic penetrates Western societies by the vectors of drug-infected heterosexual males and females.

Mr Yabsley rejected the move because, he said, it could increase the incidence of violence, and condoms had been used to smuggle drugs into prisons. He also said that the answer was to try to stop the use of drugs in prisons. An article in today's *Advertiser* headed, 'Experts call for jail condom trials', states:

> More than 100 experts at Australia's first conference on AIDS and prisons have called for trial condom distribution and needle exchange programs for prisons.

My questions are: what is the Minister's reaction to this? Will he give the assurance that condoms and needles will not be distributed in South Australian prisons?

The Hon. C.J. SUMNER: I will refer the question to my colleague and bring back a reply.

CITY SIGNPOSTING

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question on the subject of city signposting.

Leave granted.

The Hon. L.H. DAVIS: Adelaide's premier cultural boulevard, its prime visitor attraction and its unique kilometre of culture, is undoubtedly North Terrace. For 10 years the signposting of North Terrace has been under review, but there is still no visible sign of progress. The Minister would be well aware that, on a yearly basis for the past five years, I have expressed concern about this inappropriate, inaccurate and downright ugly signposting, the mishmash of signposting—the rusting telephone poles.

The last time I raised this subject was in early February this year, appropriately before the Festival of Arts, which attracts many interstate and international visitors. On what is arguably the main intersection of the city of Adelaide—King William Street and North Terrace—there remains a sign with an arrow pointing down North Terrace directing visitors to the Constitutional Museum. I find it boring that this has to be raised every year, and it is extraordinary that nothing is done about it. The sign points visitors to the Constitutional Museum, although it has been called Old Parliament House for well over four years. It would not be surprising if visitors walked right on by. That fact has been made public for the past four years but nothing has been done about it.

At the same intersection the signpost has failed to mention important developments along North Terrace. It refuses to recognise the existence of three important cultural institutions, namely, the Mortlock Library, the Migration Museum and the Police Museum. This fading brown and white sign has been in error for four years.

I accept, as the Minister has pointed out on previous occasions, that the ultimate responsibility for signposting on North Terrace lies with the City of Adelaide, and I am well aware that, in response to my complaints dating back to 1985 or early 1986, she had discussions in July 1988 about signposting the important tourist attractions on North Terrace with the City of Adelaide. I am also aware that some progress has been made with the signage project in the sense that the council has appointed a design firm to come up with a concept but, as yet, we have seen no visible progress. It is excruciatingly slow and unacceptable. I am not attacking the Minister about this matter, but I would think that it would be of concern to her, as well. My questions are:

1. Why is it taking so long to do what I would have thought was not an unusually difficult thing?

2. Is the Minister aware how much money will be spent on this project?

3. When does the Minister expect this crude, inaccurate and hick approach to signposting in North Terrace to be addressed?

The Hon. BARBARA WIESE: The designs for the signs have been prepared since the honourable member asked his most recent question. The question of signposting in North Terrace is one of a number of issues that is being addressed by the committee that was formed to invigorate and better promote the North Terrace precinct. Considerable work is being undertaken. I hope that the signage in North Terrace will be improved in the very near future. As to the costs of the program, I do not have that information with me, but I will provide it for the honourable member. I expect that the proposals of the committee now addressing this issue will begin to take shape in a number of areas in the near future.

The Hon. L.H. DAVIS: I have a supplementary question. Does the Minister have any idea when this new signposting will be in place?

The Hon. BARBARA WIESE: I must say that, in the general course of events, there are many, many issues that are of much greater importance and urgency to me than individual signposting projects. Although I have indicated on numerous occasions to the Hon. Mr Davis that I have initiated all over the State extensive signposting projects, many of which have been implemented, many others are still in the pipeline. I hope that, before very long, the signposting of all regions of the State will have been improved significantly.

As to the particular date for the North Terrace project implementation, I have not been given an update in recent times, but, as the honourable member requests it, I will be happy to provide information about the proposed completion date at the same time as I provide information about the costs of the project.

TREE POISONING

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Water Resources a question about a practice of the Engineering and Water Supply Department.

Leave granted.

The Hon. J.F. STEFANI: Recently I was informed that the Engineering and Water Supply Department is undertaking a program of inspection and maintenance of stormwater drains in a north-eastern suburb. Part of that program is to clear drains blocked by tree roots by flooding poison into the drainpipes. The poison is intended to kill the tree which is causing the blockage. My questions are:

1. Will the Minister confirm that such procedure has been adopted by the Engineering and Water Supply Department?

2. Will the Minister advise what chemical or poison has been used?

3. What precautions have been taken by the Engineering and Water Supply Department to ensure that the residual poison or chemical in the stormwater pipes is not discharged into our waterways during rainy periods?

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

PARKS AND GARDENS WATERING

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Local Government a question relating to the Adelaide City Council and parklands watering.

Leave granted.

The Hon. I. GILFILLAN: Adelaide City Council currently has the responsibility of maintaining the city's parklands, and according to figures quoted to the media by Lord Mayor Steve Condous last week council spends approximately $6 million a year on parks and gardens. However,

the Government has now indicated in statements from the Premier that it wants council to begin paying for excess water used in maintaining city parks. As I understand it the Government has set an annual water allowance for council of 850 000 kL and any water used beyond that limit must be paid for by council. Government figures show that Adelaide City Council used 680 785 kL in 1986-87, well under the 850 000 kL allowance, but by 1988-89, consumption had jumped to 970 523 kL.

The Lord Mayor says that an historical agreement exists between the council and State Government which does not require council to pay for any water for the maintenance of the city's parks and gardens. The parks and gardens of Adelaide form part of the fabric upon which the city has been built in the past 150 years and for which today Adelaide is widely known around the country. My questions are:

1. If the Adelaide City Council is forced to pay for excess water used on our parks and gardens, will the Minister give an undertaking that the cost of maintaining watering requirements can be achieved without an increase in council rates or a cut in other council services?

2. The Lord Mayor has already indicated the council has taken steps to install a computer operated spinkler system to cut down on water requirements. Will the Minister explain why there was an increase of more than 30 per cent in water usage from 1986-87 to 1988-89?

3. Given such a large increase in water requirements by council during that period, will the Minister indicate what increase in costs council will face if it is forced to pay for excess water?

4. Will the Minister outline what type of alternatives have been considered by the Government when it states that it is prepared to help council find other sources of water?

The Hon. ANNE LEVY: The majority of those questions are questions for the Minister of Water Resources rather than me. I understand that there has been concern that the City Council's use of water for the parklands has been increasing over a number of years, although I appreciate that it fell back last year. I am sure it is the experience of many people wandering through the green areas of the parklands that they are being watered unnecessarily, or, it would seem, excessively at times: one must wade through mud in the middle of summer, obviously the result of more water that is needed being put on. There are, doubtless, leaking taps and faulty pipes which—

The Hon. Peter Dunn: How often do you walk through the parklands?

The Hon. ANNE LEVY: Although interjections are out of order, I am happy to inform the Hon. Mr Dunn that I walk through the parklands at least twice a week, often four times a week, although why the honourable member might be interested in that piece of information I cannot imagine. The effects on rates would obviously depend on the amount of excess water used. I am certainly delighted to learn that the City Council is installing a computerised watering system. I am sure this will mean that excess watering will not occur, that one might not be able to see sprinklers going in the parklands while it is raining, which I am sure many people have seen at various times, or sprinklers going in the heat of the day, which is a very wasteful way of watering. I hope that with the computerisation of the watering system the wasting of water can be prevented.

In my experience people who have installed computerised watering systems in their own garden find that their water consumption decreases markedly, and they make considerable savings. I am afraid I cannot give more precise information on the matters raised by the honourable member, but I will certainly take them up with my colleague in another place and, if necessary, with the Adelaide City Council itself.

The Hon. I. GILFILLAN: As a supplementary question: I was not sure whether the Minister picked up the point of the final question, which was the undertaking by the Government to help council find other sources of water. Is the Minister aware of that undertaking? Will the Minister bring back information to this Chamber if she does not have that at hand what those other sources are expected to be?

The Hon. ANNE LEVY: I apologise. I am aware of that undertaking by the Government. I will certainly seek further information on that. I presume it means searching for or sinking bores, or like sources. I know the E&WS has in recent times worked with Carrick Hill to sink bores and determine underground sources of water, so that Carrick Hill is now able to provide the extensive watering required in the beautiful gardens there. I presume the same type of water source is being referred to for the parklands, but I will check with my colleague in another place and bring back a reply.

ROSEWATER RAILWAY CROSSING

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking a question of the Minister of Local Government, representing the Minister of Transport, on the subject of the railway crossing on Newcastle Street, Rosewater.

Leave granted.

The Hon. BERNICE PFITZNER: Last year, I was a candidate in the electorate of Price, which is in the Woodville and Port Adelaide area. It was reported to be the strongest Labor electorate in the whole universe. It is not now. During that time, it was identified that the railway crossing on Newcastle Street, Rosewater, was dangerous, with three to five fatalities having occurred. The last fatality was two to three years ago when an elderly couple drove across the crossing on their way to church.

A petition was signed by approximately 200 to 300 people requesting that a boomgate be put at the crossing. This petition was given to the Hon. Mr Blevins last year. The problems of the crossing are increased road traffic, poor visibility of the oncoming train and railway flashing signals at times not coordinated with the oncoming train. A resident who lives in view of the crossing has reported a few near accidents, and she believes that it is only a matter of time before another fatality occurs. The local member of Parliament has also been informed. My questions are:

1. What is the Government going to do about this dangerous situation?

2. Does the Price community have to expect such a slow response because it is such a safe Labor electorate?

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

RUHE COLLECTION

The Hon. DIANA LAIDLAW: My questions are directed to the Minister for the Arts:

1. When does the Government anticipate hearing that the estate of the late Professor Edmund Ruhe will be wound up?

2. What is the anticipated sum required to purchase the collection, considering that a figure of $1 million was mooted

in August 1989, when it was first announced that the collection was available for purchase? I anticipate that that price might have gone up since then.

3. What arrangements have been made to secure the funds required to make an offer for the collection and to provide for the storage, exhibition and publication of the collection if and when purchased on behalf of the South Australian Museum?

The Hon. ANNE LEVY: As far as I am aware, the estate has not yet been wound up. On my latest information, that is not expected to occur until February or March of next year. Certainly, along with everyone else, I will be delighted when the estate is wound up because, at that time, negotiations will be able to commence regarding what the expected cost might be of the collection, and where sources of funds might be found.

It is very difficult to conduct negotiations on such matters when one is not aware of what the price will be. It is just not possible to do so at present. As the honourable member knows, one member of the Ruhe family visited Adelaide a few months ago and cordial relations were established between Mr Ruhe and the South Australian Museum. I am sure that that contact will be maintained and that, once the estate is wound up, proper negotiations will be able to begin.

PESTICIDES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question in relation to inert ingredients in pesticide.

Leave granted.

