LEGISLATIVE COUNCIL

Thursday 17 October 1991

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

PAPERS TABLED

The following papers were laid on the table:

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

Commissioner of Police—Annual Report 1990-91.

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

Department for Family and Community Services—Annual Report, 1990-91.

QUESTIONS

TAXI DRIVER TRAINING

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Transport, a question about taxi driver training.

Leave granted.

The Hon. DIANA LAIDLAW: I relate an unsatisfactory experience encountered by a woman and her family last Monday after returning to Adelaide following a holiday overseas. After disembarking from a mid-morning flight they waited for some 15 minutes for a taxi at the rank in front of the domestic terminal. When a taxi finally turned up, the driver remained fixed in his seat, refusing to assist with putting the family's considerable amount of luggage into the boot, and he again refused to assist with the baggage when the family finally arrived at their home. In the meantime, the driver did not know the suburb that the family gave as their destination, which was Torrens Park. Upon questioning, the women established that the driver had arrived from Queensland three days beforehand, and even though he had lived in Adelaide four years ago he could not remember or recognise much and certainly could not find his way around.

I know that from 1 September a new driver training course accredited by the Metropolitan Taxi Cab Board became mandatory for all new drivers, an initiative which I applaud. The course covers practical skills development, public relations and customer service. The South Australian course is modelled on a course introduced in New South Wales 18 months ago, but in New South Wales all drivers, current and new, are now required to participate in a training course, not just new drivers as in South Australia. Members—in particular the Minister of Tourism—might be interested to learn that in New South Wales, following the screening of current drivers, some 8 000 permits were not renewed. I ask the Minister of Transport:

1. Is he satisfied with the performance standards of taxi drivers generally in Adelaide?

2. Has he asked the Metropolitan Taxi Cab Board, in association with the taxi industry, to expand the mandatory driver training course for new taxi drivers to all drivers, including current drivers?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place. I certainly appreciate some of the comments made by the honourable member because, when in Sydney not long ago, I encountered a taxi driver who knew even less about the layout of Sydney than I did, and it was with great difficulty that we found the address which was my destination. I can recall my feelings of annoyance and frustration at this occurrence on the streets of Sydney. I am sure that other members will have similar experiences in various places that they can recount. The Minister of Transport will provide a response soon.

BETTER CITIES PROGRAM

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister for Local Government Relations, representing the Minister for Environment and Planning, a question regarding the Better Cities Program.

Leave granted.

The Hon. J.C. IRWIN: I thank the Minister for Local Government Relations for her prompt follow-up answer from the Minister for Environment and Planning to a question that I asked recently regarding the Better Cities Program. The Melbourne *Age* of 8 October carried a story about the 'Birth of a Village' on the site of the old Melbourne abattoir on South Field Road. The article indicated that money from the Federal Government's Better Cities Program will be used for engineering works to minimise flooding from the Maribyrnong River and to clear the site.

On 12 October the *Australian* carried a story about Brisbane's Lord Mayor meeting Deputy Prime Minister, Mr Howe, to discuss Brisbane's application for $65 million over five years. Alderman Soorley committed $6 million to urban renewal in the recent council budget. The article also restates that $56 million for the Better Cities Program has been allocated for State and local government this year throughout Australia. The Minister for Environment and Planning has advised me that discussions are still taking place between Commonwealth and State officers as to the size of the 1991-92 tied grant and how it can be used by the various States and/or cities. Have Mrs Kirner and Alderman Soorley stolen a march on the other States or have they jumped the gun and taken a punt on how the Better Cities money can be spent?

The *Advertiser* of 10 October indicates that the United Trades and Labor Council will put proposals to the Federal Government under the 'resources fast track process', including $4 million to bring forward inner-city housing projects under the Better Cities Program. Mr Michael Lennan, Director of the Planning Review, advised local government only last week that the strategy for urban consolidation had not proved to be the solution to housing problems. It has created more problems than it will solve. Councils will need to revise their approach to urban consolidation. My questions to the Minister are:

1. Does the Minister have any plans yet, as Mrs Kirner and Alderman Soorley obviously have, on planning for projects which can use the Better Cities grant money?

2. What mechanism is in place for the Government to consult local government so that councils will have the maximum opportunity to use Better Cities grants how they want rather than have other people's priorities imposed on them?

The Hon. ANNE LEVY: I will refer that series of questions to my colleague in another place. I would point out to the honourable member that there are matters which in some other States are the responsibility of local government but which in this State are the responsibility of the State Government, as I am sure he would be well aware. The tied grant relating to any particular service may well be directed to this State Government whereas it would be directed to

local government in other States. I refer to things such as the provision of water and sewerage. I am sure that my colleague the Minister for Environment and Planning will respond at the earliest opportunity.

SMALL BUSINESS

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Small Business a question on the matter of small business in this economic crisis.

Leave granted.

The Hon. L.H. DAVIS: The Federal Treasurer, Mr Kerin, admitted yesterday that the recession in Australia is the worst since the great depression—the worst for 60 years. That is certainly reflected in South Australia by the record level of personal bankruptcies, in particular small business failures, poor retail sales, collapse in commercial building activity and the slump in investment. My colleagues and I have received an increasing number of calls in recent weeks from small businesses in crisis, many of which are openly critical and hostile of the Bannon Government's lack of leadership in this area. My questions to the Minister are as follows:

1. Does the Minister accept that as Minister of Small Business she has an important leadership role in helping small business in this time of economic crisis?

2. Will she advise the Council how many hours a week, on average, she devotes to this important portfolio of small business?

3. Will the Minister advise how many times this year she has visited the headquarters of the Small Business Corporation and discussed important small business matters with key staff dealing directly with small business in crisis? Will she advise the Council when was the last time she visited the Small Business Corporation for such discussions?

The Hon. BARBARA WIESE: Responsibility for small business and economic development issues is a much broader one in this Government than simply for one Minister, as the honourable member well knows. Numerous Ministers in the South Australian Government have responsibilities that impact on small business in one way or another. I am only one of those Ministers and I work with my colleagues through Cabinet, through the Economic and State Development Committee of Cabinet as well as directly with various organisations that have some interest in matters relating to small business, the Small Business Corporation and various other organisations in taking up issues on behalf of small business as and when they are raised with me and as I identify issues, as do other Ministers with responsibility in these areas. So, numerous actions are taken during the course of the year into which I have some input, as do other Ministers.

As to visits to the Small Business Corporation, I do not restrict my activity and contact with small business to making personal visits to that organisation. Officers of the Small Business Corporation visit me regularly. I receive monthly reports from the Small Business Corporation on its activities. I have regular meetings with the Small Business Corporation about matters of interest throughout the year. I know that other Ministers and members of the parliamentary Labor Party also have contact with the Small Business Corporation from time to time as and when they receive inquiries from constituents or businesses looking for advice and assistance.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: The Small Business Corporation provides an excellent service to people in small business in this State and is certainly playing an important role in providing advice, information and support to small businesses that are finding it very difficult to survive in these economic times. I strongly support the work that it does.

The Hon. R.I. Lucas: Have you ever been there?

The Hon. BARBARA WIESE: The Hon. Mr Lucas says that I have never been there.

The Hon. R.I. Lucas: I said, 'Have you ever been there?'

The Hon. BARBARA WIESE: I have been there on numerous occasions—I have just answered that question.

The Hon. R.I. Lucas: When?

The Hon. BARBARA WIESE: The most recent occasion on which I visited the Small Business Corporation was approximately 1½ months ago, which is one of the numerous visits that I have made this year and last year. I do not know what this line of questioning is designed to uncover, but the Hon. Mr Davis should really concentrate on the real issues of importance to small business. as I try to do.

The Hon. L.H. DAVIS: As a supplementary question: will the Minister advise the Council how many hours a week on average she would spend on this important portfolio of small business? This was a question she did not answer.

The Hon. BARBARA WIESE: I do not tally up the number of hours that I spend on the individual portfolios for which I am responsible. The workload in each portfolio differs from week to week depending on the matters that arise, the parliamentary program, the Legislative program and the various other things that occur. It would be very difficult for me to make an estimation off the top of my head about these matters. I try to spend as much time as is necessary to conduct my responsibilities in all my portfolio areas. I work very many hours per week in total, and I believe that the distribution of the hours that I devote to my portfolio areas is appropriate and reasonable in the circumstances relating to the range of responsibilities that I have.

GENETICALLY MANIPULATED ORGANISMS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister for Environment and Planning, a question relating to genetically manipulated organisms.

Leave granted.

The Hon. M.J. ELLIOTT: The State Government's discussion paper on the proposed South Australian Environmental Protection Authority includes a section on emerging environmental issues and gaps in current environmental protection measures. One of the gaps mentioned relates to genetically manipulated, or engineered, organisms. The discussion paper states:

> The use of GMOs to improve plant and animal growth, to address human health problems and to control pests can have substantial benefits for humankind. Even so, their production, use and release into the environment pose risks which should be carefully assessed and approved. Ongoing monitoring should be part of any GMO program.

It goes on to say that Commonwealth legislation to apply Australia-wide is the preferred and most sensible approach. The paper says that, failing that, South Australian environmental protection legislation should be extended to deal with GMO issues. Earlier this year I released a discussion paper which came to a similar conclusion.

This issue has been given some urgency by the news that on 13 September clearance was granted for a genetically engineered pesticide, called Nogall (a genetically engineered bacterium) to be marketed anywhere in Australia. The University of Adelaide's magazine *Lumen*, says it is the first genetically engineered organism to be approved by any country for commercial use.

Yet, we have no legislation in Australia covering the development, testing and ongoing monitoring of such organisms. This is a dangerous gap in our environment protection measures, given that the effect of these 'new' organisms on our environment could be severe.

As I understand it there is a House of Representatives committee, which is five months overdue in reporting and which has given no indication as to when legislation would occur. Does the Minister have any indication when and if Commonwealth legislation will appear? How long will the Minister wait (I might suggest that it has been a long time now, so, perhaps, how long will the Minister procrastinate) for the Commonwealth and States to agree on legislation before moving to enact controls for South Australia?

The Hon. ANNE LEVY: I will certainly refer that question to my colleague in another place, but I do recall that there has been ongoing Commonwealth monitoring of any work involving genetic engineering. I recall that there have been Commonwealth level committees and I understood that a Commonwealth committee had received statutory recognition relating to any work at all being done in genetic engineering and that approval had to be sought from this committee before any institution or private firm could undertake any research work involving genetic engineering. However, my information is not fully current. I am quite happy to admit that, and I am sure that the Minister in another place will have more up to date information which he can supply.

PRAWN FISHING

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister representing the Minister of Fisheries a question about prawn fishing.

Leave granted.

The Hon. L.H. Davis: One of your favourite subjects.

The Hon. G. WEATHERILL: He's doing it again. I understand that departmental vessels are surveying areas suitable for prawn fishing and for testing gear. It is obvious that prawns are caught during these trials.

The Hon. R.J. Ritson: By unlicensed people.

The PRESIDENT: Order!

The Hon. G. WEATHERILL: Prawns are caught by the surveying vessels.

An honourable member: With a licence?

The Hon. G. WEATHERILL: I beg your pardon?

An honourable member: Some prawns are worse than others.

The PRESIDENT: Order!

The Hon. G. WEATHERILL: Obviously, those prawns are not able to be returned to the sea, so I would be interested to know how many are taken, and how they are disposed of. Will the Minister say what is the Fisheries Department's procedure with respect to the taking of prawns during surveys?

The Hon. BARBARA WIESE: The honourable member gave the Minister of Fisheries notice that he would ask this question today, so I have some information that I can provide for him. While the sale of the catch from commercial vessels involved in research programs is normal practice, it has been the practice that prawns taken in research programs by the department on its vessels be retained for distribution within the department.

However, that normal practice was varied in September. From 2 to 6 September this year tagging studies on board the MRV *Ngerin* were undertaken, and on 12 September the department conducted gear trials on board the industry vessel *Jillian Sandra.* A quantity of 35 kilograms was landed from the tagging studies and 320 kilograms from the gear trials. All the prawns (including those taken on the MRV *Ngerin*) were sold to a fish wholesaler and, although payment has not yet been received, it is expected to be in the range of $9-$10 per kilogram, given the size distribution of the prawns taken. Part of the proceeds from these sales are to be used towards the hire of the *Jillian Sandra* for the gear trials. The gear trials examined the effect of using larger size mesh and square mesh nets in an endeavour to reduce the capture of less than optimum size prawns. These trials were recommended in both Copes reports and by industry.

HOUSING TRUST

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Housing and Construction, a question about the South Australian Housing Trust.

Leave granted.

The Hon. J.F. STEFANI: In 1989 the South Australian Housing Trust negotiated the sale of its Angas Street property and subsequently moved to leased premises at the Riverside building at an annual cost to taxpayers of $2.64 million. The deal for the sale of the Angas Street site has since fallen through, leaving the property totally empty for more than two years. There were some suggestions that the site may be used by the Australian Taxation Office. However, different locations have now been chosen for the new office accommodation for the Australian Taxation Office building. My questions are:

1. Has the Government finalised the sale or development of the Angas Street site with any developer?

2. Has the Government investigated the alternative use or lease of this empty property?

3. Will the Minister advise whether the Price Waterhouse review of the trust, which was due to be finalised in November 1990, has been received and, if so, whether it will be made available to Parliament?

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

TRANSPORTABLE HOMES

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Planning a question about transportable homes at Innamincka.

Leave granted.

The Hon. PETER DUNN: While visiting Innamincka recently it was brought to my attention that the Department of Environment and Planning had issued an instruction that no further transportable-type accommodation should be erected in the township of Innaminka. Earlier this year three Atco transportable units had been placed, by the Department of Environment and Planning, on a site very close to the old Australian Inland Mission Hospital which, by the way, has only its walls standing following a fire many

years ago. The Australian Inland Mission Hospital building is of some significance and has a history of serving the early pioneers of the area. Along with the hotel and the Innamincka Outpost Store, the Australian Inland Mission Hospital presents a much-photographed vista. Several tourists have expressed their concerns to me. In fact, they were disgusted that the Atco transportable buildings should have been placed so close to the Australian Inland Mission Hospital. My questions are:

1. Has an instruction been given by the Department of Environment and Planning or the National Parks and Wildlife Service banning further transportable-type buildings from being erected in Innamincka?

2. If so, why have such buildings been placed where they are?

3. Will the Department of Environment and Planning be shifting these transportable buildings to a more suitable site away from the Australian Inland Mission Hospital?

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

TOBACCO SPONSORSHIP

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister of Tourism, representing the Minister of Recreation and Sport, a question about tobacco sponsorship at cricket.

Leave granted.

The Hon. I. GILFILLAN: In August this year Foundation SA made a $1.2 million sponsorship offer to South Australia's 12 district cricket clubs, an offer which, if accepted, would have given club cricket a financial boost and weaned the game off its reliance on tobacco money. Only East Torrens, the home of South Australian cricket star David Hookes, accepted the Foundation offer, a move in line with that club's position in the past decade that has made it the only district cricket club in Australia to refuse to accept tobacco money. I feel obliged to indicate that I am a member of the East Torrens support group, which is very proud of its achievements—

The Hon. T. Crothers: Are you a spinner, fast bowler or what?

The Hon. I. GILFILLAN: I am a watcher, definitely not a participant.

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: Many of the remaining 11 clubs wanted to accept the Foundation offer but were forced to reconsider when a committee of the South Australian Cricket Association, which administers the district competion, passed a bylaw that threatened any club with suspension or expulsion from the game if it accepted Foundation money. The reasons behind this heavy-handed method of controlling the game was to protect the interests of Benson and Hedges and its promotional contract with the Australian Cricket Board.