The Hon. M.J. ELLIOTT: There is legislation in South Australia in relation to pesticides for farm use, but this question is much broader than just that. I quote from a magazine known as *Newsday* published on 21 October 1986, talking about inert ingredients in pesticides, as follows:

> The next time you pick up a can of household bug spray, read the label carefully. You might note that as much as 99 per cent of the product is listed only as 'inert ingredients.'
>
> Public health officials now warn that these secret ingredients are largely unregulated and untested—and can be just as hazardous as the active ingredients in pesticide products.
>
> Inerts are the solvents and other substances that dissolve, propel and otherwise enhance the active ingredients in pesticides. Growing evidence suggests that some of these substances are highly toxic and cause thousands of the pesticide poisonings reported nationwide each year.
>
> The toll in poisonings from inerts in pesticides alone may be substantial. Of the 1 000 cases of pesticide poisonings logged annually at the Delaware Valley Poison Control Center in Philadelphia, 'at least 50 per cent are due to inerts,' says executive director Tom Kearney.
>
> The Environmental Protection Agency estimates that at least 1 200 inerts are used in 50 000 pesticide formulations on the US market. About 100 inerts are known or suspected health hazards. Their effects include cancer, central nervous systems damage and skin rashes.
>
> Toxicology data is lacking for an additional 800 inerts. Only about 300 inerts, or a quarter of those in use, have been cleared by the EPA as safe.
>
> The EPA is now trying to formulate a policy for regulating inerts in pesticide products. The agency has released lists of 55 inerts ingredients 'of toxicological concern,' and 51 inerts with chemical structures 'suggestive of toxicological concern.' The EPA has sent letters to manufacturers recommending they remove inerts of toxicological concern from their formulae.

I ask the Minister: what studies have been done in South Australia, or what knowledge is there as to what the inert substances are that are used in many of these spray formulations, etc?, Can the Minister return with such information?

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

RUBBISH DISPOSAL

The Hon. J.C. IRWIN: I believe the Minister of Local Government has a reply to a question that I asked on 7 November regarding rubbish disposal.

The Hon. ANNE LEVY: Yes, I have a reply for the Hon. Mr Irwin and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

My colleague, the Minister for Environment and Planning, has advised that there is no proposal at present to charge for household garbage collection on a weight basis in South Australia. The Waste Management Authority in New south Wales has expressed some interest in the scheme and may consider a trial program.

Equipment is available which will weigh the contents of a rubbish bin, read a household bar code on the bin and record a debit against that household at the same time as it empties the bin into a collection vehicle. The householder would be subsequently charged, for example, on a quarterly basis. This method is seen to be a useful adjunct to a waste minimisation and recycling program which would reward householders who minimised their waste for disposal and maximised their recycling efforts. Others who did not participate in recycling would face increased charges consistent with their larger volume of waste to be disposed.

However, before such a charging system could be contemplated, waste minimisation and recycling programs would have to be fully established and available to the community in general, and many potential problems addressed, including those foreshadowed by the honourable member.

The Waste Management Commission in South Australia is aware of the technology and supports the concept in principle. The Commission will be maintaining a close liaison with their New South Wales counterpart on this issue.

MOUNT LOFTY RANGES SUPPLEMENTARY DEVELOPMENT PLAN

The Hon. ANNE LEVY: I also seek leave to have inserted in *Hansard* without my reading it a reply to a question asked by the Hon. Mr Gilfillan on 8 November about the Mount Lofty Ranges Supplementary Development Plan.

Leave granted.

My colleague, the Minister for Environment and Planning, has advised that the Planning Act provides, under section 43 (3) *(a)*, that a supplementary development plan brought into operation ceases to operate when the the Governor terminates the operation of the plan. This can occur at any time up to 12 months from its commencment date.

The introduction of the Mount Lofty Ranges No. 2 SDP on 8 November 1990, was accompanied by the termination of the original SDP, and therefore the Minister sees no difficulty regarding the legal position.

The No. 2 SDP is on exhibition until 23 January 1991, and the community has the right to make submissions to the Advisory Committee on Planning until that date. Appearance rights are also available at the public hearing scheduled to be held on 28 February 1991.

Consideration was given to comments received from the public, councils and government agencies in the framing of the No. 2 SDP. Adjustments to the provisions were made

following concerns raised in submissions about the controls imposed in the original plan.

The Minister can given an assurance that no new interim SDP will be introduced before the end of the consultation period for the No. 2 SDP. It is intended however that a new supplementary development plan, arising out of the Mount Lofty Ranges Review Strategy Report, will be introduced within six months of the exhibition of the No. 2 SDP. Public comments on the No. 2 SDP will be taken into account in the formulation of these longer term policies.

SCHOOL COMMUNITY LIBRARIES

The Hon. ANNE LEVY: I now seek leave to have inserted in *Hansard* without my reading it a reply to a question about school community libraries asked by the Hon. Mr Lucas on 7 November.

Leave granted.

Geranium Area School does not have a school/community library. Its library is a depot of the Lameroo School/Community Library. There are no cuts proposed to school/community libraries and the assurances given last November are continuing to be honoured.

Depots of school/community libraries are established by local decision. In the case of Geranium, the depot was established by joint arrangement between the council and the two schools. No Libraries Board subsidies have ever been provided to this depot.

The change in status of the school library at Geranium that doubles as the depot, has been made for sound educational reasons. The quality and range of teaching at Lameroo has been strengthened by transferring secondary students from both Pinnaroo and Geranium Area Schools.

Other country communities operate depots in schools with similar staff complements by using volunteers. This was the way the local institute, which was replaced by the depot, operated. Other country communities use the school bus service to deliver books.

SPEED LIMITS
SHEEP BURIALS

The Hon. PETER DUNN: Has the Minister of Local Government an answer to a question that I asked on 8 August 1990 about speed limits between Gepps Cross and Cavan, or to a question that I asked on 6 September 1990 about burying sheep in the Lower Eyre Pensinsula District Council area?

The Hon. ANNE LEVY: I have not been supplied with answers to those questions. They would, of course, have been referred to the appropriate Minister, and I can assure the honourable member that whenever I receive a reply it is provided at the first possible opportunity. I will, however, follow up with the Ministers concerned to see whether answers can be expected in the near future.

OFFICE OF REGULATION REVIEW

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General a question about the Office of Regulation Review.

Leave granted.

The Hon. J.C. BURDETT: Members would have recently received the 1989-90 annual report of the Office of Regulation Review. The section on the office of the Government Adviser on deregulation sets out the duties given by the Government to that organisation, and one of them is 'to report annually to the Government on the total cost savings in the public sector from regulation reviews'. This report does not contain any details of that. Of course, that report was to be made annually to the Government on the total cost savings in the public sector from regulation reviews. I would like to know if the Minister can, in due course—obviously he is not carrying this information around in his head—what were the total reported cost savings in each department since the office was established?

I understand the Minister cannot be expected to know this, but the reason I asked the question without notice was so that I could refer to this report and to the role as stated in the report. I ask the Minister if he would find out that information and bring it back at an appropriate time.

The Hon. C.J. SUMNER: I will seek a report and bring back a reply.

REGIONAL RAIL PASSENGER SERVICES

The Hon. DIANA LAIDLAW: I ask the Minister of Local Government, representing the Minister of Transport, a series of questions following the decision last Thursday by the Federal Minister for Land Transport to close South Australia's regional passenger services by the end of the year.

1. Has the Minister written to the Federal Minister advising that the State Government will take the closure of the Blue Lake rail service to Mount Gambier to arbitration?

2. Why will he not take the Silver City service to arbitration, recognising that passenger rail services operated prior to 1975 from Adelaide through Crystal Brook and Peterborough to Cockburn on the South Australia-New South Wales border?

3. Why will he not take the closure of the service to Port Pirie to arbitration, recognising that such a service operated prior to 1975 between Adelaide and Port Pirie?

4. As there is no provision in the Rail Transfer Agreement for the appointment of an arbitrator, does the Minister envisage that he will have a role in the appointment of this arbitrator or that the decision will be made solely by the Federal Government?

5. As there is no provision in the agreement for the resolution of a deadlock, if and when the State and Commonwealth Governments cannot agree on the appointment of an arbitrator, does the Minister envisage that a deadlock on this matter could mean that there would be delay in resolving the decision by the Federal Minister to close the line and that that delay may be interminable?

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

STOCK BILL

Third reading.

The PRESIDENT: I certify that this fair print is in accordance with the Bill as agreed to in Committee and reported without amendment.

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

That this Bill be now read a third time.

There was a question outstanding that was raised by the Hon. Mr Gilfillan and the Hon. Mr Gunn yesterday as to the powers under this Bill, once passed, to deal with diseases

in stock. It is still an offence to keep lousy sheep and not to comply with instructions to treat that stock. The penalties are contained in the regulations. The question raised specifically was whether the Bill contained provisions adequate for the control of lice, ked and itch mite in sheep, without requiring compulsory dipping, and, in particular, whether an inspector could order the owner of lousy sheep to dip the sheep or whether a proclamation would be necessary to achieve that end.

The Bill provides measures for the control of such parasites in the same manner as it provides for the control or prevention of the spread of any other disease to which the Bill applies. Provisions are contained in the Bill that empower inspectors to require stock found to be diseased to be subjected to treatment without requiring proclamations to be made in relation to particular stock. The diseases to which the Act applies must be proclaimed under clause 5. The Bill expressly provides that parasites and pests may be proclaimed as diseases. This proclamation will be made at the same time as, or before, the Act is brought into operation.

Clause 16 provides that it is an offence for an owner of stock to fail to report to an inspector any suspicion that the stock are diseased. Whether or not such a report is made, an inspector has the power under clause 17 to investigate whether stock are diseased. If an inspector knows or reasonably suspects that stock are diseased, clauses 19 and 20 provide the inspector with various powers relating to the stock, including the power to order the stock to be subjected to specified treatment such as sheep dipping. Where necessary orders could also be made under clause 21 as part of a more general clean-up operation or to prevent the spread of disease.

Clause 24 makes it an offence to contravene or to fail to comply with any such order. Clause 22 enables an inspector to take action to give effect to an order that has not been complied with and enables the Minister to recover the cost of the inspector doing so. The above provisions apply to both diseases found within Australia and to exotic diseases, which was the point raised yesterday in Committee by the Hon. Mr Dunn.

Clauses 25 and 26 contain additional provisions in relation to exotic diseases. In addition it should be noted that compulsory dipping could be reintroduced in the regulations if this becomes desirable in some future circumstance that cannot currently be foreseen. Clause 39 (2) *(a)* provides, amongst other things, that the regulations may prescribe treatments to which stock must be subjected. All that means is that the answers that I gave yesterday to the questions asked by the Hon. Mr Dunn and the Hon. Mr Gilfillan were correct and that, therefore, whilst obviously Mr Dunn will still object to the removal of the compulsory sheep dipping provisions, Mr Gilfillan's concerns have been met.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (MERGER OF TERTIARY INSTITUTIONS) BILL

In Committee.

(Continued from 21 November. Page 2092.)

New clause 44a—'Parliamentary Committee'—moved by the Hon. R.I. Lucas.

The Hon. BERNICE PFITZNER: I want to speak to new clause 44a. In this Council, we try to argue dispassionately. However, when one is attacked personally and becomes involved at a personal level it is difficult to be dispassionate, and then clear thinking fades away. I hope that this has not happened to my colleague the Hon. Ms Levy as there is some evidence of vagueness in the statements she made yesterday.

First, in regard to my second reading speech, let me refresh her memory. I said in my second reading speech that the Schools of Medicine and Dentistry share a common course work with the School of Pharmacy. I also said, and it is reported in *Hansard*:

> I would argue for the establishment of a Centre for Health Sciences of the University of Adelaide consisting of the three schools, the campuses of which are all located along Frome Road . . .