Although there is a special exemption allowing tobacco promotion for Sheffield Shield and international matches this does not extend to district cricket, which comes under the full restrictions of the Act. A letter dated 21 August this year from SACA Manager, Mr Barry Gibbs, to Cricket Coordinator Mr David Johnston stated:

> ... between 40 per cent and 60 per cent received each year by SACA from ACB surpluses . . . is directly attributable to the Benson and Hedges company sponsorship ...

The letter also stated:

> ... it is understood that Foundation SA's offer is conditional on the promotion of a strong anti-smoking message and on each club not being in receipt of funds derived from tobacco sponsorship. It is to state the obvious that those purposes are directly inconsistent with the business of the ACB's major sponsor.

I point out that the Australian Cricket Board's major sponsor is Benson and Hedges. According to SACA's annual report it receives around $3 million a year made up of approximately $1 million in ACB funds, $1 million in membership and $1 million in ground receipts such as catering. The SACA, however, is electing mainly to use tobacco money to fund district cricket, a move which contravenes the South Australian Tobacco Products Control Act because it prevents Foundation SA from fulfilling its legislated role which, in section 2a *(c)*, provides that Foundation SA has the duty to 'promote and advance sports, culture, good health and healthy practices'.

It seeks to do this by funding the clubs and requiring them to promote non-smoking lifestyles. However, as stated in the SACA letter, to do so is against the interests of the Benson and Hedges company as the major sponsor, leading to the passing of the SACA by-law threatening clubs with suspension if foundation money is accepted. It must be obvious to members that this constitutes a blatant flouting of the intention of the Act. My questions to the Minister are:

1. Does he know that tobacco money is being used by SACA to fund and control district cricket in South Australia?

2. If so, does he agree the action taken by SACA in passing a by-law threatening clubs with suspension is illegal because it contravenes the objects of the Tobacco Products Control Act?

3. Will the Minister institute legal proceedings to ensure that the by-law is declared invalid so district clubs can accept the foundation offer if they so wish and, if not, why not?

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

LIGHTWEIGHT LAMB CARCASSES

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Agriculture, a question about the export of lightweight lamb carcasses.

Leave granted.

The Hon. G. WEATHERILL: The Opposition might find this question interesting if it is truly supportive of farmers. Recently, a request was made to supply 100 000 tonnes of lightweight lamb carcasses to Spain. Spanish, Italian and, I believe, Greek business people are very interested in purchasing lightweight lamb carcasses of about eight to 12 kilos. Unfortunately, Australia could not provide this amount; it could provide only about 17 500 tonnes.

We do not normally get these sorts of contracts; they go to New Zealand because New Zealand is geared towards this sort of export and can provide about 240 000 tonnes. Restrictions have been placed on this export industry not by the Federal Government but by the Australian Meat and Livestock Corporation. I think it is quite ridiculous that Australia is not geared to provide this service overseas. As this matter will be renegotiated with the Australian Meat and Livestock Corporation in 1992, will the Minister make representations to the corporation to look into this matter?

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

DIVING SAFETY

The Hon. R.J. RITSON: I seek leave to make a moderate explanation before asking the Attorney-General, representing the Minister of Labour, a question about diving safety.

Leave granted.

The Hon. R.J. RITSON: Recently, I received an answer to a question I asked on 13 August about diving safety. The nub of that question was whether non-commercially qualified divers had been employed on a commercial site. There were further peripheral questions about whether the rates of pay would have been lower if amateur divers compared with professionally qualified divers had been employed on that site, and whether a complaint had been made to the department.

The answer requires further exploration. With respect to the central question of whether the divers were merely recreational divers who had been offered jobs on this site or whether they were professionally qualified, the Government has supplied the following information.

The Hon. R.R. Roberts: It's already in the *Hansard.*

The Hon. R.J. RITSON: It is going in again, slowly.

The Hon. R.R. Roberts interjecting:

The Hon. R.J. RITSON: It will get slower the more the honourable member interjects with stupid remarks.

Members interjecting:

The PRESIDENT: Order! The Hon. Dr Ritson has the floor.

The Hon. R.J. RITSON: I could have finished by now—it is only half a paragraph.

An honourable member: You're not reading, are you?

The PRESIDENT: I think the honourable member is referring only to copious notes.

The Hon. R.J. RITSON: Members will notice that I gave a benign nod of approval to the Hon. Mr Weatherill because today he used his own language and he made eye contact with members and was clearly simply using notes.

The PRESIDENT: Order! The Hon. Dr Ritson will get on with his question.

The Hon. R.J. RITSON: In answer to this question the inspector said that he did not 'detect any serious breaches of the construction safety regulations under the Occupational Health, Safety and Welfare Act'. The answer continues:

> To clarify the situation, the employer was fully aware of his obligations and responsibilities under section 19 of the Occupational Health, Safety and Welfare Act. While construction regulation 118 has very specific requirements in calling up Australian Standard 2299, changes to training requirements still had to be addressed which, when coupled with the limited number of training venues, had precluded total compliance at the time.

Were they or were they not qualified? I have some passing acquaintance with that sort of language, and I conclude that they were not, even though that is not quite admitted in this answer. They say that these divers were not qualified because it is hard to get trained people. The answer continues:

> The inspector was, however, satisfied that all appropriate steps had been taken on the part of the employer to provide for the safety of those engaged in the underwater work.

Indeed, except for the divers' qualifications, it appears that the operation did comply with the Act. My questions are:

1. Is the Government satisfied that an Act and regulations in this field can be blatantly disobeyed as long as the inspector feels that, in practical terms, the work is being done safely?

2. In view of the answer supplied by the Minister of Health in relation to the injury of two recreational divers who were employed on a commercial project at Port Lincoln and who suffered decompression sickness at a shallow depth, does the Government really believe the conclusion reached by the inspector?

3. What are the qualifications of the inspector involved in the answer to my question, if any? Is he a qualified diver, how many hours diving has he logged and does he hold any professional qualifications?

The Hon. C.J. SUMNER: I will convey those questions to the Minister and obtain a reply.

CHILD PROTECTION SERVICE

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the Child Protection Service at the Adelaide Children's Hospital.

Leave granted.

The Hon. BERNICE PFITZNER: The Child Protection Service started three years ago with the appointment of a new Director, a medical doctor, seven social workers and two part-time medical officers seconded from the Queen Elizabeth Hospital and the casualty department of the Adelaide Children's Hospital. At present I understand that the number of social workers is two under the full complement, one vacancy being held over until an evaluation of the service is completed and the other vacancy is said to be frozen. The two part-time medical officers are only temporary positions and their continued services are not assured. The Director is on call every week night and two weekends in three, the third weekend being covered by a sympathetic medical colleague with no security of a definite continued service.

With the report of the Select Committee on Child Protection, Policies, Practices and Procedures tabled, a report that continually highlights the need for adequate resources and the concerns of overloading staff, and with the latest initiative of the Police Force regarding phone-ins for suspected child abuse, that is, Operation Keeper and Operation Parallax, resulting in an increase in the number of referrals to the service, it would appear that this service needs all its allocated resources. My questions are:

1. Why has the full complement of the service not been allocated?

2. Will the frozen vacancy of a social worker be frozen permanently?

3. Will the two part-time medical officers' positions be made permanent and, if so, when?

4. Will the Minister look into the long working hours of the Director of the service with a view to improving his working conditions?

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

CONSULTANTS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the use of consultants.

Leave granted.

The Hon. R.I. LUCAS: I refer to an article in the September issue of the *Public Service Review* headed, 'It just keeps spreading'. The article refers to the current hospitals' review being undertaken by the New York based management consultancy firm of Booz Allen & Hamilton. The

consultancy has recently completed a review of certain departmental operations at the Royal Adelaide Hospital, and is currently conducting similar reviews at the Queen Elizabeth Hospital and Flinders Medical Centre. It is on the public record that Booz Allen & Hamilton were paid $1.5 million to review the operations of the RAH's cardiology and orthopaedics departments. It is also a matter of public record that that expenditure has been lambasted by certain unions as a 'scandalous waste of money'.

Certainly, there appear to be grounds for some concern about inconsistencies in the reported estimated savings that can be realised by Booz Allen's review of hospital practices. For example, the acting chairman of the South Australian Health Commission told the Estimates Committee A on 16 September:

> ... Booz Allen has already identified $4.5 million of savings at the Royal Adelaide Hospital which has been accepted by the board and by the unions as being appropriate. It has by no means finished the review.

During that hearing, however, the Minister of Health was not quite so committal. In part, he said:

> ... occasionally a costing could be wrong. One would hope it would not be wrong by very much, but it is possible. Secondly, some savings that are identified may not be realised ...

Media reports, if correct, only serve to underline the uncertainty of what the true savings will be. For example, in March 1991 an *Advertiser* article stated that a report by Booz Allen & Hamilton showed savings of up to $50 million could be achieved in the metropolitan hospital system by changing work practices. Yet, in May the *Advertiser* quoted the Health Minister as saying:

> ... tentatively, something like $4 million a year in savings had been identified at the RAH ... and potential savings of $60 million a year across the public hospital system had been talked about ...

The Minister, interestingly, also said he expected smaller hospitals, such as Lyell McEwin and Modbury, would benefit from the flow-on effects of the study. That begs the question of why comprehensive review of the Queen Elizabeth Hospital and Flinders Medical Centre would be needed after the study done at the Royal Adelaide Hospital.

The article in the September edition of the *Public Service Review* states:

> Public sector reform may be the flavour of the '90s but Booz Allen is no benign in-house GARG, rather a union and member resource consuming exercise. More to the point, it is arguable whether reform should come to an already financially stretched public sector so expensively, $1.5 million is the conservative estimate for RAH alone.

The article continues:

> If the RAH findings are being treated—by Booz Allen and other hospitals—as transferable, why bother to extend the consultancy's operations?

It then goes on to detail the 'dramatic downward trend' of predictions of savings from Booz Allen's 'diagnostic phase' estimations to that recommended to the Royal Adelaide's board. These show a discrepancy of $2.6 million in what Booz Allen initially said could be saved at that hospital to what it recommended to the board. My questions to the Minister are:

1. Does the Minister agree that there has been a dramatic downward estimation of the savings identified by the consultants and, if so, is the Government concerned about the cost-effectiveness of spending $1.5 million on the Booz Allen & Hamilton consultancy?

2. What will be the individual costs of the consultancies now under way at the Flinders Medical Centre and the Queen Elizabeth Hospital and why is such expense being outlayed when some of the recommendations from the Royal Adelaide Hospital review could have been extrapolated to these hospitals?

3. Does the Minister stand by his statement in the *Advertiser* on 10 May that smaller hospitals would benefit from flow-on effects of the review?

4. Has the Government made an assessment of what savings could be made at each of the major hospitals by competitive tendering of services?

5. Can the Minister provide details of how much was paid to the Booz Allen & Hamilton consultancy in relation to international air expenditure by or on behalf of the consultants employed by Booz Allen & Hamilton?

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

ENVIRONMENT PROTECTION

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister for Environment and Planning, a question about protection of the environment.

Leave granted.

The Hon. J.C. BURDETT: For some time I have been commenting on Acts passed by the Parliament and not proclaimed in whole or in part. Forty-five Acts have not been proclaimed either in whole or in part for a very considerable period. I have made the comment that this is an administrative and executive interference with the processes of Parliament. Parliament passes an Act and the Act is not proclaimed; it is in the hands of the executive. Unless and until the executive thinks that it is appropriate to proclaim the Act, it is not proclaimed. This is a gross intrusion into the concept of the separation of powers between the legislature, the executive and the judiciary.

The Act to which I refer is No. 59 of 1984, the Environment Protection (Sea Dumping) Act, which was assented to on 31 May 1984. The whole of it was to be proclaimed but it has not yet been proclaimed. There could be explanations, and that is what I am seeking. It was said in the Bill to be in support of the convention on the prevention of marine pollution by dumping of wastes and other matters. The first schedule sets out the parties—mainly the other States—and it may be that those other States have not yet passed similar legislation, although we are going back to 1984. Why has this Act not been proclaimed, and are there any reasons why it cannot be proclaimed now?

The Hon. BARBARA WIESE: I will take the question on behalf of my colleague the Minister for the Arts and Cultural Heritage and undertake to refer it to our colleague in another place and ensure that a reply is brought back.

DOG ATTACKS

The Hon. BERNICE PFITZNER: I understand that the Minister for the Arts and Cultural Heritage has an answer to my question about dog attacks that I asked on 27 August.

The Hon. BARBARA WIESE: I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

My colleague the Minister for Environment and Planning has advised that the following steps are being initiated to decrease the incidence of dog attacks:

- Support of a Federal Government ban on the importation of American pit bull terriers.

- Amendments to the Dog Control Act to require American pit bull terriers to be muzzled and on a leash in public places.
- Further initiatives to require the desexing of American pit bull terriers, a ban on their use as guard dogs and a ban on advertising pit bull terriers for sale are under consideration.
- The Minister has indicated a strong support for the effective enforcement of current dog controls which include fines of up to $10 000.
- Investigations of new education programs for dog owners and ways of assisting dog control officers to carry out their work.
- Various options are being examined to further encourage responsible pet ownership including education programs and places for people to exercise their pets.

The Dog Advisory Committee has recommended that:

- The Federal Government ban on importation of bull terriers be supported.
- The Australian Veterinary Association be approached for their support in reporting dogs suspected of being involved in illegal dog fights.
- A ban be placed on advertising pit bull terriers for sale.
- Consideration be given to requiring certain savage breeds of dogs to be muzzled when in a public place.

The Dog Advisory Committee determined at a meeting held on 27 August 1991 to initiate a full review of fees and administration of the Dog Control Act. The review will be conducted in consultation with local government, animal welfare organisations, the Canine Association and other interested bodies. The proposed review will investigate the areas where administration of the Act can be improved and will make recommendations accordingly.

COURT REPORTING SERVICES

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about computer aided transcription in the Court Services Department.

Leave granted.

The Hon. K.T. GRIFFIN: I know that the Court Services Department has been developing computer aided transcription in the reporting of evidence and other statements in courts, but I have been informed that the Court Services Department was formerly using Cimarron software which was subsequently scrapped because the maintenance charges were too high. The Court Services Department is now using either Microcat or Omnicat, but that company in the United States has gone into receivership and issued statements that it can no longer service any software that fails. This raises interesting questions because, I am informed, new shorthand machines will be required at a cost of about $5 000 each.

Will the Attorney-General advise whether, first, there have been difficulties in the development of computer aided transcription with the equipment? If so, can he identify what are those difficulties? What does the department intend to do with current software and shorthand machines if, as I have been informed, there is a difficulty with the supplier in the United States? Will the Attorney-General indicate the cost of any changeover and the costs thrown away?

The Hon. C.J. SUMNER: I will obtain a response for the honourable member.

PAYNEHAM PRIMARY SCHOOL

The Hon. R.I. LUCAS: I understand that the Minister representing the Minister for the Arts and Cultural Heritage has an answer to a question that I asked six or seven months ago, on 4 April, about Payneham Primary School.

The Hon. BARBARA WIESE: I have that reply and seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

My colleague, the Minister of Education, has advised that specific assets studies of St. Morris and Trinity Gardens schools were undertaken to enable a decision to be made about a choice of location for the new (amalgamated) school. The nature of the assets at Payneham Primary School were well known and taken into account. The school is not in a location where it could be considered a reasonable option as a site for an amalgamated school to serve the Payneham Trinity Gardens and St Morris communities. The value of the site is not a critical factor in assessing the need for a school to be retained. The asset value and dimensions of the three schools are:

	Value $ m	Site ha	Solid Accommodation m
Payneham	1.59	2.0	1 637
St Morris	2.575	2.8	1 880
Trinity Gardens	3.655	4.7	2 081

The cost of upgrading the Trinity Gardens Primary School to an acceptable standard will not be as high as the figure stated. The Payneham Primary School site is not an acceptable alternative in that it is too far removed from the catchment areas of the amalgamating Trinity Gardens and St Morris Primary Schools.

HOUSING CO-OPERATIVES BILL

Second reading.

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

That this Bill be now read a second time.

The Bannon Government has a proud record in the provision of housing to the South Australian community. Under this Government, the Housing Trust has admitted some 62 000 new tenants to trust accommodation, and has added a net 16 747 dwellings to its rental stock, an increase of 36 per cent. Through the Home Scheme and HomeStart the Government has provided 20 000 loans for people to buy housing. More than 50 000 people have received rent relief. Nearly 3 000 households have received mortgage assistance. Over 73 000 households have been granted relief from stamp duty on the purchase of their first home. The Emergency Housing Office has assisted an astonishing 153 000 households to find private rental accommodation. The Housing Co-operative Program and the Community Housing program have together added nearly 1 200 dwellings and 514 units of aboriginal accommodation have been added. Over 4 000 units of accommodation for aged people have been constructed.

We have developed a range of responses to help people in special need, including short-term and medium-term housing for women, families and young people in crisis. New forms of housing involving people in the management

of their own accommodation have evolved, such as co-operatives. The Housing Trust has continued its policy of diversifying and redeveloping its stock, regionalising its activities and seeking ways of encouraging tenant participation in the trust's activities.

But, this Government has never been content to rest on its laurels. We have articulated a clear vision of where housing is going in this State. The vision is dynamic and proactive. It does not shy away from hard decisions forced on us by current economic realities. It offers us opportunities to demonstrate the renewed role that housing has to play in the world of tomorrow. It envisages a South Australia in which, despite constraints, there will be greater opportunities to resolve housing problems creatively.

We foresee a State in which there are a greater variety of housing tenures, more mixed public and private ventures, more shared equity between individuals and institutions, a greater diversity of housing stock reflecting the varying needs of the community, and we see lower development and building costs. We see a housing sector in which the poor, the needy and the disabled are offered greater protection and the opportunity for new forms of housing tenure. Within this vision we see a significantly expanded role for co-operative and community housing. We see a more diversified, localised and democratic form of public housing. We see more community involvement. We see greatly improved housing knowledge and better planning. We see well co-ordinated development processes for new communities. We see housing recognised as essential to economic and social well-being.

The Government will continue to build on the strengths of the South Australian Housing Trust as the main agency to develop and deliver existing and new housing programs. In particular we are seeking to enhance the strategic planning capacity of the Housing Trust. We therefore envisage that there should be strong and complementary strategic links between the trust and the South Australian Co-operative Housing Authority. The Government intends to formalise this partnership by appointing the General Manager of the trust to the position of Chairman of the authority, and also by ensuring further Housing Trust representation on the board of the authority. The Government stresses that these links will in no way compromise the independence of the authority, which will operate separately from the trust and will have full responsibility for all aspects of the Co-operative Housing program.

Co-operatives form a central and growing component of our vision for housing in South Australia. Co-operative housing in South Australia now has a 10 year history. From very small beginnings in 1980, the sector has grown to encompass 32 co-operatives housing nearly 700 households. Many new co-operatives are in the developmental stage. We have committed ourselves to providing up to 1 200 more units of accommodation through this program during the life of the current Government, depending on demand. This Bill provides the foundation stone on which the co-operative housing tenure will be built in the years to come.

The Government supports co-operative housing for a variety of reasons. It makes available a new alternative which offers some of the advantages of public rental housing and some of the advantages of home ownership. It is targeted primarily at low-income groups who would otherwise face great hardship.

It provides them with secure, decent and affordable housing. It devolves control over housing down to the people who live in the housing. It taps into the voluntary talents and labours of the users. It fosters a philosophy of mutual assistance and democratic control by the tenants of the co-operative. It helps spread the shrinking public dollar further. It is economically efficient. It offers dignity and pride. It promotes independence, improves self-reliance and encourages people to gain new skills and knowledge which help them in other areas of life such as the labour market. It reduces the stigma associated with so-called welfare housing. It is infinitely flexible and can cater for a wide range of users, including the aged and the disabled. Under the Bannon Government, South Australia has become a nation-wide leader in co-operative housing.

This legislation originates in a thorough review of the program carried out over the last two years. The review identified a number of structural, legal, operational and financial deficiencies. The legislation begins the process of ensuring that both government and co-operatives are adequately protected, and provides a secure foundation for the growth of this sector. The legislation is pioneering. No other State has seen such a rapid growth in the number of co-operatives and the numbers housed. The Government has consequently recognised the need for thorough and purpose-built legislation to directly serve the needs of this fast-growing sector.

The Bill before you now serves a number of purposes. It creates a Co-operatives Housing Authority to plan, promote, regulate and protect the sector. The Government is satisfied that the co-operative housing sector has grown to the point where existing resources of government should be specifically earmarked to look after the sector. It is appropriate to integrate and coordinate the various functions under one body, instead of having them split among three as at present. The authority will not be an independent body but will be under ministerial control and direction.

The authority will bring together representatives of registered housing cooperatives, the Housing Trust, a nominee of a representative body of housing cooperatives, and a number of Government appointees. This format has been adopted because the Government recognises that cooperative housing involves a partnership between the public and voluntary sectors. Government provides the legal and institutional framework within which cooperatives operate, determines key policies such as rents, and provides part of the finance needed. Cooperatives also provide part of the finance and have responsibility for day-to-day management, including development, property maintenance, rent collection, tenant selection, and other duties of landlords.

Neither party can succeed without the active support and cooperation of the other. Already, an advisory committee called the South Australian Cooperative Housing Management Committee has been working to put together this legislation and other features of the new cooperative housing program. This committee, which is structured along similar lines to the proposed authority, has proven highly successful, and it is desirable to set a permanent structure in place.

Over the course of time it has been found that existing legislation does not entirely suit the needs of housing cooperatives. Neither the Associations Incorporation Act nor the general Co-operatives Act is suitable. The Bill therefore makes provision for the incorporation and regulation of cooperatives in a manner precisely tailored to their needs.

While it is intended to continue targeting the program at low-income groups, the Government is keen to see that tenants of housing cooperatives have the opportunity to invest their own funds in their housing when and as they have the ability to do so. The Bill provides for a share-equity investment scheme for cooperatives. To prevent speculation, this will be available only to resident tenant-members of the cooperative, except under exceptional cir-

cumstances. The tenant will be able to build up a shareholding in stages over time. If the rules of the cooperative allow, it will be possible for the tenant to buy the house from the cooperative. Alternatively, the tenants can eventually turn the cooperative into a private body using their own funds. The proceeds of share sales will be available to the authority for re-investment so as to provide further housing to low-income people.

The Bill provides for the authority to support housing cooperatives financially. Additionally, the authority will be able to support other bodies which are established to provide assistance to housing cooperatives. This will particularly allow for the provision of management training and education to members of cooperatives. Financial transactions between the authority and cooperatives will be protected by means of a funding contract and a statutory charge over the property of the cooperative. The charge will prevent the cooperative from dealing in secured property without the permission of the authority. The charge can be enforced if there is a breach of the conditions of funding. Additionally, there will be strengthened accountability provisions for housing cooperatives.

The authority will have extensive powers of investigation and intervention into registered housing cooperatives which breach the legislation or conditions of funding. The authority will be able to require compliance with certain standards, and will be able to take action in the event of non-compliance. There are appropriate provisions for winding up cooperatives in certain circumstances. It is desired to effect amendments to the Residential Tenancies Act in so far as tenant-members of registered housing cooperatives are concerned. This has been achieved by means of a companion Bill amending the Residential Tenancies Act. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 sets out the various definitions required for the purposes of the Act. A housing co-operative is defined as an association which is formed on the basis of the principles of co-operation and principally to provide housing accommodation to its members. The principles of co-operation are set out in subclause (2). These principles are based on the six International Principles of Co-operation.

Clause 4 relates to the concept of statutory price. The statutory price is to be the amount payable to the holder of investment shares issued under Part VI of the Bill when those shares are redeemed or cancelled. The statutory price will be related to changes in the capital value of property.

Clause 5 prescribes the financial year of a registered housing co-operative.

Clause 6 provides that except as otherwise provided under the Act, the Corporations Laws will not apply in relation to a registered housing co-operative. However, the regulations may provide for the specific application of any provision of those laws (subject to such modifications, additions or exclusions as may be prescribed).

Clause 7 contains a provision relating to the Minister's powers of delegation.

Clause 8 provides for the creation of the South Australian Co-operative Housing Authority.

Clause 9 provides that the authority will have seven members—four appointed by the Governor and two elected by the members of registered housing co-operatives.

Clause 10 sets out the conditions of office that are to apply to members of the authority.

Clause 11 allows for the payment of allowances and expenses to members of the authority according to determinations of the Governor.

Clause 12 relates to the procedures to be observed at meetings of the Authority. Any member of the public will (with the leave of the authority) be entitled to attend a meeting of the Authority as an observer.

Clause 13 relates to the situation where a member of the authority may have a personal interest in a matter before the authority.

Clause 14 will make it an offence for a member of the authority to use confidential information gained by virtue of his or her position for the purpose of obtaining a private benefit.

Clause 15 relates to the immunity of a member of the authority from personal liability for an act or omission of the member or the authority in the exercise, performance or discharge (or purported exercise, performance or discharge) of a power, function or duty under the Act.

Clause 16 sets out the functions of the authority. It is proposed that the authority will provide advice or reports to the Minister on matters relating to the co-operative housing sector in the State, support and promote the activities and interests of housing co-operatives, register housing co-operatives and oversee their activities, and generally act in the best interests of the co-operative housing sector in this State. The authority will be subject to the general control and direction of the Minister. The authority will be required to promulgate guidelines to assist registered housing co-operatives and their members to understand their rights and liabilities under the Act.

Clause 17 sets out the authority's powers of delegation.

Clause 18 provides that the authority will have such staff (comprised of persons employed in the Housing Trust) as is necessary for the purposes of the Act.

Clause 19 will require the authority to keep proper accounts and prepare annual financial statements. Those statements will be audited by the Auditor-General.

Clause 20 will require the authority to provide an annual report to the Minister. The Minister will be required to lay copies of the report before both Houses of Parliament.

Clause 21 will require the authority to keep various registers.

Clause 22 provides that a duly authorised person may apply on behalf of a housing co-operative for registration of the co-operative under the Act.

Clause 23 provides that a housing co-operative becomes, on registration, a body corporate.

Clause 24 provides that, except as may be provided in the relevant rules, or in relation to pre-incorporation debts, a member of a registered housing co-operative is not liable to contribute towards the debts and liabilities of the co-operative, or any costs associated with a winding up of the co-operative.

Clause 25 will allow two or more registered housing co-operatives to amalgamate by special resolution passed by each co-operative.

Clause 26 provides that the rules of a registered housing co-operative bind the co-operative, the members of the co-operative, and any other person who may be occupying any premises of the co-operative. The rules must not contain any provision that is contrary to or inconsistent with the Act. Equally, by-laws must not be contrary to or inconsistent with the rules of the co-operative.

Clause 27 will require any alteration to a rule (other than a by-law) to be registered with the authority. Unless the Act

otherwise requires, a special resolution will be required to alter a rule of a registered housing co-operative.

Clause 28 sets out the powers of a registered housing co-operative. A registered housing co-operative will be able to hold or deal with real or personal property, operate accounts, make investments, borrow money and enter into contracts. However, a co-operative will not be able to dispose of real property unless authorised by special resolution of the authority.

Clause 29 sets out the manner in which a registered housing co-operative may carry out transactions.

Clause 30 will validate a contract of a registered housing co-operative that might otherwise be beyond the capacity of the co-operative to enter into.

Clause 31 abolishes the doctrine of constructive notice in relation to registered housing co-operatives.

Clause 32 relates to membership within registered housing co-operatives. The rules of a co-operative may provide for different classes of members. The rules may provide for corporate membership.

Clause 33 will provide that each member of a registered housing co-operative is entitled to one vote (but no more than one vote) on any question put to a meeting of the co-operative. Any variation to this principle will require the specific approval of the authority.

Clause 34 will allow a registered housing co-operative to impose membership fees.

Clause 35 relates to the obligations of members. A member of a registered housing co-operative will be required to take reasonable steps to support the objects of the co-operative, to attend meetings and to undertake tasks reasonably required by the co-operative.

Clause 36 restricts the payments that a registered housing co-operative may make for the benefit of a member.

Clause 37 expressly provides that the rules of natural justice must be observed in relation to the adjudication of any dispute.

Clause 38 provides that a registered housing co-operative must have a committee of management comprised of natural persons who are members of the co-operative. The committee of management will be empowered to manage the affairs of the co-operative and to exercise powers or functions assigned by the co-operative.

Clause 39 sets out the qualifications required of a committee member. Unless the rules of the co-operative otherwise provide, a committee member must be a tenant-member of the co-operative.

Clause 40 provides that committee members must be appointed by a general meeting of the co-operative.

Clause 41 relates to the validity of acts of a committee member.

Clause 42 relates to the situation where a committee member may have a personal interest in a matter before the committee.

Clause 43 relates to meetings of a committee of management and will require the committee to hold meetings as often as may be necessary for the proper conduct of its business.

Clause 44 sets out specific duties that must be discharged by officers and employees of registered housing co-operatives. An officer will be required to act honestly in the exercise or discharge of powers or duties of office, and to exercise a reasonable degree of care and diligence. It will be an offence to make improper use of confidential information acquired by virtue of an official position. Rights of recovery are included in relation to cases of default.

Clause 45 provides that a registered housing co-operative must hold its annual general meeting within three months after the close of its financial year. The rules of a co-operative may provide for the calling of other meetings of the co-operative.

Clause 46 imposes obligations in relation to the implementation of proper accounting procedures by registered housing co-operatives.

Clause 47 will require the preparation and auditing of a financial statement in respect of each financial year. The authority will be able to set accounting standards that each registered housing co-operative will be required to comply with.

Clause 48 requires a committee of management to lay before the annual general meeting of a registered housing co-operative a copy of the audited financial statements for the last financial year, together with such information or reports as the regulations may require.

Clause 49 relates to the provision of returns and information to the authority by registered housing co-operatives.

Clause 50 will require a registered housing co-operative to allow a member of the co-operative to obtain a copy of the rules and records of the co-operative.

Clause 51 provides that the rules of a registered housing co-operative may, if approved by a unanimous resolution, provide for the issue of investment shares in the co-operative. The shares will not be transferable and will not create an entitlement to dividends or interest. However, the shares will be issued in relation to a particular residential property of the co-operative, or in relation to the real property of the co-operative generally, and so the value of the shares will change as the value of the relevant property changes.

Clause 52 will require a registered housing co-operative that issues investment shares to establish a share capital account. Money received from the issue of shares will be required to be paid into the account. If the co-operative is a subsidised co-operative (as defined), the money must then be transferred to the authority to be held in the fund.

Clause 53 will make it unlawful for a registered housing co-operative to finance dealings in its own shares.

Clause 54 will require a registered housing co-operative to assign a distinctive number to any allotment of investment shares.

Clauses 55 and 56 relate to the issue of share certificates.

Clause 57 sets out the circumstances under which investment shares may be redeemed. Shares will be redeemable in certain cases of financial hardship, in the event of the death of the shareholder, if the shareholder ceases to be a member of the co-operative, or if the shares have been issued in relation to specific property and that property is sold. The regulations may also prescribe circumstances in which shares may be redeemed.

Clause 58 regulates the ability of a registered housing co-operative to cancel issued investment shares.

Clause 59 extends to registered housing co-operatives the application of a provision of the Corporations Laws relating to the offering of shares to the public.

Clause 60 regulates the ability of a person to create a charge over any investment shares that he or she may hold.

Clause 61 will give a special power to the Supreme Court to validate the purported issue of any shares that would otherwise be invalid under the Act.

Clause 62 defines the term 'subsidised premises' for the purposes of Part VII of the Act, the term meaning premises that are acquired or developed through the authority's assistance.