It is obvious that my concept was that of a Centre for Health Sciences, not just pharmacy as was insinuated by the honourable member. The health sciences that I envisage are dentistry, medicine and pharmacy, as stated in my second reading speech. I group them together because they have a commonality of course work; they are the most closely similar and they have research experience. So, I was not just talking about pharmacy. I would encourage people not just to look at things superficially and only to get a perception of things, but to look for the truth.

The other disciplines of nursing, physiotherapy and occupational therapy are traditionally alluded to as allied health sciences. In my concept of a truly national and international class Centre for Health Sciences, the former three disciplines of dentistry, medicine and pharmacy are ahead in research, and it is research that wins prizes for academic excellence and puts one on the map, so to speak. However, if the allied health sciences wish to be part of the centre, there should be no difficulty.

The other misconception of the Hon. Ms Levy was that, because of my support for a Centre for Health Sciences, that was the only group I considered. With due respect, that is a very myopic interpretation. As I am aware of my colleague the Hon. Ms Laidlaw's support for the arts, and as I am also aware of the Elton Mayo management group, it would be illogical not to have also considered them. I choose to support and articulate on the Centre for Health Sciences as that is my area of expertise. Again I say: do not just look superficially for the perception, but look for the truth.

I now come to the proposed parliamentary review committee, which should be seen as a facilitating mechanism to monitor and evaluate the merger's progress. It will not intrude on rights—the Federal Government has already made that intrusion. The parliamentary review committee will help to provide a balanced and comprehensive view of issues. For my part, it will facilitate a national, and perhaps an international, Centre for Health Sciences for Adelaide. However, I reiterate that, in strongly supporting the concept of a Centre for Health Sciences, I do not preclude the other disciplines. In fact, I would encourage the other disciplines to use the proposed parliamentary review committee as a facilitating mechanism to achieve their 'centre of excellence'. I am all for academic excellence for all disciplines and deplore the lowering of standards which will turn us into one big mediocre mess.

The Hon. M.J. ELLIOTT: I do not support the motion for the establishment of a parliamentary review committee. I would not discount the possibility of such a committee in the future, but I do not see the need for it at this time. As matters progress, if the mergers go awry there may be a need for such a committee, but I do not see that at this stage.

There is no doubt that the Opposition and the Democrats share the same concerns about the whole way in which this whole merger process has been handled. Before the mergers,

many questions should have been asked. They were not asked and therefore there were no answers.

A clear example of those sorts of things is the suggestion that a health sciences centre could be established at the Adelaide University. It is not a matter of supporting or opposing that notion, but it is an important question that should have been asked and answered before the whole merger process went ahead. There is also another review in process in relation to the performing arts that, once again, may have been more easily tackled if it had reported before rather than after the merger went ahead.

So, I do not think there is a great deal of disagreement or concern about the merger process so far, and the two to which I have referred are not the only concerns that should have been tackled. However, we are in a position now where the mergers are going ahead, and I am forced to ask myself what would the review committee achieve at this stage. I do not believe that it would achieve a great deal. Either it gets itself involved at a very exhaustive level, in which case all the questions it could ask could have it working forever, or else it could work extremely superficially. In either case I do not think it would be of great benefit. The fact is that Parliament does have a window into various institutions because there are parliamentary representatives on the various councils. There is nothing to stop them from sitting around a table at some time and exchanging views, if it is simply information that the parties are seeking. In fact, the only group that is locked out of that window at this stage is the Democrats who do not have somebody on the council of any of the institutions, whereas the other Parties do.

At this stage—and I do say 'at this stage'—I am not supporting a parliamentary review committee, because I really do not think there is a task for it to perform that cannot be done in other ways. If things do go awry there may indeed be need for a committee. Certainly, earlier this year I suggested a need for a select committee because I have been approached by several institutions, as the whole process was going nowhere and was causing a great deal of confusion and frustration, and perhaps even damage, within the institutions. Because I was approached by them I said that I would consider it. Ultimately, the institutions that had approached me came back and said, 'We have changed our minds.' If there is something about which I am very careful, it is poking my nose into the institutions when they do not want it done.

There is no doubt that over recent weeks the only personal lobbying I have received has related to the centre for health sciences. I have not been lobbied by any other interest group anywhere else saying that it wants things looked at. It seems to me that, if you can take lobbying as a measure, that appears to be an urgent issue. However, since I have been involved in discussions there have been other related issues in the health science area, and I am not simply talking about pharmacy or the centre for health sciences.

Some four weeks ago, or maybe slightly longer, I suggested to the Minister that an independent review would be a worthwhile way to go. Although I say 'the Minister', I was talking to his advisers. However, the idea was not met particularly warmly, I must say. There has now been a change of mind, and I suppose one could speculate whether or not the Liberal Party's motion for a parliamentary review committee caused that. Nevertheless, negotiations have gone forward.

I sent to some of the people who had been lobbying me copies of the draft terms of reference and which, quite clearly, were distributed further. I have had quite a bit of feedback from people who have indirectly received various drafts, and I have talked to a number of groups about possible amendments. We have now come to a position with which I feel comfortable, and I am not sure whether it would be accurate to say that the Minister feels comfortable with it or accepts it. Nevertheless, we have come to an agreement on terms of reference for a health sciences education review. I seek leave to table a document which outlines the agreement that was reached, and then I will discuss it.

Leave granted.

The Hon. R.I. Lucas: Who is the agreement with—you and the Minister?

The Hon. M.J. ELLIOTT: Directly, yes, but we have talked with quite a few other people in the process. The object of the review within the resources presently available in health sciences education in South Australian universities is to examine those practices and operational arrangements which optimise high quality research and teaching in health sciences, and whether education and health sciences in South Australia operate within the most appropriate structural arrangements. The review will comprise no more than three persons appointed by the Minister of Employment and Further Education after consultation with the South Australian Group of Executives (SAGE) of tertiary institutions and with interested academic heads.

The Hon. R.J. Ritson: Who will they be?

The Hon. M.J. ELLIOTT: I should imagine that for a beginning the head of pharmacy would be an interested head—as well as the heads of the dental school and medicine at the Adelaide University; there will be many. At one stage it was discussed whether or not the consultation should be with SAGE alone, but I was very aware of the fears of some people that the bureaucracy of institutions might not reflect the views of the various departmental heads. I think it is important that when the Minister is appointing people for the review he take into account not only the views of SAGE (although that is obviously very important, since ultimately it will have to consider such a report) but also the fact that someone who would cause concern to any of the interested academic heads should not be placed in charge of the review.

None of the review team will have a direct relationship with any of the South Australian universities, and the review, which will report jointly to the Minister and SAGE by 30 September 1991, will be released publicly. I would expect (and I believe it is the Minister's intention) that the document should be tabled in both Houses of Parliament.

The Hon. R.I. Lucas: Is that the advice of the Minister: that he will table it?

The Hon. M.J. ELLIOTT: That is one question that I will be asking the Minister in this place. But, that is my expectation. In preparing its report, the review will examine and evaluate the establishment of an integrated centre for health sciences within one university; the nature and extent of current and likely future personnel needs of the health industry; processes of collaboration, cooperation and transfer of disciplines between universities which will best serve the interests of teaching, research and health sciences; and the adequacy of resources and facilities currently available to health science education and likely to be available and required in the future. It will also examine the means by which research collaboration will enable universities to be more competitive and have greater access to grant moneys; the formal recognition of distinct major academic disciplines; and the relationships between health science education and related academic disciplines, especially the physical and biological sciences, and the social and behavioural sciences.

In its work the review will consult with and receive submissions from the educational institutions, relevant teaching departments and schools, all sectors of the industry and other interested parties. To be certain, such a review has no teeth, but in the first instance nor does a parliamentary review committee. I think ultimately if Parliament decides to interfere it will decide to interfere. All I am asking is that any initial review should be carried out by a team set up specifically for the purpose, and in this case specifically looking at health sciences education; and that we receive reports—as indeed will SAGE. One hopes that if the review acts in a truly independent fashion its recommendations will be treated seriously and not avoided by the institutions. However, I think it is important that we have a review that operates without any political or bureaucratic agendas—as much as one could hope that it could operate.

Some concerns have been expressed to me about the need for equal opportunity issues to be taken into account when such a review is set up. I hope and expect that that will be the case. If we end up with a review of, perhaps, three persons, and if the Minister decided to include a medical practitioner on such a committee, the Minister would have to think immediately about including two other people from divergent parts of the health field, for instance, nursing and physiotherapy. The Minister should seek that balance or, more advisedly, get an independent person who does not operate from what some people might suggest as a vested interest.

I am not supporting a review committee at this time. I do not believe that it is necessary or that members in this place have the time. We have an immense workload with various committees, and it is increasing; I do not see any prospect of its being reduced. We need to be careful as we set up these committees. I have great faith and hope that this review will work effectively. I hope that it will receive support. I have had indications already from people who have been lobbying for the parliamentary review that this will serve the same purpose.

The Hon. DIANA LAIDLAW: I have a number of questions for the Minister relating to the performing arts. For very good reason, the Minister for the Arts and the Minister of Employment and Further Education in March this year established an inquiry chaired by Ms Mary Beasley to look at performing arts training in this State. I commended its establishment and, indeed, the Government, on the initiative, and I look forward to the consequences of that inquiry. Initially it was anticipated that the inquiry would report on 30 September. It has since been determined that that date will be extended until mid-December, but 30 September was satisfactory and desirable in terms of the current restructuring between the tertiary institutions. It was thought that any proposals by the inquiry, if accepted by the Government, could be incorporated in the restructuring process.

Without the parliamentary committee which is proposed by the Liberal Party and which would look at such a report and make recommendations, in consultation with the Government, on the implementation of the inquiry's report, how does the Minister envisage that the report will be implemented? These are crucial questions when one considers the inquiry to which the Minister has referred and which has been supported by the Australian Democrats in respect of the health sciences. It is all very well to have an inquiry to look at these issues, but the major interest concerns the implementation of the recommendations. We do not want an inquiry looking just at the performing arts in this State, and promising to rid the State of a great deal of the proliferation of training outlets and institutions and seeking the establishment of a peak training institute which would be a centre of pride and excellence in this State and country. Hopefully, it will be a source of attracting outstanding teachers and thus encourage a flow of international students also to attend.

It is very difficult when the Minister, the Parliament or the State has a vision of what could happen in relation to the performing arts, but one must then battle through the proliferation of tertiary institutions which the Minister says are essentially off limits because we have to respect the intellectual and academic integrity of these institutions, and should not interfere with them. I do not know how the Minister imagines the recommendations will be implemented, if acceptable, in setting up the inquiry into the performing arts, when she uses the arguments which she has used to oppose the Liberal Party's parliamentary committee proposal.

Because of those concerns, the proposed committee of inquiry for the health sciences is in danger of running into the same problems which I envisage for the performing arts. It is a fact that these institutions are territorial, and they do not necessarily have, and are not required to have, a State or national perspective, or necessarily act in the interests of the State or nation, let alone in the interests of the performing arts. I have for this very reason been very supportive of the amendments moved by the Hon. Mr Lucas, because I believe that the Parliament could act as a body to try to prod, advise, recommend and monitor. It would not have power to enforce, but perhaps it could encourage these territorial institutions and schools within the institutions to look at the broader picture.

The Hon. ANNE LEVY: I do not want to enter into this debate, having given the Government's position yesterday. However, I would like to say that the Government is happy to confirm that the report from this independent committee on the health sciences will be available publicly and will be tabled in Parliament. In response to the Hon. Ms Laidlaw's query, it is true that it is difficult to have it both ways—to accept the autonomy of higher educational institutions and to enforce State and/or national priorities on them if they do not wish to undertake them.

With regard to the performing arts inquiry, it has taken longer than expected because of the need to consult fairly widely. Certainly, approval was granted quite some time ago for its reporting time to be extended to shortly before Christmas. I emphasise that a report from such a committee is no different from that which would apply to a report from a parliamentary committee. It has no power to enforce: it can only advise, prod, recommend and so on. It is in exactly the same category as the proposed parliamentary committee.

I remind members that the inquiry into training for the performing arts involves more than the universities and the current College of Advanced Education, in that it also involves the Department of TAFE, which has nothing whatsoever to do with the mergers between the tertiary institutions, the subject of the legislation currently before the Council.

I also remind members that the legislation we are considering is about mergers. As has been stated on numerous occasions, any question of reorganisation and reallocation within merged institutions is a matter to be considered initially by the institutions themselves after the mergers have occurred.

The Hon. DIANA LAIDLAW: The Minister outlined how she and/or the Government envisaged final recommendations of the inquiry into training for the performing arts would be implemented, if the Government accepted

the recommendation for an academy of performing arts. How does the Minister consider that it would be adopted and implemented by these tertiary institutions, including TAFE? That is the crucial point. We could have all these inquiries and investigations but, if we keep insisting on the autonomy of these institutions which are very heavily funded by the public, we may not necessarily be doing what is in the State's best interests.

The Hon. ANNE LEVY: I do not really see what this has to do with the amendment that is being debated, but I indicate that the Government would see any recommendations being implemented by negotiation with the institutions concerned, and by the provision of any resources which might be necessary for their implementation. If legislation were required for implementation, it would be done with the agreement of the institutions concerned.

The Hon. R.I. LUCAS: I just want to make two points in response in part to comments by the Hon. Anne Levy and the Hon. Michael Elliott. Yesterday, the Hon. Anne Levy said:

> The Hon. Mr Lucas implied that the Government had certain policies at certain times, and that is without foundation.

That could be interpreted in a couple of ways. The Minister could be interpreted as saying the Government does not have any policies at all and never had any policies at any time. I suspect that what the Minister was trying to say was that she was denying that the Government had changed position in relation to its attitude to higher education. In that context, I will look at the draft white paper.

Yesterday the Minister made a point of distinguishing between green papers and white papers and, in seeking to do so, indicated that the document to which I was referring was a green paper. I will quote from the document, which is the draft white paper, not the green paper, as follows:

> In releasing the State green paper for comment the Minister indicated that proposals for any restructuring of higher education in this State should aim to . . .

A whole series of recommendations, which I will not read, were listed. This document was published after the green paper was released, and it is certainly not a green paper. On page 1.4, the document states:

> The decisions set out in this paper present a historic opportunity for those involved in higher education to respond positively to the future needs of the community. Notwithstanding this, it is recognised that all change, and the changes proposed here are significant, brings costs with it and that, in the process, some particular interests will be harmed. It is to be hoped that those interests will recognise that what is taking place is for the benefit of all South Australians.

On page 4.9, the document states:

> On the basis of the several factors outlined above, the Government proposes that two universities be established, consisting of the following campuses.

In no way can the Minister suggest that the Government has not changed its policies in relation to higher education. Under Minister Arnold, it was a fervent advocate within the higher education community for the two university model. Subsequently, under Minister Mayes, in the lead-up to the State election, it backed right away from that policy stance, in effect saying that it would leave it up to the institutions to resolve the issue. I offer that as evidence of some of the changes in Government policy over the past three years in relation to higher education.

The second and final point I make in relation to this question of a committee is that, in my contribution yesterday, I devoted much of my argument to the varying submissions for rationalisation of course offerings by the Government, the Minister in particular, the Office of Tertiary Education and other interested bodies. Importantly, there is another role for this body, and I will instance the problems that are currently being experienced by some at Roseworthy in relation to the merger of that college with the University of Adelaide.

There are merger agreements, but there is no mechanism for monitoring the implementation of or the adherence by the University of Adelaide to the merger documents. Some concern is already being expressed by prominent members of the Roseworthy community that some aspects of the merger with the University of Adelaide are not being adhered to by that university. There is concern that some of the essential flavour of Roseworthy and some of its courses is being submerged by the University of Adelaide in the merger between the Waite Institute and Roseworthy College as part of one new faculty within the University of Adelaide.

Anyone who has contact with Roseworthy would be aware that, while it is not being said that the whole process has floundered—I am not suggesting that at all—there is concern about the adherence by the university to the merger documents. Indeed, the same criticism might be made over the coming 12 months about some of the other merger documents, as well. This amendment provides a process for someone independent of the institutions to monitor and advise on adherence to the merger documents.

What the Hon. Mr Elliott is saying, and what the Government is saying, is that they are not prepared to facilitate that. Therefore, there will be no outlet, no formal oversight committee or formal monitoring committee, to enable Parliament and the wider community to be made aware regularly as to the costs and benefits of mergers or the problems that have been associated with the mergers that have gone ahead. In his contribution, the Hon. Mr Elliott said that, prior to the merger procedure, he supported a committee, but he does not support one now, although he might support one in the future.

The Hon. M.J. Elliott: Gross simplification.

The Hon. R.I. LUCAS: Well, if that is contrary to what the Hon. Mr Elliott said, I suggest that he check *Hansard.* He certainly said that he supported a select committee prior to the mergers going ahead; he then backed off for varying reasons.

The Hon. M.J. Elliott: I didn't say that.

The Hon. R.I. LUCAS: You are on the public record.

The Hon. M.J. Elliott: You check it and read it.

The Hon. R.I. LUCAS: You are on the public record as advocating it. You only have to read the *Advertiser* to see that you are on the public record. For varying reasons, the Hon. Mr Elliott backed off and does not support it now but, some time in the future, he might. I cannot keep up with the changes of mind of the Hon. Mr Elliott on some matters, and I cannot keep up with him on this matter, either.

As I said, the problem is not only in relation to the fact that this independent committee will consider only one particular matter and cannot consider others, but equally it will not be able to monitor the benefits, the costs, the problems and the good aspects of these mergers that have gone ahead, in particular adherence to merger documents. Indeed, if the Democrats proceed to vote as they have indicated, that will be a very sad end to this debate, and the opportunity for the Parliament and the community to be provided with some information as to the benefits of mergers.

The Hon. ANNE LEVY: I reiterate that the documents from which the Hon. Mr Lucas has been quoting have never been endorsed by Cabinet, and so have never had the authority of being Government policy.

The Hon. R.I. Lucas interjecting:

The Hon. ANNE LEVY: No. With regard to the problems he raises regarding mergers, and whether the spirit of merger documents is being followed, I am informed that the administrations of the universities have said that, if any indication can be given to them that the merger agreements are not being followed, they will take the appropriate action to ensure that they are.

The Committee divided on the new clause:

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

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

Majority of 1 for the Noes.

New clause thus negatived.

Clauses 45 to 57 passed.

Clause 58—'Superannuation.'

The Hon. ANNE LEVY: I move:

Page 18—

Line 10—After 'statutes' insert 'or regulations'.

Line 13—After 'statutes' insert 'or regulations'.

These amendments are being moved to the definition of a graduate at the request of the university to ensure that there are no complications regarding differences beween statutes and regulations of the university.

The Hon. R.I. LUCAS: What is the reason for the further amendment? What was the possible complication under the original drafting?

The Hon. ANNE LEVY: As I understand it, the university has degrees which are constituted under its own statutes and its own regulations.

Amendments carried; clause as amended passed.

Remaining clauses (59 and 60) and title passed.

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

That this Bill be now read a third time.

The Hon. R.I. LUCAS (Leader of the Opposition): At the end of the debate on the two companion Bills, I indicate publicly my appreciation to the Minister of Employment and Further Education and his staff for the way in which they have conducted the discussion in consultation with the Opposition. I believe that, in the main, with the exception of one principal difference, the discussions have been conducted in a responsible way. There has certainly been bipartisan support for the establishment of the new universities and, on behalf of the Liberal Party, I wish the leadership of each of the three new universities the very best.

Bill read a third time and passed.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 1979).

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill, in the same respects as our Liberal colleagues in the House of Assembly. The Bill makes some very significant changes to electoral law, the first in some 15 years, and they are important changes because, hopefully, as a result of amendment to the criteria upon which a redistribution may be made by the Electoral Boundaries Commission, real electoral justice and equity may be achieved.

It is important to remember that last year I introduced a Bill to amend the Constitution Act to bring forward the date of the next redistribution, so that it would have occurred before that election, but more particularly to ensure that, in making a redistribution, the Electoral Districts Boundaries Commission was required to have regard to the desirability of a party or group achieving 50 per cent plus one of the two-Party preferred vote having a reasonable prospect of forming a Government.

During the course of the debate on that Bill last year, the Attorney-General was vitriolic in his criticism of that part of the Bill which sought to amend the criteria and to place some emphasis on the 50 per cent plus one of the two-Party preferred vote, being the point at which a Party or group had a reasonable prospect of gaining Government. Fortunately, he had no say in the preparation of this Bill, because it arose from the deliberations of a House of Assembly select committee.

During the course of my discussions last year on this Bill, and my second reading speech on the introduction of the Bill, I did indicate a concern that the electorates were very much out of proportion, that some were dramatically over quota, some dramatically under quota, and that the Party which gained 50 per cent plus one of the two-Party preferred vote did not necessarily have a reasonable prospect of forming a Government.

After my attempt to introduce that new criterion into those which had to be considered by an Electoral Districts Boundaries Commission on a redistribution, after it was rejected by the Government in conjunction with the Australian Democrats, the Bill was passed to bring forward the electoral redistribution after every election, not, as the constitution presently provides, a redistribution after possibly nine or 10 years. The problem was compounded by the fact that, since the basis for a redistribution had been included in the Constitution Act, parliamentary terms had been increased from three years to four. Of course, over that period of time the electoral imbalance, both in terms of numbers of electors in seats and also in terms of electoral justice for political Parties, would have grown decidely further apart.

At the last State election the Liberal Party did receive 52 per cent of the two-Party preferred vote. That is not a figure that one can dismiss lightly. It was a figure assessed by the Electoral Commissioner after counting out preferences in all seats. Now we have independent evidence of the way in which the boundaries do not presently provide for electoral justice.

It is important to recognise, in that context, that in 1979 the Liberal Party won 55 per cent of the two-Party preferred vote, the largest vote for a winning Party at any election since the early 1940s, but on that occasion the Liberal Party received only 25 seats, and that was only just sufficient to enable the Liberal Party to form Government in 1979.

In 1932 the Labor Party won the same number of seats, that is 25 seats, with 50.9 per cent of the two-Party preferred vote. In 1985 the Labor Party, which included Independent Labor, won 29 seats with 53 per cent of the vote. Last year the Liberal Party came within one per cent of the vote for Labor in 1985, yet won seven fewer seats.

As I say, the Liberal vote in 1989, that is the two-Party preferred vote, was 52 per cent, yet the Labor Party with only 48 per cent of the two-Party preferred vote won the same number of seats as the Liberal Party and, ultimately, with the support of the two Independent Labor candidates, retained office. In that context it is the Liberal Party's view that there is substantial electoral injustice.