Clause 63 provides for the establishment of the 'Co-operative Housing Development Fund'. The fund will be the central fund under the Act and will be administered by the authority. The fund will be used to assist in the acqui-

sition and improvement of co-operative housing in the State and to satisfy any liabilities of the authority. The fund will be kept at Treasury and the authority will be required to take into account policies and guidelines issued by the Treasurer in relation to the administration of the fund.

Clause 64 relates to financial agreements between the authority and registered housing co-operatives that receive assistance from the authority to acquire or improve residential premises.

Clause 65 will allow the authority to secure the performance of a financial agreement with a registered housing co-operative by the registration of a charge over the real property of the co-operative.

Clause 66 relates to the enforcement of a charge over real property in a case of default. The authority will be required to give the co-operative reasonable opportunity to remedy any alleged default and will not be able to act to enforce the charge until it has obtained a report from an independent investigator. If the authority decides to act, it will be required to apply to the Minister for an order for the transfer or sale of the property secured by the charge.

Clause 67 provides that the creation of a charge also gives rise to an option in favour of the authority to purchase the relevant property in the event of a proposed sale by the co-operative.

Clause 68 sets out a method by which the charge may be discharged by equity investment in the relevant property and the payment of appropriate amounts to the authority.

Clause 69 empowers the Minister to appoint authorised officers for the purposes of investigations under the Act.

Clause 70 sets out various powers of investigation.

Clause 71 will allow the authority to intervene in the affairs of a co-operative in circumstances specified by the provision. The grounds of intervention include that the co-operative has failed to be administered on the principles of co-operation, that the co-operative is experiencing severe internal disputes or severe difficulties in the administration of its affairs, that committee members have acted in their own interests or in any other manner that appears to be unfair or unjust, that the co-operative has committed a breach of the Act and then failed to remedy the breach within a reasonable time, or that the co-operative has breached a financial agreement with the authority.

The authority will be required to obtain the report of an independent investigator before it intervenes in the affairs of the co-operative. The powers of intervention will include the ability to require the co-operative, or members of the co-operative, to take specified action to correct any irregularity, to require the co-operative to adopt specified management practices, to remove a committee member from office or to suspend or terminate a person's membership of the co-operative, to appoint an administrator, and to recommend to the Minister that the co-operative be wound up.

Clause 72 relates to the appointment of an administrator.

Clause 73 adopts provisions of the Corporations Laws relating to compromises with creditors.

Clause 74 sets out the circumstances under which a registered housing co-operative may be wound up.

Clause 75 will allow a person to appeal to the Supreme Court in relation to an act, omission or decision of a person administering a compromise, of a receiver or receiver manager, or of a liquidator.

Clause 76 sets out a procedure by which a registered housing co-operative can transfer its activities to another body corporate where the co-operative has, in effect, ceased to be operating as a housing co-operative.

Clause 77 regulates the distribution of surplus assets of a registered housing co-operative on the winding up of the co-operative. In particular, the surplus assets of a subsidised co-operative must be distributed to the authority, another registered housing co-operative, or another body with identical or similar aims and objects.

Clause 78 relates to the de-registration of defunct co-operatives.

Clauses 79 and 80 provide for the disposal of property of a co-operative located after the co-operative is wound up.

Clause 81 provides for the removal from the register of the name of a co-operative that has been wound up.

Clause 82 adopts various provisions of the Corporations Laws that relate to the responsibilities of officers and other persons when an incorporated body is being wound up or is unable to pay its debts.

Clause 83 will require the authority to take action to assist any tenants affected by the winding up of a registered housing co-operative.

Clause 84 sets out procedures for the review of acts and decisions of the authority and the Minister under the Act.

Clause 85 provides that a tenancy agreement between a co-operative and a member of the co-operative must be in writing.

Clause 86 sets out an alternative procedure under which a co-operative may borrow money from its members.

Clause 87 provides that a registered housing co-operative must not issue any kind of shares other than membership shares and investment shares.

Clause 88 will allow a member of a co-operative who is under a disability to appoint a person to act as his or her representative.

Clause 89 facilitates the transfer of associations under the Associations Incorporation Act 1985 to this Act.

Clause 90 allows the use of the abbreviation 'Inc.'.

Clause 91 will make it an offence to falsely represent that a body is a registered housing co-operative under the Act.

Clause 92 relates to the power of the authority to reject documents submitted under the Act.

Clause 93 will make it an offence to include false or misleading information in a document required under the Act.

Clause 94 will allow the authority to grant extensions of time for the purposes of the Act and, with the approval of the Minister, to exempt a co-operative or an officer of a co-operative from the obligation to comply with a provision of the Act.

Clause 95 empowers the authority to convene a special meeting of the co-operative.

Clause 96 is an evidentiary provision.

Clause 97 sets out various methods of effecting service on a registered housing co-operative.

Clause 98 will make it an offence to refuse or neglect to furnish a return or information to the authority under the Act.

Clause 99 creates additional penalties if a person who has been convicted of an offence against the Act continues to act in contravention of the Act.

Clause 100 provides that an officer of a registered housing co-operative must take all reasonable steps to ensure that the co-operative complies with its obligations under the Act.

Clause 101 contains a general defence to proceeding for an offence against the Act in cases where the defendant can show that he or she took reasonable care to avoid commission of the offence.

Clause 102 relates to proceedings for offences under the Act.

Clause 103 provides that the liabilities of the authority are guaranteed by the Treasurer to the extent to which they cannot be satisfied out of the fund.

Clause 104 provides for the remission of taxes in certain circumstances and empowers the Treasurer to exempt the authority, or instruments to which the authority or a registered housing co-operative is a party, from taxes, duties or other imposts.

Clause 105 relates to the payment of fees.

Clause 106 provides that the rule against perpetuities does not apply in relation to a right or interest of the authority in the property of a registered housing co-operative.

Clause 107 relates to regulations under the Act.

The schedule contains a transitional provision to facilitate the election of the first members of the authority.

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

RESIDENTIAL TENANCIES AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This Bill is a companion measure to the Housing Cooperatives Bill 1990. It amends the Residential Tenancies Act in respect of tenant-members of housing co-operatives registered under the housing co-operatives legislation. During the recent review of the housing co-operatives program it was found that the Residential Tenancies Act was not entirely appropriate to the needs of housing co-operatives. A practice had arisen over time whereby each new housing co-operative sought specific modifications to the Act so as to suit its needs. The Residential Tenancies Tribunal has generally acceded to these applications, although the precise wording of each order has varied over time.

It is now proposed to provide a uniform set of modifications to the Act in respect of registered housing co-operatives. The modifications proposed cover eligibility for membership, variation of rent, responsibility for cleanliness and repairs, rights of assignment and subletting, and termination of tenancy. These amendments generally follow the spirit of modifications previously determined by the Residential Tenancies Tribunal.

In one respect, however, the amendments go further. Section 65 of the Act, which allows a landlord to terminate a tenancy agreement without reason, provided 120 days notice is given, will not apply in respect of a residential tenancy agreement between a registered housing co-operative and a member of the co-operative. Co-operative housing is intended to be long-term housing and it is appropriate that members be given adequate protection from arbitrary, capricious or vindictive termination of tenancy.

It is proposed that co-operatives will have a right to give notice of termination if a tenant ceases to be a member. This allows the co-operative to terminate the membership of a member in accordance with its rules, and then to issue a notice of termination under section 61. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 defines 'registered housing co-operative' for the purposes of the principal Act.

Clause 4 will allow the South Australian Co-operative Housing Authority to intervene in proceedings before the Residential Tenancies Tribunal in appropriate cases.

Clause 5 modifies the operation of section 34 of the principal Act in relation to rent variations where the landlord is a registered housing co-operative and the rent is variable according to variations in the tenant's income.

Clause 6 amends section 46 of the principal Act so that a registered housing co-operative will not be required to maintain or repair items of a prescribed kind.

Clause 7 modifies the application of section 52 of the principal Act. It will be a term of a tenancy agreement where a registered housing co-operative is the landlord that the right of the tenant to assign or sublet his or her interest will be subject to the consent of the landlord, that the landlord will have an absolute discretion to refuse to consent to an assignment, and that the tenant is only entitled to sublet the premises on a reasonable number of occasions for reasonable periods.

Clause 8 provides that where a registered housing co-operative is a landlord, the co-operative may give notice of termination on the ground that the tenant has ceased to be a member of the co-operative, or has ceased to satisfy a condition prescribed by the agreement as being essential to the continuation of the tenancy. The period of notice will be 28 days.

Clause 9 amends section 65 of the principal Act. This section allows a landlord to terminate a tenancy (other than a fixed term tenancy) without any ground by giving the tenant at least 120 days notice of termination. It is proposed that this provision not apply to a residential tenancy agreement between a registered housing co-operative and a member of the co-operative.

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

MOTOR VEHICLES (REGISTRATION-ADMINISTRATION FEES) AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The purpose of this Bill is to amend the Motor Vehicles Act 1959 and to make a consequential amendment to the Stamp Duties Act 1923 to provide for an administration fee to be charged for motor vehicle registrations that are issued and renewed without fee pursuant to the Motor Vehicles Act and regulations. The administration fee is required to cover the costs to motor registration of recording vehicles to be registered without fee on the register, preparing and issuing registration labels and certificates and forwarding notices of renewal when the registrations are due. There is no recovery of these costs at present. The cost is estimated to be $16 per transaction, which is in line with current charges associated with processing transactions of a similar complexity.

The administration fee will recover approximately $134 000 annually from 8 400 of the 13 500 vehicles registered without fee. It is proposed that the remaining vehicles, essentially Government-plated vehicles and vehicles owned by accredited diplomats, be exempted from the administration fee. Registration fees for Government-plated vehicles are paid by account and there are no individual renewals

of registration or individual registration labels issued. Under the Vienna Convention on Consular Relations, consular officers are exempt from all State taxes and dues. Accordingly, it is considered that an administration fee is not appropriate for these categories of registration. I commend the Bill to members, and I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

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

Clauses 3, 4, 5, 6 and 7 make minor amendments to, respectively, sections 16, 20, 21, 22 and 24 of the principal Act to include references to any administration fee that may be payable on an application to register a motor vehicle in lieu of a registration fee.

Clause 8 amends section 27 of the principal Act to extend the Governor's regulation-making powers in relation to registration fees to the making of regulations that prescribe administration fees to be paid in respect of applications to register motor vehicles entitled to registration without payment of registration fees.

Clause 9 amends section 31 of the principal Act to make it clear that the requirement that the Registrar register those classes of motor vehicles referred to in the section without fee is a requirement to register without payment of registration fees.

Clauses 10 and 11 make minor amendments to, respectively, sections 41 and 42 of the principal Act to make it clear that references in those sections to fees are references to registration fees.

Clause 12 makes a minor consequential amendment to the second schedule of the Stamp Duties Act 1923 to make it clear that a reference in an exemption provision to fees is a reference to registration fees.

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

MARALINGA TJARUTJA LAND RIGHTS (ADDITIONAL LANDS) AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The purpose of this Bill is to amend the first and second schedules of the Maralinga Tjarutja Land Rights Act 1984. The first schedule defines the boundaries of the Maralinga Tjarutja lands and the second schedule is a diagrammatic map of the lands which identifies the roads to which the public have access under section 20 of the Act. The total area of the Maralinga Tjarutja freehold land is 76 420 square kilometres. This Bill will transfer an additional 3 600 square kilometres of unallotted Crown land to Maralinga Tjarutja. It will allow the incorporation into the lands of unallotted Crown land between Maralinga Tjarutja's southern boundary to a distance of 100 metres from the Australian National Railway Reserve for the entire length of the lands.

When the original land title was drawn up, the southern boundary of the lands was defined by the map references for the Woomera Prohibited Area which left a buffer zone of approximately seven miles between the rocket range and the railway line. There are no discernible boundary markers on the ground to identify where the buffer zone begins and ends. By adding this section of unallotted Crown land into the title, the southern boundary of the Maralinga Tjarutja lands will be clearly defined by the railway line reserve.

The area south of Maralinga to be included in the title contains several sites of significance to the Aboriginal traditional owners, including the vast ceremonial/trading areas around the former fresh water soaks, burial sites and mission settlements.

For many centuries Ooldea was a meeting place and ceremonial site for the people from the Great Victoria Desert and beyond. In fact, it was one of the most important trading areas for clan groups from the Kimberleys in Western Australia and from central Queensland, as well as for the Pitjantjatjara clan groups to the north. Ooldea was widely referred to as an 'Aboriginal metropolis'. The cultural and social fabric of the traditional nomadic peoples who identified with Ooldea was tragically destroyed by white settlement, particularly with the construction of the railway. The railway workers and other early white visitors to the area exposed the Aboriginal people to illnesses which destroyed their health, to a life style which destroyed their traditional methods of survival, and to vices such as alcohol, with devastating effects.

The sinking of wells at Ooldea to satisfy the needs of the steam engines destroyed the natural water soaks forever. Christian missions established at Ooldea exposed these nomadic people to a settled, dependent lifestyle. Education and religious values which challenged traditional cultural practice and spiritual belief systems changed their lot forever. To add to the dilemma and confusion of these people, the missions closed without providing acceptable alternatives, and virtually left the Ooldea people in a cultural vacuum. In 1953 the area was closed off to the traditional people to make way for the British nuclear testing program, effectively destroying the cultural and trading interchange with people from distant places.

Over the past decade the Maralinga people, in their quest to go 'home' have exercised their spiritual imperative to care for the Ooldea area and to protect the ancient burial sites from intrusion and desecration. We will never be able to make up for the mistakes of the past. However, this Bill will in some measure help to redress the injustices of history. The Bill will also address two anomalies that have been identified with the existing boundaries. First, the Bill will redefine the southern boundary to enclose the Commonwealth prohibited area (section 400). The Commonwealth land contains the Maralinga village and the former nuclear test sites. Some of the land area in section 400 is extensively contaminated with radioactive materials, plutonium in particular, used by the British during the 10 years of trials. The area also contains quantities of waste materials, some of which is still highly radioactive, buried at several localities throughout section 400.

Secondly, the Bill addresses some changes in descriptions of the lands which have occurred since the passage of the original legislation in 1984. Currently, the eastern boundary of Maralinga Tjarutja land follows 133 degrees longitude and, like the current southern boundary, is not identifiable by markers on the ground. The Bill proposes to extend the eastern boundary to the fence line of neighbouring Commonwealth Hill pastoral lease and further north to the dog fence. The Commonwealth Hill fence is currently some 700 metres from the current Maralinga Tjarutja boundary. The Bill clears up this anomaly by removing this narrow 'no-mans land' north/south strip of Crown land. In addition, since the passage of the Maralinga Tjarutja Land Rights Act

in 1984, the section which formerly comprised the bulk of the lands, section 1446, has been redesignated as three sections: 1485, 1486 and 1487. The latter sections are those which appear on the title to the lands which were transferred to Maralinga Tjarutja. This Bill will bring the description of the lands in the Act into line with the description which appears on the title.

The titles to the Maralinga Tjarutja lands were handed over to the traditional owners in December 1984. The handover ceremony was the culmination of negotiations between the Maralinga Tjarutja people and Governments over many years. The elders, particularly the old people who were born on the lands or at Ooldea before the missions closed, wanted to return to resume their way of life and revive their culture and traditions. They wanted to get away from the social environment they had experienced since 1953 in towns and settlements, where the authority of the elders has been destroyed, their stories forgotten, and their health and lifestyle compromised. A group representing the traditional people has now resettled on Maralinga lands and are working towards fulfilling these aspirations. This Bill therefore addresses matters of basic human rights and social justice. In fact, the issue of land ownership is a matter of cultural and spiritual survival. The intent of this Bill meets one of the basic cultural aspirations of our Aboriginal citizens identified by the Royal Commission into Aboriginal Deaths in Custody.