There has been significant debate over the years about what constitutites electoral injustice. That debate has taken place not only in Australia, but in other countries, and particularly the United States of America where the United States Supreme Court has focused upon the issue of electoral justice. In Australia, the recently retired Commonwealth Electoral Commissioner, Dr Colin Hughes, has made a number of observations upon electoral fairness and justice. He says:

Under a Westminster-model parliamentary system the object of an election is to win at least a bare majority of seats in the legislature—50 per cent plus one of the seats—in order to form the Government and secure the prerequisites and opportunities of office. The best measure of fairness will be the relative ease (expressed as the necessary minimal proportions of the total vote each would require) with which each of the major parties could attain that object. In practice, it is most unlikely that the election will be so narrowly balanced, with the winning party having only that barest of majorities; it will be necessary to adjust the share of the total vote figures to meet at that point.

To illustrate with a very recent, and close, election, the winning ALP obtained 50.9 per cent of the two-party preferred vote at the 1982 South Australian State election, and the losing Liberals 49.1 per cent. Counting the Independent Labor and National Country Party members of the House of Assembly as ALP and Liberal respectively, they obtained 25 and 22 seats. Twenty-four seats would have been the bare majority required to govern. On the results of the 1982 election, the ALP could have won 24 seats, despite a loss of up to 3.6 per cent of its actual two-party preferred vote; thus we can say that the proportion of the total two-party preferred vote the ALP required to win was 47.3 per cent (50.9 minus 3.6). The Liberals would have required an additional 3.7 per cent to have won the necessary twenty-fourth seat, so their required share would have been 52.8 per cent (49.1 plus 3.7). The difference between those two figures is 5.5 per cent (52.8 minus 47.3) and that will be the measure of fairness, favouring on this occasion the ALP.

In that same paper, which Dr Hughes presented to the Third Federalism Project Conference in February 1983, he referred to the failure to distinguish between the concepts of equality and fairness, as follows:

Too often these two aspects of representation are muddled. Even when they are not, there is frequently an assumption that their measures will be positively correlated, so that a set of boundaries which inceases 'equality' of electors (that is the equality of the enrolments of electoral districts) must also increase 'fairness' in converting party votes into party seats in the legislature, or that a set of boundaries which is low on 'equality' must be seriously 'unfair' to one party or another, an interpretation which is particularly likely when one party obtains a substantially higher proportion of the total vote than its rival.

Dr Hughes is saying that equality of numbers is not necessarily a measure of electoral fairness. That, of course, is the view of the United States Supreme Court which has considered the concept not only of equal numbers in electorates and the traditional gerrymander which originated in that country, where seats are drawn by legislatures for congressional seats with all sorts of irregular boundaries designed to lock up the votes of either Party in power or the Party in opposition, but also of electoral fairness.

In South Australia that means that not only do we need to pay attention to the quota for the 47 House of Assembly seats which, as I have already indicated, will not necessarily give and has not necessarily given electoral fairness, but we must also consider the consequences of the votes cast in those seats to determine whether or not the Party gaining the majority of the seats has a reasonable prospect of governing.

As a result of that debate and the undeniable factual material emanating from the Electoral Commissioner, based on the last election results, the Liberal Party moved for a joint select committee. The Leader of the Opposition, Mr Dale Baker, proposed that that select committee should consider and report on:

(I) the fairness and appropriateness of the existing electoral system providing for representation in the House of Assembly through single member electorates;

(II) other electoral systems for popularly elected legislatures with universal franchise, including multi-member electorates;

(III) whether or not criteria for defining electoral boundaries are necessary and, if they are regarded as necessary, to determine whether or not the criteria the Electoral District Boundaries Commission presently is to have regard to when making a redistribution of electoral boundaries for the House of Assembly result in a fair electoral system and what changes, if any, should be proposed to those criteria to ensure that electoral fairness is achieved; and

(IV) To make recommendations on the most appropriate form of electoral system for the House of Assembly and its implementation.

The object of moving for a joint select committee was to involve both houses of Parliament, recognising that any change to the House of Assembly electoral system would need the support of not only the House of Assembly but also the Legisaltive Council. Of course, House of Assembly members jealously protect their electoral system and preferred to go it alone. The Government introduced a Bill which sought to bring forward the electoral redistribution and then agreed to refer that to a select committee of the House of Assembly only.

The terms of reference of that select committee essentially were to deal with the Bill but also were widened to encompass the sorts of concepts that the Liberal Party was seeking to arrange for consideration in the proposition for a joint select committee. The House of Assembly's select committee has met and provided a report, most of which I agree with, and certainly in terms of the recommendations in respect of the amendments to the Constitution (Electoral Redistribution) Amendment Bill, although not necessarily in relation to the emphasis on equality of numbers in electorates.

It is interesting to note in that report that the electoral boundaries for House of Assembly seats are even more out of balance now than they were at the time of the last State election. In June 1990 the electoral quota was 20 628 electors. The range of the 10 per cent tolerance was between 22 690 at the higher end and 18 566 at the lower end. The seat of Briggs had 20 648 electors and was the closest to the quota, while at least four seats were below the 10 per cent tolerance, that is, minus more than 10 per cent and eight seats were in excess of 10 per cent over the quota. Elizabeth has 16 850 electors and Fisher had 27 914, a difference of over 11 000 electors, which was more than half a seat.

In the appendices to the committee's report appendix C was provided by the Hon. Dr Bruce Eastick (the member for Light). That appendix probably sets out more graphically the current disparity between seats because he relates the numbers of electors in particular seats to an electoral quota of 20 628 electors.

At 30 June 1990, Fisher, which had 27 914 electors, had a quota of 1.36. The seat of Ramsay had a quota of 1.25 and, at the other end of the scale, the seat of Elizabeth had .82 of a quota and Whyalla had .83 of a quota, and there were a substantial number in between those two electorates. At the date of the last State election, Fisher had an electoral quota of 1.3 and Elizabeth had .81 of a quota, so there is a substantial disparity between the seats.

Although the House of Assembly select committee said that, ideally, all electorates should be on quota at the time of the election for which the boundaries have been drawn, obviously that was not achieved in the 1983 redistribution and, of course, it did not bear any reasonable relationship to the facts at either the 1985 or 1989 State elections. The House of Assembly endeavoured to balance two very difficult concepts, one of which suggested that the electorates

should be on quota at the time of the election for which the boundaries have been drawn, and the other that the Boundaries Commission in its attempt to realise the same should use the 10 per cent tolerance to the maximum so as to take into account probable demographic changes.

No-one has quarrelled with that in the past, although it has always had to be balanced against other criteria. However, that would not necessarily give electoral justice, so the Boundaries Commission recognised that it should have regard to past voting patterns in an attempt to ensure that, as far as practicable, the electoral redistribution is fair to prospective candidates and groups of candidates. Proposed new section 83 (1) provides:

> ... if candidates of a particular group attract more than 50 per cent of the popular vote (determined by aggregating votes cast throughout the State and allocating preferences to the necessary extent), they will be elected in sufficient numbers to enable a Government to be formed.

Parliamentary Counsel came up with those words to reflect the view of the committee that a group which gained 50 per cent of the two-Party preferred vote plus one vote should have a reasonable prospect of governing. So, on the one hand, the Boundaries Commission will need to consider demographic change and, on the other, it will need to consider past voting patterns and to give weight to the trends that they reflect for the ensuing election.

The other important aspect of the committee's report is that, if there is a redistribution after each election, one would expect the changes to boundaries to be smaller so that sitting members would be unlikely to face dramatic changes in their electorates as they presently do when redistributions are so far apart. What redistribution will do after each election, I suggest, is to allow the Boundaries Commission to finetune the boundaries and to ensure that changes for members of Parliament who service those electorates are not dramatic.

Another aspect that is important is the recommendation that the criterion that the Boundaries Commission should have regard to existing boundaries has been dispensed with. That has always been regarded as an impediment to adjustment to boundaries at the time of redistribution so that electoral fairness can be achieved. Whilst it is desirable that, as much as possible, electorates do not change significantly and electors stay in a particular electorate for as long as possible, one should not be constrained by that desire and then allow an electorally unjust redistribution to pass.

The Bill before us reflects the recommendations of the select committee and, in my view, will ensure that, with the Boundaries Commission taking into consideration all the criteria and giving emphasis to the requirement to ensure as far as practicable that the Party gaining 50 per cent plus one of the two-Party preferred vote has a reasonable prospect of forming Government, the redistribution will be fair.

That places a heavy onus upon the Boundaries Commission, but it will have the opportunity to hear evidence from the various Parties, individual members and members of the community and, with the technology now available (with the information on demographic change and on voters' location), it is my view that the commission should be able to get very much closer to a fair redistribution—fair to candidates and fair to political Parties—than it has in the past, and that we will not have a situation as we did at the 1989 State election in which, even if a Party gains 52 per cent of the two-Party preferred vote, it does not have an even chance of gaining Government. I do not think that anyone would dispute that such an achievement at the last State election, with the consequence of not forming Government, was unfair.

There are other matters that relate to the referendum, but I will address those briefly in the remarks I make on the referendum Bill. The referendum is necessary because the period between redistributions is entrenched in the Constitution Act although, with respect to the change in criteria, a referendum is not legally necessary but, I think, desirable, because the community must have an opportunity to have before it and to consider and vote upon concepts of electoral justice. I and the Liberal Party indicate support for this Bill.

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

REFERENDUM (ELECTORAL REDISTRIBUTION) BILL

Adjourned debate on second reading.
(Continued from 20 November. Page 1980.)

The Hon. K.T. GRIFFIN: I support the second reading of the Bill. I have just indicated that a referendum is necessary to bring forward the redistribution. It will bring forward not only the next redistribution but all redistributions thereafter on the basis that a redistribution after every election will provide a more effective way of assuring the community that they do receive a fair and just electoral system.

There has been some question about the cost of the referendum—some $2 million. There has been a suggestion that alternative mechanisms by varying the number of members in the House of the Assembly should be proposed as a way of reducing the cost, but it is my view and that of the Liberal Party that the cost is a very small price to pay for moving towards electoral justice.

Although both major Parties will agree on the issue which is before the people in the referendum, nevertheless the democratic system is the very essence of our society and is critical to a democratically elected Government. I think it would be unconscionable if we were to deny the referendum and not proceed to achieve a basis for a change in the electoral redistribution system.

Members should recall that in the Fitzgerald report there was a reference to the electoral system in Queensland—the zonal system—and the fact that in the opinion of the Royal Commissioner that had significantly contributed to corruption in Queensland. While one could not argue that in South Australia, nevertheless what it does is reflect a concern that in all respects an electoral system should be fair not only to candidates but also to Parties to ensure that a Government is achieved by the Party which wins the most members. A referendum is an integral part of the process of ensuring that that system exists in South Australia, and it is for that reason that the Liberal Party supports the Bill.

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

WORKER'S LIENS ACT (REPEAL) BILL

Adjourned debate on second reading.
(Continued from 15 November. Page 1919.)

The Hon. K.T. GRIFFIN: The Worker's Liens Act has been around for nearly 100 years—it was first enacted in 1893—and in that period of time it has afforded protection to workers, contractors and subcontractors where they

undertake work for an owner or occupier. In modern times, the Worker's Liens Act has created some concern for big developers and also for financiers and, when developers get into trouble, for receivers and liquidators. Notwithstanding that, it has provided a very useful tool by which those who have undertaken work n property have received some sort of protection.

The House of Assembly had a select committee on the Worker's Liens Act and recommended that the Act should be repealed. It did not make any recommendations as to what should replace it but merely hopped straight in and said that it should go. It recommended that industry consultation take place with respect to trust funds, voluntary or compulsory insurance schemes, direct payments and bank guarantees as a way by which contractors and subcontractors could be protected. As I understand the deliberations of the select committee, there was a general view that the Bill would not be repealed until that consultation had taken place before that consultation occurred, the Bill to repeal the Worker's Liens Act was introduced. As a result, there is consternation in the building community, particularly among contractors and subcontractors, that this will be thrown out the window without there being any alternative to put in its place which will afford some protection.

There is an area where the Worker's Liens Act is useful and really creates no controversy, and that is where a contractor or subcontractor does work for an owner on an owner's property and the contractor or subcontractor is not paid by the owner; the owner pays no-one. In those circumstances, the person doing the work has a right to put a lien on the property, have it registered on the title and then enforce it by action in a local court. That presents no complications at all. The complications do occur where a principal contractor engages subcontractors, and the owner pays the principal contractor, say, a progress payment, but the principal contractor does not pay the subcontractor. The subcontractor may put a lien on the owner's property and may then enforce it with an action in a local court or, if the claim is large enough, in the Supreme Court, although that would be rare.

Effectively, that creates problems for the owner, because the owner cannot deal with the property unless the lien is removed; nor can the owner borrow further funds or otherwise deal with the property. The subcontractor under the lien is entitled only to so much of his or her claim for work done as may not have been paid for by the owner. In some instances, that may be a large amount; in other instances, it may be nothing. The concern which has been expressed by developers in particular is that, when that occurs, there is generally a lot of expense involved in getting rid of the lien and satisfying the owner that there is nothing payable because the owner has paid everything to the principal contractor, and the subcontractor is in fact out in the cold.

As I said earlier, substantial criticism has been made of the Government's decision to move hastily on the repeal of the Worker's Liens Act. It may be that it was motivated by the desire to get some statistical records up showing that it is moving for deregulation at a faster pace than is actually occurring. However, I do not believe that that would be the position but that the Government has acted merely on the recommendation of the select committee without understanding the concerns that are held by a number of organisations. I have received a letter from the Building Industry Specialist Contractors Organisation of Australia Limited, which states:

> Our position is that the Worker's Liens Act should be retained. However, if the legislation is to be repealed, a step to which we are strongly opposed, we believe that the recommendation of the select committee must be carried out. The select committee recommended that in the light of more effective substitutes being available the Worker's Liens Act should be repealed. At this stage, we believe that there are no effective substitutes that are available to replace the legislation.

The letter goes on to state:

> Furthermore, the Minister of Housing and Construction, in response to the state of the building and construction industry, recently announced a four point plan which included an examination of the industry and referred to the Worker's Liens Act. That plan is still being carried out and involves consultation with industry.
>
> This organisation has urged the Government to take no further steps to repeal the Worker's Liens Act until such time as the Minister of Housing and Construction's four point plan has been carried through and recommendations are available from that plan and, moreover, until the recommendation of the select committee is carried out. We believe that steps by the Government to move against the Worker's Liens Act at this stage are totally unacceptable.

That has been supported by the Housing Industry Association, obviously, by a member of a small contractors organisation, Central Plumbing Proprietary Limited, and the Fire Protection Industry Association of Australia has the same view, as have the Concrete Pumping Contractors Association of South Australia and a number of other organisations representing contractors and subcontractors. It is in the face of that plea from a wide range of contractors and subcontractors that the Liberal Party takes the view that either the Bill ought to be opposed or, certainly, consideration of it ought to be deferred.

There is one other reason why we are of the view that it is inappropriate to pursue the consideration of this Bill now and that is that the building industry is in a recession—some would even say a depression. Subcontractors are finding it almost impossible to get work; building activity is at a very low level; people are already under such pressure that many are going bankrupt, or into liquidation, if they are companies, and it seems ill conceived that at this stage we should be putting even further pressure upon them by repealing an Act which in some respects gives them leverage and some protection but more particularly which they believe gives them at least some small comfort in what is currently a very difficult business environment in which they carry on their business.

So, we are not prepared to support unequivocally the second reading of the Bill; we believe the Government ought to withdraw the Bill and that more work needs to be done on alternatives to protect contractors and subcontractors. To ensure that the Bill is not considered in the current session, I want to move a procedural amendment, which will have the effect of putting off consideration of the second reading for the rest of this session. The Minister of Tourism has moved the following motion:

> That this Bill be now read a second time.

I move:

> Leave out the word 'now' and insert after the word 'time' the words 'this day six months'.

The Hon. J.F. STEFANI: I support the amendment moved by the Hon. Trevor Griffin and will add a few words to this debate. This Bill was introduced by the Government as a result of a select committee report in the House of Assembly, and the Government is now seeking to repeal the Worker's Liens Act. The Worker's Liens Act has largely lain dormant until a rush of cases in the 1980s demonstrated the value of the Act to subcontractors and contractors in the increasingly difficult battle for payment for work and materials. Briefly summarised, the Act provides two statutory forms of security: first, a lien over the landholding on which work has been done or to which materials have been supplied; and, secondly, a charge over money payable (but

not paid) to a contractor or subcontractor who is next up the line in the contractual chain.

A lien, similar in effect to a caveat, exists in favour of a contractor or subcontractor for that part of the contract price which has 'accrued due'. The lien may be registered over the property on which the work was done, if it was done with the express or implied assent of the owner or occupier. If the contractor wishes to register a lien on property with respect to which he or she has done some work, the contractor must show: *(a)* that the work was done with the express or implied consent of the owner or occupier; *(b)* the work is manual work or work of personal service (in the case of materials supplied they must have been supplied in connection with manual work or personal service); *(c)* an amount has become payable under the contract. For example, if a subcontract provides for certification of amounts which become due to the subcontractor, there must be an existing certified amount before the lien can be lodged.

The lien must be lodged within 28 days after the contract price has become due. A lien is also available to contractors who have not been paid by their clients (who are usually the owners of the property). A notice of lien is registered at the Lands Titles Office over the title deed for the property. It has the effect of preventing any further dealings with the property. The owner of the land is entitled to pay the sum claimed to the Registrar-General and have the lien cancelled. Once a lien or charge has been created, it must be enforced in the manner provided for in the Act. If proceedings are not started to enforce the lien or the charge within the specified time periods, then the lien or charge is automatically extinguished. It is important to note at this point that a subcontractor or contractor can lodge only one charge or lien with respect to a particular amount of money owing.

Proceedings to enforce a lien must be brought against the party liable for payment of the relevant amount and the owner of the property over which the lien has been lodged. The proceedings to enforce a charge must be brought against the person liable to pay the outstanding amount and the party to whom the notice of charge has been given. In both cases, the 'innocent' defendant has the option of paying the amount in dispute into court and relieving himself or herself of any further obligations in the court proceedings.

The philosophy of the Act is to provide self-employed tradespersons, contractors and subcontractors with an effective remedy in circumstances where moneys are not paid by the property owner or where funds are being paid to the head contractor (or the person one step up the contractual link), and those funds are not being passed on to the subcontractor who has done the work for which the money has been paid. In circumstances where a contractor is in financial difficulty there is always a temptation to divert funds from one job to pay more pressing creditors on another. In those circumstances the Act places a subcontractor in a privileged position with respect to other creditors of the contractor. If the contractor is ultimately placed in liquidation, the statutory charge created by the Act gives the subcontractor priority over other unsecured creditors.

There has been strong opposition to the proposed legislation by many interested parties and employer organisations, because the Government is seeking to remove this important legal tool which is currently used to obtain payment. I have received letters from a number of subcontracting companies strenuously objecting to the legislation. BISCOA and the Master Plumbers Association of South Australia, just to name two, have also written to me expressing their concerns on behalf of thousands of members, many of whom are self-employed operators.

Clearly, the original legislation was designed to protect self-employed tradespersons dealing directly with the public or landowners. This protection is now lost and the Government is seeking to remove the means by which, as a last resort, contractors, subcontractors and self-employed tradespersons could pursue the rightful payment for the work they perform. The proposed transfer of sections 41 and 42 of the Act to the Unclaimed Goods Act provides no remedy to tradespersons who install materials, fixtures and fittings into a property.

Unlike a service person or mechanic, who is able to retain the goods as collateral for payments due, the building tradesperson is now in a much worse position, as the materials and labour which are provided will now be lost in the property. The select committee recommended that when more effective procedures at law are available, the Act should be repealed. I believe that the problems of receiving payments in the building and construction industry are very complex issues.

Clearly, the Government should allow more time for appropriate alternative solutions to be developed within the existing legal framework by all interested parties, given the present financial difficulties being experienced in the community. I support the motion of the Hon. Trevor Griffin which seeks to allow an extension of time so that the various parties may develop alternative procedures before the Act is repealed.

The Hon. L.H. DAVIS secured the adjournment of the debate.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill deals with the amendments to the Senior Secondary Assessment Board of South Australia Act 1983, concerning the composition, roles and functions of the Board.

The amendments are necessary in order to allow the Senior Secondary Assessment Board of South Australia (SSABSA) to take up the responsibility for the organisation and ongoing management of the South Australian Certificate of Education (SACE).

The present Act limits SSABSA's operation to the year 12 level. Its range of operation needs to be extended to encompass year 11, while its powers and functions need to be broadened to permit those additional activities made necessary by the requirements for the new certificate.

The proposals associated with the South Australian Certificate of Education were outlined in the First and Second Reports of the Inquiry into Immediate Post-Compulsory Education (the Gilding Inquiry) which were accepted in principle by the Government in January 1988 and July 1989.

This inquiry parallels similar reviews in other States and overseas.

The inquiry involved extensive consultation with the broad community, including parents, industry, the three school sectors, higher education institutions and students.

The amendments have been the subject of a wide consultative process.

The specifications for the new certificate include curriculum requirements, assessments and public certification for students over a two year period, broadly described as being the year 11 and 12 levels.

This will result in an expansion in the responsibilities of SSABSA. For example, in 1990, SSABSA will provide assessments for approximately 17 500 South Australian students at the year 12 level. The Board is currently planning for the provision of assessments for between 19 000 and 20 000 students at the Year 11 level (Stage 1 of the SACE) while also anticipating a maintenance of the assessment numbers at the year 12 level (Stage 2 of the SACE) assessments.

AIMS AND OBJECTIVES

The amendments provide for the introduction of a senior secondary education course that is based on four propositions:

1. that there be a coherent structure to senior secondary education which reflects the community's expectations of young people graduating from school.
2. that increasing participation in senior secondary schooling demands that there be studies appropriate to the needs and capabilities of all students.
3. that the means of selection and entry into Higher and Further education should reflect these changes.
4. that these studies and achievements be certified with the issuing of a certificate—the SACE.

In expanding the role and function of SSABSA, to include responsibilities associated with the awarding of the SACE, two significant areas of amendment are necessary. First, changes are made to the composition of the Board to reflect better the expectations and aspirations of the wider student population which will be undertaking SACE studies; and secondly, changes are made to the functions of the Board to accommodate the stage 1 requirements of the SACE. All current functions of the Board at the year 12 level are maintained.