In presenting this Bill, I wish to acknowledge the positive and bipartisan way in which Aboriginal affairs has been dealt with in South Australia. The amendments contained in the Bill have been recommended by the Maralinga lands parliamentary committee. The committee has visited Ooldea, and in its reports to Parliament in 1988 and 1990 recommended that the entire Ooldea area should be transferred to Maralinga Tjarutja to ensure that the area is appropriately managed and protected from intrusion and vandalism.

Finally, the Bill makes certain amendments of a savings or transitional nature that are consistent with the scheme of the Act as enacted and are required in view of the additional land now proposed to be brought under the Act. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

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

Clause 3 amends section 18 (11) *(f)* of the principal Act which makes a savings provision preserving rights of entry onto the Maralinga lands for persons who carried on the business of taking rabbits upon the lands before the commencement of the principal Act. The clause amends this provision so that it also applies in relation to the proposed additional Maralinga lands for persons engaged in that activity on the additional lands before they become subject to the application of the Act.

Clause 4 amends section 21 (23) of the principal Act, which makes a savings provision preserving mining rights under mining tenements in force in respect of a part of the Maralinga lands immediately before the commencement of the principal Act. The clause amends this provision so that it also preserves mining rights under tenements in force in respect of any part of the proposed additional Maralinga lands immediately before those lands become subject to the application of the Act.

Clause 5 amends section 22 (3) of the principal Act, which deals with sacred sites and mining on Maralinga lands. The existing subsection (3) ensures that any steps taken for the identification and provision for the protection of a sacred site on Maralinga land affected by an application for a mining tenement must be taken when determining the first application for a tenement relating to that land after the commencement of the principal Act. The clause amends this provision so that it applies in the same way in relation to applications for mining tenements made in relation to the proposed additional Maralinga lands after they become subject to the application of the Act.

Clause 6 substitutes the first and second schedules to the Act. In the first schedule, section numbers describing the lands which the Governor may grant to Maralinga Tjarutja have been changed to include an additional strip along the southern boundary of the lands, and also to reflect changes in the land description which occurred after the passage of the Act in 1984. In the second schedule, these changes are shown in a map which depicts roads within the lands to which the public have access. The map also depicts the realignment of a portion of the eastern boundary to correctly show the boundary between the Maralinga Tjarutja lands and the neighbouring pastoral property.

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

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1132.)

The Hon. DIANA LAIDLAW: Generally, in speaking to the Appropriation Bill each year, I have given quite a long, detailed and researched speech on one of my shadow portfolio areas of responsibility. It is not my intention to do that this time, mainly because so many questions were prepared for the Estimates stages of the State Transport Authority, for which there was no opportunity to raise them, nor, as a consequence, to receive answers to matters in which the Liberal Party is most interested.

Therefore, having consulted with a number of my colleagues, I have decided that I will note many questions to which I would appreciate answers during the Committee stages of the Bill or at the end of the second reading debate. I appreciate that not all the questions may be answered at that time, and that they may well have to go on notice. However, it would seem to me that, to put all the questions on notice at this time would be a very expensive exercise in terms of printing and reprinting of the daily Notice Papers. That expense can be avoided by this process which, hopefully, will also avoid having to bring in an officer from the STA during the Committee stage. I wanted to note that, before reading all these questions in *Hansard*, I am seeking to cooperate with the Government and with the passage of this Bill.

1. Labor productivity review: For the year ending 30 June 1990 the Auditor-General stated that the greatest potential for direct real savings to the authority is through increased labour efficiency. Following the recent review by Price Waterhouse Urwick, which was referred to by the Minister in his opening statements to the Estimates Committee: what categories were selected in both business and train operations for assessing labour productivity improvements; what improvements were made in each category; what measures were taken to gain a fall of 27 per cent in overhead costs

per kilometre; and why have the STA's tram operations not been included in the Minister's statement as an area of assessing labour productivity improvements? Perhaps the tram operations were excluded as an oversight, but I would appreciate a response to that matter.

2. Target net cost savings: Further to questions during the Estimates Committee, the Minister has advised that the net cost savings targets over the life of the corporate plan are: in 1990, $1.5 million; 1991, $2.5 million; 1992, $6 million; 1993, $21 million; and 1994, $10 million. The 1993 and 1994 figures are preliminary. Were these target net savings determined by the STA, or were they set for the STA by the Government? Were the target savings achieved in respect of the years 1990 and 1991 and, if so, in what areas? What areas of operation have been identified as areas that can realise costs savings of $21 million in 1993 and some $10 million in 1994?

3. Salaries and wages: What is the explanation for the reduction of $6.711 million in proposed expenditure for salaries and wages and related costs for public transport services (Estimates of Payments page 85)? Is there to be a cut in the number of drivers and conductors, guards or assistant guards on trains, or cuts in salary due to amendments to industrial agreements? With respect to inter-agency support services (Estimates of Payments page 88), what is the explanation for the increase of $5.728 million in proposed expenditure for salaries and wages and related costs?

4. State Transport Authority building: During the Estimates Committee the Minister advised that head office staff numbers have reduced by 32.3 per cent since 1986, from 324 to 220 in June 1991. I have a number of questions in relation to the occupation of STA headquarters. What proportion of STA headquarters was occupied by the STA in 1986, and what proportion is now occupied by it following the reduction of head office staff? What proportion of the building is now vacant? Does the STA own the building and, if so, what was the cost and what are the interest payments? If the vacant space as a result of staff reductions over the past five years has not yet been leased, what is the rent forgone? If the building is owned by another Government department or the private sector, what are the terms of the STA's lease, for instance, its duration and cost? Does the lease require the STA to pay for floor space not currently occupied and, if so, what is this cost to the STA?

5. STA's charter service: How much revenue was generated by the STA bus charter service last year? What was the net cost of operating this service? As this charter service is competing with the private sector, are all the following costs incurred by the private sector taken into account when the STA tenders or provides quotations for work: FID, company tax, sales tax, bank account debits tax, fringe benefits tax, depreciation of plant and equipment, the training guarantee levy, superannuation, redundancy contributions, workers compensation premiums and interest on loans? As the Government is encouraging the STA to compete with the private sector for charter bus services, does the Minister intend to allow private bus services to compete with the STA for the operation of routes?

6. Guards and the police Transit Squad: In a subsequent reply to a question on this subject the Minister indicated that annual savings of approximately $2 million are expected to follow the decision not to have guards and assistant guards on trains. He then went on to say that the cost of the police Transit Squad, based on an average staffing strength of 46 personnel for 1991-92, would be $1.8 million. From these figures, it would appear that only $200 000 has been saved as a result of this exercise. While not a figure to be scoffed at it is nevertheless a relatively small figure when compared to the public statements made by the Minister in June this year that substantial savings would be made from cutting out guards and assistant guards on trains (and I note that the $1.8 million will increase considerably as the number of Transit Squad members increases in the future).

With respect to the $2 million savings in relation to guards and assistant guards, is that a net figure, or what is the cost of employing the guards and assistant guards now employed in other areas of STA operations? Also, what is the difference between the cost of their present employment and that of the former guards and assistant guards? How many guards and assistant guards are still employed by the STA? Does the STA have a cut-off point where it is not prepared to continue employing guards and assistant guards who do not accept redeployment or redundancy packages? In relation to that, I have received feedback from guards that they have had little work to do and that many of them are sitting around stations for long periods of time between jobs on individual days. Is it also proposed that transit officers will be employed on all train routes at all hours of operation, or simply selected train routes and at selected hours?

7. Utilisation of rail stations: In June the Minister announced at a rally that the STA was conducting passenger campaigns and surveys in relation to the use of several inner suburban railway stations—Dudley Park, Islington, Ovingham, Millswood, Unley Park and Hawthorn. This announcement followed statements in the House of Assembly on 19 October that 20 suburban stations would be closed unless more passengers used them. What specific criteria are used by the STA to determine whether or not a station will be closed; for example, is it the number of people using the station at any given hour or any given day? Judged against these criteria, what were the results of the June surveys of the six stations referred to? Are surveys to be undertaken or have they been conducted at the remaining 14 of the 20 stations referred to last October by the Minister in the other place? When will a decision be made on the fate of all 20 stations?

8. Industrial awards: Does the STA plan to apply this year for industrial awards relating to its bus and rail operations to be amended by inserting permanent part-time and split shift provisions? What would be the cost of savings to the STA if such provisions were available in industrial awards relating to bus, train and tram operations?

9. Adelaide tramcar restaurant: As this vehicle was leased from the STA with conversion costs met by the Adelaide Restaurant Tramway Company, what is the fate of the vehicle now that the company has gone into bankruptcy?

10. Air conditioning of buses: I note that in July the STA issued tender documents for the supply, installation and commissioning of air conditioning units to the drivers' cabins of 50 B59 buses. What is the reason for this expenditure, acknowledging that these buses are to be replaced in the very near future by new MAN buses and what is the cost of the supply, installation and commissioning of these air conditioning units?

11. Graffiti and vandalism: How many cases has the Transit Squad prosecuted; how many prosecutions have been successful; of this number, how many community service orders have been issued and for what total number of hours? Does the STA pay the costs involved in supervising community service orders and costs associated with purchasing cleaning aids, if so, what was the cost last year and what cost has been budgeted for this year? Is it anticipated that the cost of supervising CSOs will limit the

number of CSOs issued by the courts for graffiti and vandalism offences?

12. Transit Squad patrol bases: Is it proposed that Transit Squad patrol bases will be established at all STA bus depots and interchanges; if so, over what period, and what are the target numbers? What are the response times to incidents reported to the Transit Squad and what is the target time for responses?

13. In respect of the supply of 307 new MAN buses, are the bus surfaces inside and out, including seat coverings, to be vandal resistant? Will the fabric on seats be of a material that can be easily wiped over or cleaned if vandalised? How many of the new MAN buses will be fitted with guide wheels to allow them to operate in the north east busway?

14. Natural gas powered buses: Given the numerous advantages that natural gas buses have over their diesel counterparts, why are only 100 of 307 buses ordered by the STA this year for delivery over the next seven years to be powered by CNG? What is the cost of installing gas refuelling facilities at the STA's Morphettville depot, and what is the estimated cost and timetable for installing gas refuelling facilities at all STA depots?

15. Conditions of travel: Given the decision by the STA to amend the conditions of travel, effective from 26 May 1991, how many people have been fined for entering or remaining on a paid concourse or platform area of a railway station without a valid ticket, and what is the total value of the fines to date? How many people have been prosecuted for non-payment of the initial fine, and of this number how many have been found liable for a fine of up to $500?

16. Resale of tickets: As STA tickets can still be purchased by passengers on buses and tram services, but not on trains, how long does the Minister intend to tolerate this discriminataory practice, and is he prepared to give a guarantee that he will not remove ticket conductors from trams and not deny bus passengers the opportunity to purchase a ticket on board?

17. Retail outlets for ticket sales: How many retail outlets are currently selling STA tickets and what is the target set for the number of such venues? How many outlets have revoked their earlier contract to act as STA ticket selling agents? How is the commission to Australia Post determined: on the number or value of each ticket sold or at a pre-determined annual figure? What commission was paid to Australia Post last year and what is the estimate this year? What was the total sum of the commissions paid to retail outlets last year and what is the estimated sum this year? What proportion of the STA fare is assessed to cover the value of the commissions paid to Australia Post and retail outlets?

18. Subways: How many subways at stations in metropolitan Adelaide are proposed to be replaced by pedestrian crossings? Which subways are targeted for replacement this year, and at what cost?

19. Car parking security at interchanges: What measures have been taken to increase security of patrons' cars at interchanges and are further initiatives proposed acknowledging that this issue is becoming a problem for many people who wish to park their cars and ride to the city?

20. Security screens on buses: Are security screens for drivers to be installed on all STA buses and, if not, why not? How many are to be installed this year, in which buses and at what cost? Given that buses will leave the Hackney bus depot for good at about the middle of next year, what is the fate of the Goodman building?

21. The rail dispute: In relation to the 25 day shut down of the metropolitan rail system in June-July what were the cost savings to the STA; what rent revenue did the STA forgo following a decision to provide retailers in the Adelaide station and subway with a rent holiday, and did the STA undertake an assessment of the impact of the dispute on these retailers in terms of lost revenue, cuts in staff numbers, hours and future viability?

22. Decentralisation of decision-making: In keeping with the Fielding report, what initiatives have been taken at each STA depot to decentralise decision-making, and what was the cost of this exercise in respect of each depot?

23. Heritage listed properties: How many heritage listed properties does the STA own; what is the future of the signal box at Woodville railway station; what is the future of the North Adelaide railway station; and, to help country communities and country councils to purchase and/or restore heritage stations, what consideration has been given by the STA to selling properties at less than market value?

24. Upgrading of STA rail lines: In relation to the Outer Harbor line, does the STA propose this financial year to replace all the wooden sleepers with concrete or steel sleepers? If not, what is the estimated value and extent of the maintenance program to replace rotten and/or damaged wooden sleepers on this line this year?

25. Red hens: What does the Government propose to do with the red hens when the first of the new 3 000 series railcars is introduced next year?

26. Crouzet ticket vending machines: Guards used to be provided with Crouzet ticket vending machines to allow them to sell tickets on trains. Now that guards are no longer carrying out that practice, what has happened to those ticketing machines? Are they simply in storage, are they to be sold or are the costs to be lost to the STA?

27. Free travel: Has the Minister abandoned his former wish to see the STA system become a free-for-all system now that he has increased concession travel to 50 per cent of all adult fares and is requiring all tertiary students other than Austudy students to pay full adult fares?

I appreciate that I have placed many questions on notice. As I indicated, I would appreciate a response to most, if not all, of those questions at the conclusion of this debate or during the Committee stage. However, I will continue to pursue these and additional matters if I have not provided the STA with sufficient time to address these questions over the next week.

The Hon. PETER DUNN: In addressing the Appropriation Bill I wish to concentrate briefly on the Government's capital works expenditure and the direction in which it appears to be heading. I have consistently tried to emphasise the case for country people, because they get a hard deal. This is the most centralised of all the States. There are approximately one million people in metropolitan Adelaide and about a quarter of a million, or perhaps a few more, who live in the country. The area defined as the city of Adelaide is under some conjecture, but I guess we can say that from Elizabeth to Port Stanvac is virtually the city and in that area there are certainly one million people or maybe just a few more. For the purposes of this argument I will use that area and continue with the argument outside Adelaide.

I want to highlight where the money is being spent on capital works. It is important that country areas get a share of the capital works. We are seeing a very rapid decline in small cities and towns in country areas. In the past, they have been composed of an amorphous mass of small businesses run by people who rely on providing small services to the people who live in those areas—for instance, building and construction, service industries, shopping and health. There is a whole plethora of small business industries which

rely every now and again on a capital injection, particularly from the Government, and it is important that that should happen. Sometimes Governments can put a project into an area and it attracts other capital works from private enterprise which may follow along that line. I am keen to see some capital works expenditure in the country.

When I look through this capital works program for 1991-92, I am disappointed that so little is being spent in country areas. Country towns are not big. The biggest is Whyalla with 30 000 people. Then there are places such as Mount Gambier, Murray Bridge, Port Pirie, Port Augusta and Port Lincoln which are all about the same size—between 12 000 and 14 000 people. However, they need an injection of capital expenditure quite frequently.

I suppose that country people look most longingly for good roads and communication. There is no doubt that the communication system in this State is excellent, but the roads in this State are not as good as country people would like them to be, especially when they come to town and see the services which are provided here. They see the STA's rail, O-bahn and bus services on ordinary roads as great facilities for the lucky city people. Country people use those facilities when they come to town. Many country people now come to Adelaide regularly once or twice a year—sometimes more, sometimes less—and they can avail themselves of those facilities, but they use them infrequently. However, they see a lot of their taxes going into the provision of these facilities.