In detail, the size of the Board is reduced from the existing 30 members to a total membership of 27. The membership provides a suitable balance with members drawn from secondary education, tertiary education (higher and further education), employer/union bodies and the wider community as represented by parents and the Commissioner for Equal Opportunity.

Nominating organisations will be requested to take into account gender and cultural background when proposing members in order that the widest representation may be reflected in the Board composition. The profile of the Board will be monitored in an ongoing way.

The changes to the function of the Board expand the current syllabus preparation and approval functions to the year 11 level of secondary schooling. The power to approve syllabuses prepared by organisations other than SSABSA is maintained, as is the power to recognise, as appropriate, the assessments made by other organisations.

The functions are expanded to allow SSABSA to award a certificate on the satisfactory completion of a set of prescribed certification requirements specified in regulations, and to grant status in those certification requirements.

The requirement for publication of syllabus approval criteria is maintained and the promulgation of Board policies, processes and certification requirements is now made a formal requirement. The research function of the Board is maintained and the current Board practice of review and monitoring practices and procedures is formalised.

The regulation determination powers of the Board are expanded in order that the prescribed certification requirements may be established under regulation and to enable SSABSA to charge for goods or services thereby allowing the entrepreneurial out of state and offshore activities of SSABSA to expand.

Clauses 1 and 2 are formal.

Clause 3 amends section 4, the interpretation provision. A new definition is inserted—senior secondary education is defined as years 11 and 12 levels.

Clause 4 amends section 8 of the Act by substituting the subsection that establishes the membership of the Senior Secondary Assessment Board of South Australia. The amendment provides that the Board is to consist of 27 members—the Chief Executive Officer of the Board and 26 members appointed by the Governor on nominations as follows:

Nominating person or body	Number of members
Director-General of Education	4
Director-General of TAFE	1
The University of Adelaide	2
The Flinders University of South Australia	2
The University of South Australia	2
South Australian Independent Schools Board Incorporated	1
South Australian Commission for Catholic Schools	1
South Australian Association of State School Organisations Incorporated	1
South Austraian Institute of Teachers	2
Association of Non-Government Education Employees	1
South Australian Association of School Parents Clubs Incorporated	1
The Federation of Parents and Friends Associations of Independent Schools of S.A.	1
The Federation of Parents and Friends Associations of South Australian Catholic Schools	1
Industrial and Commercial Training Commission	1
United Trades and Labor Council	2
Chamber of Commerce and Industry, South Australia, Incorporated	2
Commissioner of Equal Opportunity	1

Clause 5 amends section 10 to reduce the quorum of the Board from 18 members to 16 members.

Clause 6 substitutes section 15 which sets out the functions of the Board. The current section provides for functions relating to year 12 level subjects and the assessment of year 12 level students. The substituted section provides for various functions relating to year 11 level and year 12 level of secondary education. The requirements of years 11 and 12 in relation to which the Board has functions will be set out in regulations (these are referred to as prescribed certification requirements). The Board's functions include the following:

— preparing and approving syllabuses
— assessing and recognising assessment of students
— granting of status to students
— keeping assessment records

— certifying satisfactory completion of the prescribed certification requirements
— providing information to schools, institutions and other authorities as to the Board's policies and practices
— publicising the prescribed certification requirements and the Board's assessment, recognition and certification processes
— providing syllabuses to members of the public
— researching matters within its responsibilities
— reviewing the operation of the Act and the Board's practices and procedures.

The substituted section also gives the Board power to deal with any traditional problem that might arise in the changeover to the new system and in any future changes that may occur.

Clause 7 amends section 23, the general regulation making power. The amendment provides that regulations may only be made on the recommendation of the Board. It also enables the regulations to prescribe fees for goods and services provided by the Board and to confer discretionary powers on the Board.

The schedule contains amendments to the Act of a statute law revision nature.

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

PIPELINES AUTHORITY ACT AMENDMENT BILL

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Pipelines Authority of South Australia (PASA) owns, operates and maintains the Moomba to Adelaide natural gas pipeline and asssociated facilities, through which it transports and sells natural gas purchased at the Moomba treatment plant.

As it is likely that interstate sources of gas will be required to supplement gas supplies from the South Australian sector of the Cooper Basin it is desirable for PASA to be involved in pipelines which might cross State borders. However, PASA's Act most likely limits its pipeline activities to within South Australia.

This Bill seeks to amend PASA's principal Act in such a way as to ensure that PASA is able to acquire, construct and operate pipelines for conveying petroleum (as defined under the Act) to, from or within South Australia either solely or as a joint venturer.

Clause 1 is formal.

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

Clause 3 amends the long title of the principal Act. The amendment strikes out the phrase 'in South Australia'.

Clause 4 amends section 10 of the principal Act which refers to powers of the Pipeline Authority. Section 10 (1) *(a)* is amended by striking out 'for conveying petroleum or any derivative thereof within this State and petroleum storage facilities connected therewith' and substituting 'for conveying petroleum or its derivatives to, from or within this State or petroleum storage facilities connected with any such pipeline'. A further amendment to section 10 (1) is to strike out paragraph *(b)* and substitute with paragraphs *(b)* and *(ba)*. These provisions refer to the acquisition of any pipeline or petroleum storage facility connected with such pipeline by the State, which conveys petroleum to, from or within the State. Further, the Authority has the power to hold, maintain, develop and operate a pipeline or petroleum storage facility in which it has an interest or which is under the Authority's control. The existing paragraph *(c)* of section 10 (1) is also to be substituted with a new provision which refers to the Authority's power to dispose of any pipeline or petroleum storage facility or interest in any pipeline or petroleum storage facility. A further provision in relation to the Authority's power to convey and deliver petroleum through any pipeline under its control is contained within paragraph *(ca)*.

New paragraphs *(e)* and *(ea)* are inserted. These paragraphs confer on the Authority power to enter into joint venture agreements with regard to the construction or operation of pipelines or petroleum storage facilities and to acquire shares or other interests in a body corporate that owns or has some lesser interest in a pipeline or pipeline storage facility. It should be noted that, by virtue of proposed new paragraph *(ab)* of subsection (2), these new powers cannot be exercised without the Minister's approval.

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

LANDLORD AND TENANT ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

South Australian legislation only requires pre-registration roadworthiness inspection of buses, country based taxis and commercial vehicles seeking registration under the Federal Interstate Registration Scheme. The condition of other vehicles is only monitored by casual on-road observation by police officers, which can lead to defecting. All other States have more stringent inspection requirements.

However, the Government has already recognised the problem of unsafe vehicles on our roads and, on 28 March 1990, introduced a scheme of random on-road inspection of heavy commercial vehicles. Inspectors from the Department of Road Transport (acting under delegated authority form the Minister of Transport) have special equipment that can test the brake efficiency, steering and suspension of these vehicles. Steps need to be taken now to extend

inspection procedures to other classes of vehicles. At present, the Registrar under the Act has power to refuse to register a motor vehicle where it is considered the vehicle does not comply with design, construction or maintenance requirements or, if driven on a road, puts the safety of persons using the road at risk. Lacking, however, is the power to inspect, which this Bill proposes.

For instance, when say a passenger car previously registered in another State seeks registration in South Australia, an engine number check is carried out to determine whether or not the vehicle is stolen. These checks are carried out by police officers, mainly at the Vehicle Inspection Station at Regency Park. The numbers, ownership and general condition of many of these interstate registered vehicles are such that it is believed that some dumping into South Australia of unroadworthy vehicles is taking place.

It is estimated that, in 1989, about 14 000 vehicles previously registered in other States sought registration in South Australia. Approximately 9 000 were over five years old. Most were previously registered in Victoria or New South Wales. Significant numbers of these vehicles are referred to Vehicle Engineering Section staff because of concerns about roadworthiness by police who carry out engine number checks. As work loads have permitted, a random sample of the vehicles has been inspected for roadworthiness. These *ad hoc* inspections suggest that over 30 per cent of those vehicles aged five years or more are in a condition which warrants defect. The proportion can be expected to be higher for older vehicles. This Bill, if passed, will provide the Registrar with power to have these vehicles inspected.

Initially, it is proposed that vehicles transferring from interstate and manufactured more than seven years before the date of application to register in South Australia will be subject to the inspection procedure.

Clause 1 is formal.

Clause 2 amends section 139 of the principal Act. It inserts paragraph *(ab)*, which provides that where an application to register a motor vehicle is made, the Registrar (or a member of the Police Force or any person authorised by the principal Act to inspect motor vehicles for the purposes of the Act) can examine that vehicle to determine whether it complies with legislation regulating the design, construction or maintenance of such vehicle, and whether it would put the safety of other road users at risk if driven on the road. Clause 2 also amends section 139 *(b)* to empower the Registrar and other authorised persons to enter premises at any reasonable time to search for motor vehicles for the purposes of an examination under the new paragraph *(ab)*.

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

FENCES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

WILPENA STATION TOURIST FACILITY BILL

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

ABORIGINAL LANDS TRUST

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

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act 1966-1975, allotments 93, 97 and 98, Town of Oodnadatta, North out of Hundreds, out of Counties be transferred to the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

WORKER'S LIENS ACT (REPEAL) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2171.)

The Hon. I. GILFILLAN: The Democrats oppose this Bill. Members may recall—I do not blame them if they do not—that in September 1988 I introduced the Builders Licensing Act Amendment Bill, which was drawn up specifically to overcome the problem of subcontrators failing to be paid when funds were withheld or when a builder is in financial difficulties and is either declared bankrupt or goes into receivership.

Without recalling all the details that I outlined in respect of that Bill, it was designed to establish a trust fund into which interim payments would be placed and only legally drawn to make settlement to subcontractors and workers who had contributed to the building, with a percentage available to the principal contractor. At that time the Bill had support from the building unions, from BISCOA and from several others who were involved in the building industry, several of whom had suffered through failure to be paid for work done.

Unfortunately, the Bill lapsed and was not supported through this place, so the Bill today to repeal the Worker's Liens Act will remove the only current legislative measure that is available to workers and subcontractors who have done work and not received settlement. Therefore, I am reluctant to see that removed. Members will already have heard and no doubt are aware of the details that are required to put a lien on the title of a property.

This cannot be done overnight. It is a deliberate step requiring an investment of time and money, so that it is not undertaken lightly. Although alternative methods may afford protection for subcontractors and persons who have worked on buildings, they are not in place and, until they are thoroughly assessed and discussed by people in the industry and poised to become law, I would not even consider supporting the repeal of this Act. That is the current position of BISCOA.

It has appealed to me again, as I note it has appealed to the Opposition, not to support the repeal of the Act. It is a persuasive experience to sit in a room with the people who are at the coalface, the brickface, the pouring concrete face, the plastering face, the painting face or the carpeting face—who are really doing the work out in the workplace—pleading with us not to remove this measure so that they have at least some protection.

Therefore, I have no hesitation in indicating that the Democrats will oppose the Bill. We believe that in the next 12 months constructive consideration can be given to devising other methods that may provide a more effective and convenient form of security. However, until that is done, it would be irresponsible to support the repeal of the Worker's Liens Act, so, I again repeat the Democrats' opposition to the Bill.

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

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2169.)

The Hon. I. GIFILLAN: This Bill is being rushed through Parliament. The report of the select committee was tabled in the House of Assembly last Tuesday and debated the next day, the proposed amendments were introduced into the Council on Thursday, and now we are asked to debate it as quickly as possible. Whilst the original Bill has been examined by a select committee, the amendments, which are substantial, have only just seen the light of day. Copies of the select committee report were only posted on Thursday to those who made submissions.

Members of the public who inquired at the State Information Centre last Wednesday were told that the report may be available in a week. I am advised that it will not be available for 10 days.

If Parliament wishes to receive feedback on this Bill from those members of the general public who have an interest in this matter (and they surely do if they are going to be forced to a referendum), then we need to delay so that the voters (who are after all our masters) can provide comments. I ask: 'Why the rush?' Is it because the Government and the Opposition have done a deal and want to keep people in the dark? Are they both scared that their supporters and the electors at large may not like the option being put forward, but the Government and Opposition want to present it as a *fait accompli*?

It is true that the last State election gave a distorted result and that change is needed to the system used to elect the House of Assembly, but, at best, the proposed changes are fiddling at the edges. Let me say at the outset that I agree that all electors should have the same numbers of electors. Very few people are now against this principle and the 10 per cent margin is also generally accepted as reasonable. This Bill proposes a redistribution after every election to ensure this equality. But this will be at a cost.

First, there is the cost of the referendum—and I will come back to this later; secondly, the cost of holding more frequent redistributions; thirdly, the cost of continually changing the electoral rolls; fourthly, the cost of establishing new electorates; and fifthly, the cost to the public of not knowing which electorate they are in, of not knowing their MP (is it the MP elected at the last election or the one who is likely to be elected at the next election who is likely to give the better service) and of not knowing if the local polling booth is in the same electorate.

The benefits of more frequent redistributions are at best minimal. This can be shown by examining the results of the last two redistributions and measuring elector effectiveness—that is, the number of electors who found their votes actually electing someone in Parliament. I have a brief table, headed 'Elector effectiveness', which indicates the percentage of total votes of elected MPs in the elections in 1975, 1977, 1979, 1982, 1985 and 1989. It is purely statistical in nature, and I seek leave to have it inserted in *Hansard*.

Leave granted.

ELECTOR EFFECTIVENESS

Election	Percentage of total votes that elected MPs*	Comments
1975	58.5%	
First redistribution (providing for equal electorates within a 10% margin)		
1977	61.3%	4 electorates were outside the 10% margin
1979	58.8%	8 electorates were outside the 10% margin
1982	58.3%	16 electorates were outside the 10% margin
Second redistribution		
1985	58.1%	2 electorates were outside the 10% margin
1989	56.7%	12 electorates were outside the 10% margin

*Percentage of total votes that elected MPs is calculated by adding the votes that actually elected MPs (first preferences plus, where necessary, preferences to elect a winner) and expressing this total as a percentage of total formal votes cast.

The Hon. I. GILFILLAN: The first redistribution actually increased the number of votes that were effective by 2.8 per cent, but after the second redistribution, elector effectiveness decreased by 2 per cent. Even though it is proposed to change the criteria on which redistributions will be made, it is fairly easy to predict that future redistributions will have little effect on the number of electors who will find their votes electing MPs. Regrettably, over 40 per cent of South Australian electors will find that their votes will still not elect anyone. They may as well not have voted.

Obviously, the fault lies not with unequal electorates, but with the current system of single-member electorates. To win a seat, a candidate needs only one vote more than 50 per cent of the formal vote. The other votes (one less than 50 per cent) may as well not have been cast, regardless of whether they were cast for the successful candidate or the unsuccessful candidates.

The Hon. Peter Dunn is indicating that he is having trouble following this argument and I might have to go over it more slowly. The fact is, if a candidate wins 70 per cent of the vote, those votes over 50 per cent plus one are totally unnecessary and do not change the result one bit. They are virtually redundant votes. They do not count in the electing of a member to Parliament.

The Hon. T. Crothers interjecting:

The Hon. I. GILFILLAN: The Hon. Trevor Crothers interjects that the Democrats control Parliament with only 10 per cent of the vote, but I remind him that we only control it because the other 90 per cent, or half of them, say, 45 per cent, at a time decide to support the Democrats. We cannot do it on our own. That is absolutely irrefutable logic: the tail of 10 per cent cannot wag the dog.

While single-member electorates are maintained, redistributions will be but exercises which allow the main political parties to argue for South Australia's electoral boundaries to be drawn in such a way as to assist them win power over their opponents. In the long run, it is the electors of South Australia who are the losers. The gerrymander wheel produced by the Proportional Representation Society of Australia shows how important the actual boundaries are in determining the result even when there are the same number of electors in each electorate.

The Proportional Representation Society gerrymander wheel is a very entertaining and informative device, and I happen to have one with me. I cannot ask for it to be incorporated in *Hansard*, but I willingly offer to make it available to any honourable member who would like to borrow it. In fact, I will go so far as to obtain a copy for them.

With single-member electorates, the Bill will give the Electoral Districts Boundaries Commission the impossible task of drawing up so-called fair boundaries. Using the gerrymander wheel as an example again, how can it be decided which is the fairest set of boundaries?

The report of the select committee provides some of the most damning evidence of single-member electorates and the impossible task of devising 'fair' boundaries. Sections 12 to 15 outline the problems of getting a fair result with single-member electorates and the report even admits 'that a commission committed to advantaging any political party by the way it drew the boundaries could do so without obvious contrivance' (Section 15).

Despite this evidence, the select committee has decided to stay with single-member electorates. The committee considered submissions calling for the 'top-up' system and the Hare-Clark method of proportional representation but has decided to wait until after a review of the next general election. But why wait? There is enough evidence (even provided by the select committee) that single-member electorates are not working. If we have to have the cost of a referendum now, why not make it a real referendum with real options. Let us ask the voters which electoral system they want.

The Joint Select Committee on Electoral Matters in Federal Parliament has recommended a referendum in the ACT between the Hare-Clark method of proportional representation and the single-member system. Surely, South Australians should be given the same choice. Obviously, the two main Parties do not want to ask such a question as they are scared of the result—it would mean giving too much power to the people if the Hare-Clark method of proportional representation was used—and politicians would need to do more than convince their political Parties that they deserve preselection; they would also need to compete against each other, even against candidates within their own party, for the votes of the public.

Of course, it is possible to change to proportional representation without a referendum as multi-member electorates are allowed for in section 88 (2) *(a)* (i) of the South Australian Constitution Act. In fact, we did not have multi-member electorates in this State until about 30 years ago. This raises the question: why have a referendum? The Democrats' submission recommended not only proportional representation but a reduction in the number of MPs. Not only would this save the cost of an unnecessary and unwanted referendum but also it would save the cost of MPs.

I have amendments on file, first, to reduce the number of members of the House of Assembly from 47 to 45; and, secondly, to alter the electoral district so that each one returns five members. Therefore, there will be nine electoral districts throughout South Australia each electing five members. It has been estimated that the referendum will cost about $3 million. This is money South Australia cannot afford and does not need to spend at this time when people in both the city and the country are facing severe economic problems and Government services in education, health and so on are being cut.

While the Liberals were supporting the referendum proposed in the House of Assembly, members of that Party, including the Hon. Peter Dunn, were meeting with rural councillors to discuss the critical situation of many farmers. The question may be asked: don't they care about primary producers any more? Is it any wonder that the Democrats are gaining support not only throughout the State but particularly in rural areas.

The Hon. J.C. Irwin: You can't get elected by a majority; that's the problem.

The Hon. I. GILFILLAN: If we had multi-member electorates, we would be home and hosed. My major concern about this Bill is proposed new section 83 which aims to entrench a two-Party system in the Constitution. This is offensive to anyone who believes in democracy, and to those who support other political Parties and the Independents who gained 15.7 per cent of the vote at the last State election. If this section is approved, candidates from other than the two main Parties may as well not contest future elections. Support for such candidates will be considered irrelevant.

At the last election over 10 per cent of electors supported the Democrats, and these people still do not have a representative in the House of Assembly. The Boundaries Commission will be asked to ignore these people. So much for a fair system! The wording of proposed new section 83 (1) leaves much to be desired: it means a two-Party preferred vote between the ALP and the Liberals. But, to point to the absurdity of this, why stop there? It needs to be noted that on a two-Party preferred vote, if that is the criteria, and if the Democrats had been one of the so-called 'two-Party preferred', the Democrats would have defeated both the ALP (54 per cent to 46 per cent) and the Liberals (51 per cent to 49 per cent). This shows how ridiculous the clause is, and it, amongst all others, should be omitted from the Bill.

I have already indicated that I will be moving amendments during Committee to make a substantial change to the gravamen of the Bill so that it does in fact grasp the nettle of changing the numbers in the House of Assembly and changing the method of election. I believe I have put a case that is shared by thousands of South Australians, that is, that the current system does disfranchise them, and many of them for a lifetime. In conclusion I point out the frustration of a determined Labor voter who has, for reasons beyond their control, lived virtually their whole voting life in a safe Liberal seat: they never, but never, have the satisfaction of seeing their vote successfully elect a Labor member of Parliament; and, of course, the reverse is also true.

The Hon. Anne Levy interjecting:

The Hon. I. GILFILLAN: The interjection was, 'In the Upper House'. Hooray for the method of election in the Upper House! Of course, it should be adapted for the election of members to the House of Assembly. The interjector obviously accepts my argument. I was outlining the frustration and despair of a Labor voter who is locked into a safe Liberal seat, but the reverse is also true of a life-long Liberal voter who votes year in, year out for a Liberal candidate in a safe Labor seat. He will never have the satisfaction of electing a member to whom he can go and say, 'You're my member in the House of Assembly.' It may be of very little moment to those members who are now in here as elected members of Parliament but, if we want the election of Parliament to be a matter of crucial and vital interest to all South Australians, we have to offer a system that gives the people a chance of having a satisfactory result of their vote so that they can elect a person to this place.

I plead with members to consider the injustice and inequity of the system in the Lower House. The major reason that this Bill is before us is that most members have recognised the inequity in our system and that the boundaries are almost impossible to keep in a State which offers what is so-called one vote, one value. Therefore, it is a reasonable charge to make that the reason the select committee and members and supporters of the Labor and Liberal Parties will not move into this area is not because they do not see the injustice of the system and the difficulties with the implementation of one vote, one value, but that they are frightened of the consequences of real democracy being available through the voting system available in South Australia.

I urge them to discard that fear. A majority vote in the Hare-Clark system will provide a form of Government which is stable, fair and acceptable in this State. I believe that the time is now right for us to bite that bullet, grasp that nettle, or whatever analogy we like to use but, for heaven's sake, let us move substantially forward towards a more democratic State. Let us not play the games which are the same games we have played before, otherwise I will spend the rest of my time listening at election after election to a losing Party, be it Labor or Liberal, lamenting the fact that there is a gerrymander and that the numbers are not right in the electorates because the redistribution, whether or not it happens after every election, will never give this so-called 50 per cent plus one guaranteed Government.

It is a financial and emotional nonsense to argue that this is the way to solve the problems of electing our Governments in South Australia. I indicate that I will be moving substantial amendments during the Committee stage and I will support the second reading only to enable members to consider those amendments. In the event that I am unsuccessful in the moving of those amendments, I will oppose the Bill as I believe that, as it currently stands, it is unsatisfactory.

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

ADJOURNMENT

At 6.20 p.m. the Council adjourned until Tuesday 4 December at 2.15 p.m.