I wish to highlight some of this expenditure by running through the capital works program for 1991-92. One would think that a reasonable amount would be spent on the Department of Agriculture's capital works program in the country. It is interesting that a small amount—$2 million—is to be spent on the Lenswood Research Centre. These are estimated total costs and some are for a period of up to three years in their use. I will not explain what has been spent in 1991-92, because we are looking at the overall project. It is the programs that I want to get at, not the actual expenditure, and the total cost of the programs. As I said, the Lenswood Research Centre gets $2 million plus, but this little booklet says that the relocation of facilities from Northfield to the Waite Institute will cost $50 million. That is all spent in the city. I think it might be a mistake, but when the Minister replies he may be able to correct or verify that. It seems a lot of money to spend on merely shifting facilities from the Northfield Research Centre to the Waite Institute.

I gloss over the Arts and Cultural Heritage, but I note that the Living Arts Centre has $8 million spent on it, and that is in the city. The State Library gets $2.8 million, and that is also in the city. However, there is not one little item there to be spent in the country. Places such as Port Lincoln, Ceduna and perhaps Coober Pedy, which are a fair way out, would like some form of arts facility which they could attend and which would attract some of the smaller shows that come to town and like to travel in the country. If there were facilities at those places, travelling arts shows could exhibit in those better buildings which places such as Mount Gambier, Renmark, Port Pirie and Whyalla have today.

One would think that money would be spent on fisheries in the country, because most of our sea line is outside Adelaide. Adelaide is quarantined by the fact that it is on Gulf St Vincent. However, it is interesting to note that the fisheries capital works expenditure for the next couple of years is to be at West Beach, in the city.

When the project came up, I was on the Public Works Standing Committee and asked why they did not want to put the new marine laboratories somewhere like Kangaroo Island, Victor Harbor, Port Lincoln, the South-East or Kingston. The marine laboratory could have been located in many places other than in the city. However, that did not hold any sway and I now see that the West Beach Marine Laboratory paid $4.3 million alone for its seawater intake. It could have gone off the jetty at Port Lincoln and got clean fresh marine water for $300 000, not $4.3 million. Stage 2 of the new works at the West Beach Marina will cost $7.8 million, again, all spent in the city and the city not only gets benefits from the capital works expenditure but also from recurrent expenditure, and it generally finishes up with most of the taxation and recurrent expenditures spent by these fishermen when they bring money into this country as export earners.

I now refer to the health program. Health is important—and I am the first to admit that specialised care in health is required in this city. Notwithstanding the very specialised equipment and procedures carried out in such places as the Royal Adelaide Hospital, the Adelaide Children's Hospital and the Flinders Medical Centre, provision is still required in the country for good medical facilities, which is the basis for a modern society. In the health budget we can see where the preponderance of money is being spent. About $2 million has been allocated for stage 1 of the Belmore Terrace complex in the city. The Institute of Medical and Veterinary Science redevelopment, on North Terrace, will cost $10 million. One country project is the Peterborough District Soldiers Memorial Hospital redevelopment with an allocation near enough to $1 million. That is interesting. That project may be withdrawn because 150 people have just lost their jobs in Peterborough with the withdrawal of the railways.

The Port Pirie Regional Health Centre will have $11.5 million spent on it, and rightly so. As the Hon. Mr Roberts indicates by nodding, that was sorely needed in the area. I was the first to put my name forward when the project was presented and to say that it should go ahead. It will give Port Pirie a good fillip. The next project is the Queen Elizabeth Hospital with $14 million allocated to it. I am quoting round figures rather than exact figures. So, stage 1 of the Queen Elizabeth Hospital redevelopment will cost $14 million. The Royal Adelaide Hospital needs a linear accelerator, at a cost of $4 million. The Royal Adelaide Hospital central plating and rebuilding of the kitchen project will cost $5.2 million. The Whyalla Hospital kitchen and cafeteria has been allocated $2 million—again, a country project. The Adelaide Medical Centre for Women and Children has been allocated $46 million—another city project. It is interesting to note that the Hutchinson Hospital at Gawler, now what I consider to be an outer suburb of Adelaide, has been allocated $17 million for redevelopment. That is much needed. I attended the old Gawler Hospital 40 years ago and it was not very modern even in those days. So it really does need redeveloping.

I now turn to the Marine and Harbors budget. One would have thought that much of that money could have been spent in such places as Thevenard, Port Lincoln, Whyalla, Port Pirie, Wallaroo, Port Giles and on harbors all around the State. We do have a big coastline. We find an allocation for the Port Adelaide tanker berth firefighting facilities of $6.6 million. Port Giles gets $1.6 million for cladding replacement—I assume after a ship had run into the pier. The Port Adelaide tanker berth is getting $2.5 million—again in the city—and the Outer Harbor container crane refurbishment and new cabin has been allocated $1.5 million. No money will be spent outside the city other than at Port Giles. It is disappointing, considering that $11.5 million is being spent, with only $1.3 million being spent

outside metropolitan Adelaide. A project is listed for Parliament House, but we need not go into that because it does not involve the country areas.

Recreation and sport is another interesting area. One would have thought that recreation and sport plays an important role in country living. In the country everyone loves their footy, tennis, cricket and the summer sports such as swimming, but it is interesting to note that the only expenditure is in the city, with $890 000 for soccer, the South Australian Sports Institute is to receive $3.6 million and the new velodrome will be built at a cost of $13.5 million. Not one razoo will be spent in the country on sport and recreation.

The capital works projects for road transport is an area in which we would expect that money would be spent in the country. I will highlight a few examples to demonstrate that that is not the case: almost all money will be spent in the city. Of the moneys proposed to be spent on roads or on transport in this State—an amount of $112 million—the greatest proportion by far will be spent in the city. First, we have the Flagstaff Hill Road, which I think works perfectly. My sister travels that road daily and says that it works perfectly.

The Hon. T.G. Roberts: The Phil Tyler Highway.

The Hon. PETER DUNN: Yes, Phil used a good idea in having a two-way road whereby in the evenings two lanes travel up the hill and in the mornings two lanes travel down the hill. A lighting system regulates the flow and it works well. But it was not seen to be necessary. I think they were trying to buy some votes there—

The Hon. K.T. Griffin: Just before the last election.

The Hon. PETER DUNN: Yes. So, some $5 million was spent on rebuilding that road, which is a waste. The Gawler by-pass will have $11 million spent on it. That by-pass is almost as old as Methuselah. It is very ornate but the problem could have been cured with a small reduction in the speed limit from 110 km/h down to 80 km/h. For that four or five kilometres around Gawler that would have been acceptable, but it was decided to put in a by-pass, at a total cost of over $20 million. One would hardly deem that the Dublin to Two Wells area was outside the metropolitan area. The Port Wakefield Road is there for the benefit of most city people. However, many large trade trucks and transport travel up and down that road, so I guess country people benefit somewhat from it. Some $17 million is to be spent on that.

The Salisbury Highway extension has been allocated $18 million and the extension from White Hill to the Murray River has been allocated $9 million. I think that is very necessary. Virtually right in the middle of the city is the Golden Grove Way, which has been allocated $14.5 million. My area will receive $12.9 million for the reconstruction of the Todd Highway, so some money is being spent in the country but nowhere near as much as is being spent in the city.

Let us look at the Salisbury Highway: the South Road interconnector between Port Wakefield Road and Grand Junction Road has been allocated $34.5 million. All this is being spent in the city. The rest of the projects are relatively minor—$1 million or less—so they are fairly small by construction standards and nearly all are in the city. Very few are in the country. There is nothing in the South-East at all or in the Murray-Mallee or in the river areas. Nothing is being spent there at all on those roads, so it is a very disappointing capital works program for country people.

I will conclude with water resources, the provision of which is something that this very dry State requires. However, it includes sewerage works and we find that most of the water resources works are sewerage works, except here in the city. For instance, there is the Adelaide Hills sewerage, and, my word, that does need upgrading, because we are polluting much of Adelaide's water through incorrect sewage disposal. The Adelaide Hills is to receive $22.5 million; the Bolivar Sewage Treatment Works rehabilitation is to get $14.5 million—and remember, these are all city-based projects. An interesting one is the business systems development, scheduled for completion in 1996, costing $4.5 million, just for computers, I presume.

Then we have customer services information systems. All I can judge that to be is computers and so on. That is $13.7 million to go into the city once more. The Glenelg Sewage Treatment Works rehabilitation has been allocated $7.5 million—again, this is in the city. The Glenelg North sewers have been allocated $3.1 million. All the money seems to be spent on sewerage work.

Golden Grove now has a water supply, which has been allocated $8 million. The Happy Valley ancillary works have been allocated $15 million and the information technology computing systems have been allocated $20.5 million. So it goes on, with most of the works expenditure in the city. There is even a metropolitan telemetry upgrading, which would be the information transfer from different areas to a central system, and it will cost $6.5 million. I guess it is important to have those things but, as I point out, all of this seems to be spent here in the city.

The rest of the projects in this capital works program, in the E&WS Department particularly, are rather small programs, other than the Happy Valley water filtration plant which, again, is a city-based project, and which will cost $88 million over a period of years. I cannot knock that; I think it is necessary, but it is interesting to note that the only program of any consequence that is in the country as far as I can see is the Murray-Darling Basin Commission's allocation of a sum of money to the State—a sum of $6 million—which the State will match with a grant of about $2.5 million for the salination interception program at Waikerie. That is the biggest project that is being carried out in the country.

We even have the Torrens River clean-up work (and, goodness me, having looked at it the other day I know it really needs it) costing $6 million. I can only come to the conclusion that capital works expenditure has grown out of proportion, even though a fifth of the population lives in the country. Having had a cursory glance through that capital works program, I can find much less than one-fifth being spent out there, not that population is necessarily an indication or a benchmark that should be used, but over the past six years that I have been in here I think the country has been very hard done by in the expenditure on capital works and particularly on road making.

There is a very strong case to be put, if we are to be a reasonably good trading State and able to attract people here for tourism, that we must have reasonable and sensible roads so that those people can come and trade easily and cheaply. So, I put the case that I believe that the capital works program needs reorientating; a little more needs to be spent in the country and a little less spent in the city. I know that the present Government does not have much support in the country (it is getting less and less) and it is not getting much support in the city at the moment either.

There is a case for more money to be spent on capital works in the country or we will finish up without much contribution from the country. If we do not have the country we will not have a standard of living in the city, because many of the problems experienced in the city now are a

result of the fact that, for whatever reason, very little support income is going to the country. In terms of gross domestic product it is a very small amount—4 per cent or 5 per cent—but with the add-on effects and the number of people employed as a result it is a great boost and gives the city a great fillip when it comes to employment and standard of living.

The reason is that most of the country people cannot keep that money; very little sticks to their fingers. It all goes in inflation and services required in the city. So, as a person who has more to do with country people than most of the members in here, I am of the opinion that we could assist those people in these hard times with a little more of the capital works being undertaken in the country than is the case at present.

The Hon. M.J. ELLIOTT: I support the second reading. The Democrats will be responding to several of the budget Bills which are before us today. Because the Council is denied the opportunity to have Estimates Committees we will be asking a few questions later which I hope may be answered during the Committee stage. The 1991-92 State budget is a rather clever document with financial manipulation which, although it had to cope with the burden of interest payments on the State Bank's debt, did not appear on the surface to inflict obvious pain on any one sector of the South Australian community. But it really was a job done with mirrors. It is a budget that features large cash injections from several statutory bodies, an increase in taxation revenue, done without increases in tax rates (and I will explain that later) and decreased spending on capital works. However, it is a budget that will have to be paid for in the long run by South Australia, and that will happen through a program of taxation by stealth.

This taxation by stealth is working like a rather slow sucking and inconspicuous leech on the State economy, drawing from it enough funds to increase Government revenues by almost $300 million this year. I stress that an additional $300 million will be taken this year. We will pay for the $2.2 billion debt of the State Bank, not only through the $2.2 billion rise in State debt but also through the effects on infrastructure of continued underspending on capital works and through payments extracted from statutory authorities. Those contributions were raised by charging South Australians for goods and services and are being diverted from the work of those authorities.

I will be looking at the budget from a conventional perspective, appraising it as it is presented, but there are several points worth making about future directions for State accounting. The first is a need for the adoption of accrual accounting, a matter which I raised last year, and until we have accrual accounting, I do not believe that most South Australians will know the true financial position of this State.

Financial reports would then present a more accurate picture of the State's situation by including current replacement values for depreciating assets. Secondly, we must, as a society, reach a point where we consider the depletion of the State's resource pays in our accounts. Just as a healthy bank balance cannot be built up by continual withdrawal of funds, South Australia cannot forever expect to continue to grow by exploitation of natural resources. We cannot simply dig forever from the ground and export.

First looking at the State Bank, this year the State Government injected $2.2 billion to cover losses incurred by the bank through non-performing loans. The bail out has left the State facing a $220 million payment to service that debt in 1991-92. That is equivalent to an annual debt of $157 for every South Australian, adults and children. The Premier has claimed that the State Bank's poor performance is symptomatic of the economic recession and stated:

> Major banks have all experienced significant deteriorations in asset quality and substantially reduced profits.

That is misleading. The non-performing loans in the Australian banking system stand at about $29 billion. The State Bank has lost money three times faster than the national average of other Australian banks to record a figure of $4.2 billion. That performance is totally unacceptable for a State Bank with an obligation to the Government and people of South Australia who would have to bear the burden of any inappropriate actions or decisions taken by the bank. Unfortunately, those inappropriate actions and decisions have been taken.

In relation to State revenue, it is worth noting that in 1989-90 the State revenue was $2 272 million, in 1990-91 it was $2 181 million, and next year it is projected to increase to $2 474 million. Despite the cost of the State Bank bail out and the economic recession, total recurrent receipts, money which comes out of the State economy in one way or another, will increase by 13.4 per cent or $292 million this financial year. The increase is more than is needed to service the debt of the State Bank and represents an interesting exercise in taxation by stealth by the State Government.

Taxation revenue is expected to grow by $154 million, although taxation rates have not been increased in this financial year. The extra money will be raised because increases announced for various taxes in last year's budget were levied for only part of the year but will be applying for a whole year in 1991-92. Despite an announced .15 per cent drop in the payroll tax rate, employers this financial year will pay an extra $24 million in payroll tax over what they paid last year. This is because the rate decrease, which will apply only from 1 December, is less than last year's increase, which only applied for part of last financial year.

Of particular concern in the current economic recession with its accompanying high unemployment rates is the fact that gambling revenue is expected to rise by 10 per cent, partly due to the introduction of gaming machines to hotels and clubs. Of course, in future years, the rise will be even more dramatic. Far from being involved in gambling to provide a legalised service to the community, the Government is actively and callously promoting gambling and, as a result, raising more revenue from the pockets of South Australians.

In relation to contributions from statutory authorities, the State budget has also been boosted this year by significant injections of funds from statutory authorities which in general make their money by operating within the State economy, charging fees for services, etc.

The largest contribution will come from the South Australian Government Financing Authority. It will increase its contribution by $130 million this year to $400 million. SAFA plays an important role as the provider of cheap capital to Government agencies. Its profit is made through the margins it charges for the money it lends to those agencies which service their loans with money raised by charging levies and fees to service users—the public. So SAFA is playing another role in the State economy. Not only is it acting as a provider of cheap money, but also it is becoming a *de facto* tax collector. The money could have been cheaper if it was not asked to provide more to the State coffers. The $400 million it will contribute is more than the surplus it made last financial year. The extra funds are coming from the reserves of funds built up by SAFA in the past—funds which could have been lent to Government

agencies at a cheaper rate had they not been needed by the Government.

Looking at other statutory authorities, ETSA in 1989-90 provided $36.4 million, in 1990-91 that increased to $39.6 million, and for 1991-92 it is expected to be $42.8 million. The Engineering and Water Supply Department, which previously had not made contributions, in 1991-92 is asked to provide $8.8 million. The Urban Lands Trust—and one thinks that it would continue ploughing money back into its operations to continue the important role that it has to play—was asked in 1989-90 to provide $1.8 million, in 1990-91 that increased to $6 million, and for 1991-92 it will increase to $8 million. The Pipelines Authority, which made no contribution in 1989-90, in 1990-91 contributed $2 million, and in 1991-92 that will increase to a $5 million contribution.

Contributions from other statutory authorities have increased for this financial year to levels that cannot, for some authorities, be sustainable without seriously affecting the long-term work of the authority or compromising its objectives. These contributions are short-term props, milked from the authorities by a Government seeking to make its books a little more respectable.

All the funds transferred to consolidated revenue by statutory authorities to bolster this budget were raised in South Australia by the authorities doing business with South Australians. Because they have been swallowed up in the budget, the funds are now no longer able to further the work of the authorities or to allow them to offer cheaper services to the community. Each authority has decided, or rather should I say has been instructed, to contribute to the State budget at a level higher than previous years rather than reinvest the money into its operations.

The effect of the contribution from the Engineering and Water Supply Department will be a decrease of expenditure on capital works. The Urban Lands Trust should have reinvested its surplus $8 million into development to fulfil its function as a supplier of cheap housing land to South Australians. ETSA's efficiencies, which resulted in the availability of the $42.8 million given to the Government, could have been used to lower costs to consumers or could have been invested into significant energy saving programs which, in the long run, would have had not just environmental impacts but economic benefits to the State. For example, the efficiences gained in places like Japan give it a 6 per cent cost competitiveness over other nations because of the efficient use of energy.

Instead, each authority has been asked to contribute cash to balance the State's books for and to save the face of the Government for one year. If we look at the Government's capital expenditure program, we see that in 1989-90 it was $599 million, in 1990-91 it was $565 million, and in 1991-92 it was $494 million. Spending on capital works will suffer a 16.8 per cent real terms drop this financial year and continue the steady decline of funds invested in capital projects over the past few years. This is continuing despite clear evidence that the State has been underspending on infrastructure for many years and despite warnings about the future effects of that underspending.

The money saved by this Government's decreasing spending on infrastructure will return as a significant cost to be picked up by future South Australians. Underspending on capital works is akin to taxing the future. According to the Australian Bureau of Statistics figures published in 1989, the net capital stock of Australia was $830.5 billion, of which $295.3 billion, or 35.6 per cent, is owned by public authorities. In relation to South Australia, by March 1989 the total asset value of the State Government was estimated at $32 billion (and that figure comes from the Public Accounts Committee and was published in the magazine *Directions in Government* of March 1989).

Of that total, about 80 per cent, or $25 billion, is controlled by just eight Government agencies—the Housing Trust, ETSA, STA, Education Department, TAFE, Health Commission, E&WS Department and the Highways Department. It is a sizeable investment held by the State Government on behalf of the people of South Australia. Yet, the budget papers fail to reveal any indication of the state of those assets. They do contain a reference to capital receipts, which covers the sale of assets, but no reference to infrastructure costs.

It has been estimated (and again these figures come from *Directions in Government*) that by the year 2005 the cost of asset replacement will need to be equal to the total State spending on new capital assets. Currently that is not the case with the ratio of asset replacement to new capital assets at approximately 30 per cent to 70 per cent of the capital asset budget. By the end of this century, in just nine years, the State Govenment will need to spend 50 per cent of its asset budget on maintenance.

In its 1988 report, the Public Accounts Committee pointed out that the average annual asset consumption exceeds cash payments for replacement by an amount of the order of $200 to $300 million per annum. That committee said that this was an expense which was being incurred, and would eventually arrive in the future as cost of asset replacement, without the Parliament being informed. To illustrate the point, at a seminar last year a representative from the South Australian Health Commission admitted that if all new capital work stopped tomorrow it would take the commission 10 years to catch up on its backlog of maintenance work.

Another hint at the size of the problem comes from the Highways Department's annual report for 1988-89 which states that at 30 June 1989 the cost of replacing all road and bridge assets was estimated at $3 634 million. Allowing for depreciation, the value of the road network was put at $1 713 million. The report went on to say that the long-term average annual cost of road asset consumption is about 2.8 per cent of the total road asset replacement cost. So, the road asset consumption for 1988-89 was estimated to be $102 million.

The department at that time was spending approximately $43 million per year on road asset replacement, significantly less than the road asset consumption figure. The main problem when trying to look at the value and state of the State's assets is lack of information. At present no easily accessible, clear breakdown on infrastructure exists within Government accounting. The budget papers are presently virtually useless in this area and annual reports not much better.

Financial reports need to be produced in accrual terms, based on current replacement values for depreciating assets. Balance sheets would provide early warnings as to the true cost and necessity of asset replacement and maintenance. Underspending on infrastructure cannot continue because the accumulating deficit will have to be faced by taxpayers in the future. This deficit adds to the State's real debt by something like $100 to $300 million. An exact figure is incalculable because the budget papers give few clues. Unfortunately it does not show within the State deficit, but it is an accruing debt that will be sprung upon future taxpayers.

The sale of public assets has been another way in which the Government has managed to mask the real economic difficulties of the State in recent years. Asset sale capital

has been absorbed into general revenue for the provision of vital services, enabling the Government to keep tax rates and charges low in the short term. In 1989-90 the State Government sold more than $29.8 million in land and buildings, bringing to more than $118 million its sale of land and building assets since 1987. That figure was around $60 million in 1990-91 and is a similar figure for 1991-92.

No information or detail on those asset sales is provided within the budget papers. It is impossible to find out what was sold, at what price was it sold and what new assets, if any, were purchased as replacements. An asset register, updated each year, could provide such information to the people who provided the funds for the assets in the first place—the people of South Australia. Auctioning off State assets to balance the books will have ramifications in both the short and long term. I am not arguing that genuine surplus assets should not be sold, but in a budget context they can only be sold once and the proceeds used once. Asset sales cannot be used indefinitely to balance the books.

In the short term we have artificially balanced budgets enabling the Government to put forward the impression it is good a manager, despite the fact that infrastructure continues to deteriorate at a faster rate than it is being replaced or maintained. The long-term effect will be a decreasing asset base. If the real cost of capital maintenance is continually undervalued or ignored taxpayers within a few years will be faced with paying more than their fair share through taxes and charges to restore the State's capital infrastructure.

I now move to a couple of questions that I would like to ask, in lieu of the Upper House not having an Estimates Committee. I have been concerned for some time now as to the attention that special education is not receiving within the Education Department, and I put the following questions with comments to the Minister.

1. Referring to statements made in another place during the Estimates Committee, Mr Boomer said that over a period of 10 years the GARG proposal, based on a formula of 600 students with disabilities, would require a total of 3 600 reviews and hence need 40 guidance officers. I would like to question the accuracy of this figure as it represents only 2 per cent of the school population and currently 4 per cent of students are receiving special education which indicates, according to Mr Boomer's own formula, the need for 80 guidance officers.

2. A supplementary question relates to the fact that this formula does not allow for the assessment of children, referred to guidance officers by schools, who are not identified as eligible for special education. Currently, about half of the children referred for special education are not eligible and the guidance officer works with the teacher and parent to develop strategies without special education help. Does the Minister recognise this occurs and how are those children with learning difficulties going to be serviced?

3. The Minister also stated in another place that the Education Department was moving away from the mini-health system within the Education Department in order to access specialist health services (particularly mental health services) to deal with behavioural problems. I question the availability and quality of services students can expect to receive when there has been no financial increase to compensate those services for the increased clientele. I also wish to raise the concern that students will simply be treated from the health perspective as those specialists will not provide the necessary curriculum and educational assistance to those students, a function which currently is provided by educational psychologists.

4. I would now like to question the redistribution of funds occurring in special education that has occurred in 1990. Before 1990 there were at least three levels of funding: learning difficulties; special class; and special school. The new students in disabilities policy, which targets the severely and multiply disabled students to attend their local school, has huge financial consequences. Special school students are funded on a one tier salary basis, regular schools are funded on a two tier salary basis with a fixed bucket of funding for learning difficulties and special class students. Hypothetically, if eight students leave a special school to attend the local school, the salaries at the special school will be abolished. The students then attending the local school will depend on the funding in levels 1 and 2 which has been specifically allocated for students who are mildly disabled and learning difficulties students.

Eight severely disabled students will tie up one tier two salary, which was previously used to service a much larger number of mildly disabled students and students with learning difficulties. These students will now be penalised even further as severely and multiply disabled students need an enormous amount of human and other resources. How can the Minister justify the redistribution and the continuing redistribution of the financial and human resources specifically to the multiply and severely disabled students at the direct and indirect expense of students with mild disabilities and learning difficulties? When, where and how adequately will these students be serviced?

5. The Minister in another place has said that there has been no decrease in resources in learning difficulties. I would like to point out that the Minister and his departmental officials have neglected to mention some facts. In 1989, an estimated 150 negotiable salaries State-wide were being used to support learning difficulties. These were abolished at the beginning of 1990. This year, 45 salaries have been used to support special education on a contract basis. Those 45 salaries will be abolished at the beginning of 1992 and will be replaced by 29 permanent salaries. How can the Minister state there has been no decrease in resources to learning difficulties when over the past two years at least 150 salaries have been abolished? How are students with learning difficulties to be adequately serviced?

The only other area that I would like to ask a few questions about relates to the proposed closure of Hillcrest Hospital. I raised this matter in this place by way of motion, but I want some specific assurances in relation to the budgetary process. I am unable to glean from the budget papers what moneys some departments hope to gain this year as part of that process or the moneys they think they may spend. I am aware that the initial and easy response of Ministers is, 'All these decisions are yet to be made because we are only just forming the committee that will oversee the process.' Nevertheless, I expect that there has already been some anticipation of land sales. As I understand it, while the land may not be sold to the public at this stage, the Department of Lands will buy the land from the Department of Health, thus freeing up money within that department's budget for spending.

So, I would like some indication as to whether or not sales are anticipated even if they are to be from one Government department to another, and to what purpose those moneys will be put. If it is anticipated that during the current financial year some services will be transferred, is there a clear understanding that replacement services will be put in place; in other words, that moneys will be spent on replacement services before the services they are to replace are closed? With those questions, which I hope will be answered during the Committee stage, I support the second reading.

The Hon. R.J. RITSON: I support the Appropriation Bill. In doing so, I observe that in this budget, as in previous budgets, a considerable amount of money is allocated to the administration and inspection of industrial safety, health and welfare matters. I want to take up the question of what sort of value we are getting for this expenditure, particularly in the field of diving safety.

Over the past few weeks, I have asked a series of questions—some a little bit cryptic and some without explanation—on the subject of diving safety. As the answers start to dribble in and as constituents give me additional information, it is becoming quite clear that there are areas of appalling neglect in the matter of diving safety. It is clear that Minister Gregory's department takes the matter somewhat lightly and, I think, in some areas somewhat incompetently. So, I want to lead the Council through the situation that I have discovered.

The best starting point is to go back to the matter I raised at Question Time today in some more detail and to look at the sort of answer that I got to a specific question relating to a commercial diving operation at Port Lincoln. My information was that a contractor carried out an underwater construction job using divers not qualified in terms of the regulations, particularly with respect to Australian Standard 2299. I asked the Minister whether it was true that the divers were unqualified. There was a lot of peripheral material in his answer that pointed out how the operator had conformed with other safety regulations; however, there was no answer in respect of the qualification of the divers.

That question could be answered only by a yes or no, but instead of that there was an enormously complicated bit of language introduced with the words 'to clarify the situation'. This language would bemuse and confuse anyone not closely connected with the subject. When this language was sorted out, although there was no answer to the question whether or not the divers were qualified, the answer appeared to imply that they were not and to amount to an explanation that qualified divers are hard to get hold of.

This was followed by the explanation that because the practices at the work site were otherwise safe, apart from the qualifications of the divers, the work was allowed to go ahead and there were no grounds to consider any authoritative action in the matter. The reason why it was considered safe, even though the people were not qualified, was that it was a shallow dive. There was another shallow dive at Port Lincoln on a different site, this time the tuna aquiculture project, and in the same fashion recreational divers were employed. Two of them ended up in the Royal Adelaide Hospital hyperbaric unit. In answer to a question, I received the following information from the Minister of Health:

> These divers were involved in fish farming; neither diver was professionally qualified, being basic recreational divers hired to do commercial work. They failed to comply with AS 2299. Their dives, while not deep, involved the very provocative practice of multiple ascents to the surface.

Obviously they did not know that dives which on their own are not decompression dives, if undertaken repetitively, even in shallow water, can cause decompression sickness. In example 1, the divers on the first construction job which the Minister defends and in relation to which he finds no grounds for action, the reason for overlooking their qualifications was that qualified divers were hard to find—at least, that is what I interpret the gobbledegook to mean—and in any case it was shallow water. In the second instance, the Minister of Health tells us of two amateur divers employed commercially in shallow water who suffered pressure-related injury. That makes me question the qualifications and understanding of the diving inspector.

I have a few ears around Adelaide, and I am informed that there is a person employed by Minister Gregory's department of safety, health and welfare who is very well qualified as a diver and diving inspector but, under the policy of regionalising all the industrial inspectors, the diving inspector has no waterfront in his region. He has a region near Port Adelaide, but it does not include the Port River, so he is not used to inspect those diving sites.

The policy of multiskilling the inspectors in regions can give rise to some absurdities. Perhaps one can be multiskilled broadly in industries which are not too technical, but how they expect these people to inspect things such as diving safety and high tech industry without any special background, I do not know. As regards underwater health, it looks as if the inspector in the Port Lincoln case was not the one who is qualified to be a diving inspector. He thought that, given that the rest of the safety equipment was there, it did not matter that the divers were not professional, because it was shallow water, in spite of the evidence of other amateur divers working commercially against the law being injured in shallow water. I question whether a clear breach of the law can be condoned by an inspector because the inspector thinks that in practice it is safe. I should have thought that he was there to prevent, not condone, breaches of the law. But there it is.

Minister Gregory has on several recent occasions become famous as the Minister who would send negligent employers to gaol. In reply to my question No. 13 to the Minister of Health, I was provided with a series of brief case histories of people who were involved in non-recreational diving and who ended up in the Royal Adelaide Hospital as a consequence. I want to refer to a few and leave Minister Gregory to decide whether he will still turn away from the problem. The first is case 9:

> Ex-abalone diver on a salvage operation near Port Lincoln. Extremely provocative dive profile—

the word 'provocative' means that one is really challenging the gods with one's time depth profile of the dive; one is defying the gods to permit one to survive—

> with nothing conforming to AS 2299.

There is no aspect like 'no standby diver' or 'too deep', but conforming to nothing. Then there is the note:

> Poor clinical response with partial paralysis.

My ears also indicate that the man was not fit to dive. The man was in late middle age. As an ex-abalone diver he has damage from his abalone diving days.

That brings me to medical certification of fitness to dive. In the medical course, at least until one or two years ago, and in the specialist training programs of all medical specialists there is not one lecture on underwater medicine. If a person wishes to obtain a medical certificate of fitness to fly, as the Hon. Mr Dunn knows, that pilot has to attend one of the medical officers approved by the aviation authorities—usually a person with some interest in aviation and some training in the physiology and pathology that is peculiar to aviators. However, there is no such provision for certification of the fitness of divers. Even people who front up with a certificate of fitness may not be fit. Historically, there have been many examples of such certificates being inappropriately written because of the lack of training of doctors generally in underwater medicine.

I come to case 10:

> Diver contractor doing underwater inspection in Backstair's Passage to depths in excess of 40 metres. Did not conform to AS 2299 and his practice was extremely poor.

What has the Minister done about that? This is the Minister who is going to send negligent employers to gaol. Has he investigated that case? Has he given any direction for pros-

ecution of the injured diver's client or employer? I wonder how Minister Gregory can walk away from this problem, but he obviously does, because, if his statements really represented what he believed, he would be sending departmental employers to gaol.

A job is in hand constructing water inlets and outlets for the Department of Fisheries' new laboratory. SACON is the building authority and the underwater work with the inlet pipes was let to a major wellknown construction firm, and that work was performed in conformity with standard AS 2299. Following the completion of the work it was required that the job be inspected on behalf of the client. I am not sure whether it is SACON or the Department of Fisheries that owns the laboratory or whether in fact it is Mr Gregory under some statutory requirement who is required to inspect the satisfactory completion of the work. However, in any case, it is the Government.

The Government engaged an inspection diver who, according to my information, first, is not qualified as a professional diver in terms of AS 2299 and, secondly, dived without a dive team. He was seen in a little boat on his own doing the inspection. The Government had an obligation to ensure that that inspection dive was undertaken in accordance with its own regulations. It is not good enough to have the Minister—who would send everyone to gaol—getting his name in the papers with that sort of statement, a Minister belonging to the very Party that sees itself as the champion of industrial safety, which stands up for the underdog. We cannot have those practices and breaches of the law going on both within his Government and in the industries that he is supposed to control.

I wonder, in the case of the former abalone diver doing the salvage dive, who ended up partly paralysed, what is his situation with WorkCover. I wonder whether WorkCover will have any powers to recover its payout from whoever engaged the diver to do the job. I do not know whether Mr Gregory personally has paid attention to any of this or whether it will be a surprise to him that this has been going on. But it is going on and the Government is part of it. I expect a response from Mr Gregory.

Another point that I would put before members here, particularly ALP members, concerns that part of the question that was not answered when I asked my question about the qualifications of divers. I asked whether these people were paid considerably less than are professional divers. There is some feeling around the traps that the simple technique to win a tender is to quote low, get the job and then use amateur divers. It enables one to win the tender. In response to my question on whether these people would have been paid considerably less than professional divers, the Minister said that there had been no complaint about wages. Of course there has not been—we are in a recession and any work is work. It was probably a good rate compared with ordinary menial work available around the place. It probably gave the people who did it a measure of status around town.

Of course they will not complain about getting work, but those on the benches opposite have traditionally and continuously argued against the exploitation of labour and for the proper professional rate of pay to be paid for the class of work. This was particularly the case with the destruction of St John Ambulance, and yet the Labour Minister—a senior member of the Labor Party—in answer to my question about why they were paid significantly less than professional divers could not answer but simply made the observation that no-one had complained about wages.

I will not be outrageous and accuse the Minister of neglect of duty. I will give him the benefit of believing that, as a busy man, he did not have to think about it and that he could leave it all to the departments, rather than knowing it was happening but closing his eyes to it. So, I will not accuse him of neglect of duty but challenge him now to do something about it. Did he consider that prosecution was not warranted in the case of the breach condoned by the inspector on a slipway job at Port Lincoln, because it was purely technical that the divers were not qualified and as it was so safe that they could not get hurt? In the job on the aquiculture, even though it was a shallow dive and the only breach was the amateur status of the divers, they did get hurt—will the Minister consider that situation? Does he consider that whether or not an inspector or the Minister condones a practice depends on whether or not somebody actually gets hurt or whether or not the practice is lawful? At this stage of the proceedings, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

WRONGS ACT AMENDMENT BILL

In Committee.

Clause 1 passed.

Clause 2—'Motor accidents.'

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

Page 1—

After line 20—Insert 'or'.

Lines 22 and 23—Leave out all words in these lines.

The amendments seek to remove the power for the operation of this provision to be extended to a prescribed person or body, which means, effectively, that the benefits of the amendment can be extended to any other person or body by regulation. It is correct that a regulation is subject to disallowance and to that extent is subject to review, but it is inappropriate as a matter of principle for a regulation to remove individual rights, and that ought to be done by substantive enactment.

The effect of the Bill is to extend to those who are injured as a result of an accident on a railway, tramway or other fixed track or path operated by the State Transport Authority or the Australian National Railways Commission a reduction in the amount of damages to which they might be entitled in any action for negligence and to reduce it quite substantially if the injuries are severe. In the worst possible case where one might expect something over $200 000 to be awarded by a court for pain and suffering, disfigurement and inconvenience (that is, non-economic loss), the amendments which we made several years ago relating to injuries arising from motor vehicle accidents covered by the compulsory third party bodily insurance scheme reduced that maximum back to $60 000, which may be indexed by the CPI increase so probably by now it is up to about $70 000.

So, what we have in the worst possible scenario is a regulation that might prescribe some other person or body as gaining the benefit of this if negligence arises from the use of a vehicle on a railway, tramway or other fixed track or path, and they will gain a substantial benefit in the worst possible case. I am not saying that it will always be the worst possible case, but I think we should look at that when we are making substantive law. So, if from time to time the Government desires to include in this definition some other bodies to gain the benefit of a very substantial reduction, having the effect of removing the rights of persons who might travel on those means of transport, it seems to me that it is appropriate to deal with that only in the substantive law and not by regulation.

The Hon. ANNE LEVY: The Government opposes these amendments. The Hon. Mr Griffin has explained very clearly the effect of his amendments but I think we need to look at it in the context of who may be affected by them. The substantive law gives this protection to the State Transport Authority and the Australian National Railways Commission, and the ability to prescribe another person or body would apply to groups that also run trains or trams in this State. One thinks immediately of those which are run by voluntary bodies, such as the Pichi Richi railway or the St Kilda Tram Museum. It is possible that an accident could occur on the Pichi Richi railway that does not involve a motor vehicle as well as the train, or an accident could occur with the St Kilda Tramway Museum tracks that also does not involve a motor vehicle.

The legal situation of the voluntary bodies that run the Pichi Richi railway or the St Kilda Tramway Museum would be very different from that of the State Transport Authority and the Australian National Railways Commission, and it would seem to me that it would be unfair to have one law for the major organisations (the STA and AN) and a quite different law from that applying to small voluntary bodies such as the Pichi Richi railway and the St Kilda tramway.

It is not true to say that Parliament would not be able to consider the inclusion of such bodies on their merits. If such bodies wished to be included in the legislation they could make submissions to the Government and be prescribed, which means a regulation, and this Parliament would then be able to consider the regulation. If the Parliament at that time felt that it was not appropriate for the Pichi Richi railway to have the same provisions as those which apply to the STA, it could disallow the regulation. However, if the Parliament felt that it was appropriate that the Pichi Richi railway should be in the same category and have the same provisions applying to it as apply to the STA, it need not disallow the regulation.

It is not true to say that Parliament would not be able to examine the matter and, provided Parliament can examine the matter, I do not see that it makes much difference whether it is by means of regulation or by means of substantive law. We all know that the latter case means bringing in a special Bill just for that particular voluntary organisation. It would seem to me more appropriate that such small organisations be considered in the nature of regulation rather than in a special Bill which covers their situation.

I should perhaps indicate that no such operator has put forward a case at this stage; they may well do so in the future but, rather than have to present another Bill to Parliament, it seemed to the Government best to allow for that possible situation by providing that bodies such as the St Kilda Tramway Museum and Pichi Richi railway could be dealt with through the procedure of regulation, if they felt it desirable.

The Hon. K.T. GRIFFIN: This Bill came into the Parliament purporting to address itself to issues affecting the State Transport Authority. When it came into the House of Assembly the body of the Bill made no reference to the STA or the Australian National Railways Commission, and in the Lower House some problems were drawn to the attention of the Minister of Transport that it would even extend to something like the Mad Mouse at the Royal Show, because it runs on a track. The Minister then acknowledged that it was ludicrous to have a provision drafted so widely that liability for negligence was limited in relation to the Mad Mouse but was not limited in relation to the ferris wheel or to other activities that occur on the showgrounds.

The Hon. I. Gilfillan: Have you been on the Mad Mouse?

The Hon. K.T. GRIFFIN: Fortunately, no, and I have no intention of doing so. Have you?

The Hon. I. Gilfillan interjecting:

The Hon. K.T. GRIFFIN: The honourable member makes a very valid point that, having experienced the Mad Mouse, in his view there should therefore be no cap on the damages that might be awarded. This Bill came in purporting to address the issue of the STA and the possible savings to it in relation to disaster insurance and its liability, which it picks up for something less than $1 million per claim; that is, it is a self-insurer. We now have it extended to the Australian National Railways Commission, which was certainly never the intent of the original Bill when it came in, and now the honourable Minister says, 'Well, maybe it is going to be extended to SteamRanger, to Pichi Richi railway and the St Kilda railway,' all of which have nothing to do with the STA and are far removed from the original intention of the Bill.

There are other issues. If one is going to talk about Pichi Richi or SteamRanger, one must state that they carry a very substantial number of passengers, children and adults, at specific times of the year on tracks which, hopefully, are well maintained. However, we can recollect only in the past couple of years the big debate between State and Federal Governments about maintenance of the Adelaide to Victor Harbor railway, and the SteamRanger was banned from running on it. There is no guarantee that that track will be adequately maintained and that there will not be, through no fault of SteamRanger, an accident which might injure or even cause death to a substantial number of people. Presently, bodies like SteamRanger and Pichi Richi railway carry insurance and, as the Minister has said, there has been no application for them to get the benefit of this legislation.

I think it is wrong in principle to start speculating that all these other sorts of bodies, whether it be the Mad Mouse, Millswood model railway, Pichi Richi railway, SteamRanger railway, St Kilda tramway or other places which have nothing to do with the STA, or even Australian National Railways Commission, should gain the protection of this legislation.

Let us look at the matter objectively. Who gains from this? In this Bill it is the State Government and the Federal Government, the Australian National Railways Commission. Who suffers? The people who travel on these means of transport. I acknowledged in my second reading speech that there was an inconsistency in respect of awards of damages for negligence, but it is a question of where the line is drawn. The Parliament took the view that the line ought to be drawn to limit it to vehicles covered by the compulsory third party bodily injury insurance scheme. That limit is now being extended to cover the State Transport Authority and the Australian National Railways Commission, and I would be strongly opposed to an extension beyond that, particularly where that extension is to be undertaken by regulation.

What we have with the regulation is that it is made; it becomes the law immediately that it is made; it is subject to disallowance; and, when it is disallowed, it ceases to have legality at the point of disallowance. So, you may have a regulation introduced in April which might be disallowed in October, because there may not be adequate information or sufficiently valid reason for allowing it to be given the exemption and that, of course, creates its own inconsistency. It is preferable to have this done by Act of Parliament.

The Hon. ANNE LEVY: I am afraid that there is an inconsistency in what the Hon. Mr Griffin has just said. I am told that SteamRanger will be covered by the legislation, even if his amendment is accepted. SteamRanger is legally regarded as being operated by the STA, so he will then be drawing a distinction between SteamRanger and Pichi Richi. I agree that it is a question of where lines are to be drawn, but it seems to me that to draw a line which includes SteamRanger but not Pichi Richi is likely to raise the ire of people in the northern part of this State who hold Pichi

Richi very dear indeed. It seems to me that, while I agree that lines must be drawn, Mr Griffin's amendment is drawing the line in a most inconsistent place, and I am sure in the minds of many people the distinction between SteamRanger and Pichi Richi would not be a very obvious one.

The form of the legislation is so that other rail tracks like Pichi Richi can make application and be considered by this Parliament. There is no suggestion that they will not be considered by the Parliament. We do it all the time with regulations. If you look at the Notice Paper you will see that there are dozens of regulations which are subject to disallowance, and the reason for including the prescribed person or body is so that these can be considered by the Parliament on their merits at the time that it is appropriate to do so without having to bring a specific Bill into Parliament which, considering the size of Pichi Richi, would probably be regarded as a hybrid Bill, anyway.

The Hon. I. GILFILLAN: I support the amendments. I perhaps do not have the same passion for its passage as the mover of the amendments, but I think it has been a reasonably predictable response that we have tended to include the prescribed prescription clauses in Bills where it seems in many cases that it has been reasonable to delete them and require the more substantial legislative process. In this particular case I think it is justified because it is unlikely that a profusion of minor forms of transport crop up from time to time at such a rate that the introduction of a formal Bill for each one becomes onerous, and I would also suggest that there could be some bunching. It is not the sort of decision that is made overnight to set up some sort of structure or public transport which would be even considered in this category. I do not see a practical difficulty in supporting the amendments. However, I signal that I will not support the Mad Mouse coming under this legislation; it is a most hazardous way of going round and round in circles at the Royal Show.

The Hon. Anne Levy: I never suggested the Mad Mouse.

The Hon. I. GILFILLAN: I know, but it was brought into the debate by the Hon. Trevor Griffin. I indicate my support for the amendments.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN: I recognise that the numbers are against me in relation to the passing of this Bill, but I want to put on record that the Liberal Party opposes the Bill because of the extension of that line which removes individual rights. I acknowledge that I do not have the numbers so, although we oppose the reading, we will not be dividing on it.

Bill read a third time and passed.

STATUTES REPEAL AND AMENDMENT (COURTS) BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 887.)

The Hon. C.J. SUMNER (Attorney-General): I thank members for their contributions. Two matters have been raised about these provisions to which I would like to respond. The first concerns the appropriate classification of and penalty for common assault. I repeat what I have already said. I do not accept the arguments made by the Opposition about this measure. When you view the offence of common assault in its real life context there is simply no justification for not having it as a summary offence option, that is, the least serious, as it is now, of the sequence of offences against the person.

If the facts warrant a more serious charge, a more serious charge is available. There are various gradations of assault and, if it is a more serious assault—indeed not very much more serious—other charges are available and they can and would be charged by the police. In effect, the Opposition is saying that there is no assault that is ever so minor as to warrant being treated as a summary offence. I think that is plainly wrong.

The Opposition has also indicated that it will oppose the reclassification of drug offences. I have noted that it might be willing to consider supporting, as a general proposition, a limit that uses one-fifth of the scheduled amounts rather than one-half. I welcome that concession. I am inclined at this stage to accept it subject to anything further that might be said during the debate. However, I would invite the honourable member to move an amendment for consideration in the terms that he has outlined. It recognises that some reclassification of these offences is required, for the reasons that have been advanced in the debate. Where the line is to be drawn is certainly a matter about which rational people may and do disagree. I have no fixed view on the matter, except to comment that I have not received any other objections to the classification proposed by the Bill.

What we are talking about is the workload of the District Court and the appropriate offences that should be tried in that court. In that court the big case load figures are for cultivating cannabis and possessing cannabis for sale. The 1989 figures show that there were 87 cultivating cannabis cases and that only seven received a penalty greater than two years, and, of 62 cases of possessing cannabis for sale, none received a penalty greater than one year. The 1990 figures show 136 charges of cultivating cannabis, with only four cases resulting in a sentence greater than two years. Of 67 charges of possessing cannabis for sale, none received a sentence greater than two years.

I think everyone would agree that the big statutory maximum penalties are there for the very serious cases. But, that is not what we are talking about here. A very major component of the current workload of the District Criminal Court concerns the vast bulk of relatively minor cannabis offences. These offences do not warrant much more than what a Magistrates Court can impose and, as has been indicated, in a great bulk of cases do not result in a penalty greater than that which the Magistrates Court can impose.

I am happy to listen to argument about where the levels should be put and why. As I said, the Opposition has suggested a level of one-fifth. Let us conduct the debate about what is right in the full knowledge of the sorts of offences that we are really talking about and recognising that there are very serious offences for which the big statutory maximum penalties are available and, I emphasise, will continue to be available. Subject to those matters, I thank members for their contributions, which will be addressed during Committee.

Bill read a second time.

GEOGRAPHICAL NAMES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ADJOURNMENT

At 5.39 p.m. the Council adjourned until Tuesday 22 October at 2.15 p.m.