LEGISLATIVE COUNCIL

Wednesday 20 November 1991

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

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (NMRB) BILL

Her Excellency the Governor, by message, intimated her assent to the Bill.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Tourism (Hon. Barbara Wiese)—
South Australian Timber Corporation—Annual Report 1990-91.

QUESTIONS

DEPARTMENTAL FUNDS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of State Services a question about misappropriation of departmental funds.

Leave granted.

The Hon. R.I. LUCAS: During the past few days my office has been contacted by persons concerned about allegedly illegal practices by a senior staff member within the State Records section of the Department of State Services. The allegations are that the person has abused the position held in order to purchase, for personal use, goods to the value of around $27 000 and has also misappropriated cash to the value of around $700.

I am advised that some of the goods obtained illegally included a Wedgwood dinner set, hand-held telephones and a facsimile machine. The abuses of position are allegedly supposed to have occurred during the past six months and were discovered accidentally by an external accountant working under contract for the department.

I am advised that the person allegedly responsible for these abuses subsequently confessed to the misappropriations. On 5 November I gather that a staff meeting was called, at which it is claimed a senior officer of the Department of State Services told staff that the offending staff member would remain in the present position and that it was expected all staff would continue to support this staff member. However, following this staff meeting, it is alleged this person was still involved in misappropriating goods as recently as last week.

I have copies of two memos dated 18 November 1991 signed by Mr Euan Millar, Director of State Records and Information Policy, which indicate that the officer is being transferred to a temporary position at State Supply and that there were one or two difficulties over the past week because purchasing procedures were not followed properly. The second memo claims that those purchases were appropriately authorised.

People who have contacted my office are most concerned on several points: that the person responsible for these abuses could allegedly continue to offend; that no apparent punishment has been administered for the breaches of trust; that no apparent repayment of the misappropriation has occurred; and that there is no guarantee that, in the new position, the person might not reoffend. My questions are:

1. Is the Minister aware of the matter I have just raised and, if not, will she obtain a report if I provide further details?

2. Does the Minister agree that the misappropriation of departmental funds is a serious matter and warrants more action than appears to have been taken in this case?

3. Will the Minister determine whether the offending staff member was required to return or make restitution for the goods and cash misappropriated and, if so, when did this occur?

The Hon. ANNE LEVY: I am aware of the situation that has arisen in State Records, although the details supplied to me do not correspond exactly with those cited by the honourable member. I was aware that misappropriation had occurred, that a full confession was volunteered and that restitution had been made—if not fully at the time, it is certainly expected in the near future. This is a serious matter. I understand that there was no question of the person concerned being in a position to reoffend. I also understand that the proper inquiries and proceedings will be undertaken against the person concerned and I indicate my complete support for that course of action. I will be happy to seek a further report to check the details the honourable member has mentioned because, as I said, they do not correspond exactly with the information I received.

The Hon. R.I. LUCAS: As a supplementary question, can the Minister advise the Council now or bring back a report as to whether the police were advised of the offences that had been committed by this person?

The Hon. ANNE LEVY: I will be happy to do that. As I understand it, the police were to be informed of the case, although they had not been at the time it was brought to my attention. I expect that has occurred by now.

ABORIGINAL LEGAL RIGHTS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to directing a question to the Attorney-General on the subject of Aboriginal legal rights.

Leave granted.

The Hon. K.T. GRIFFIN: Recently a number of issues affecting the Aboriginal Legal Rights movement were raised with me. As I understand it, the funding for the Aboriginal Legal Rights movement is made available by the Federal Government; none is made available by the State Government. One of the recommendations of the Royal Commission into Aboriginal Deaths in Custody was that adequate funding should be made available to allow proper advice to and representation of Aboriginal people. However, no discussions by State or Federal Governments have yet taken place with the Aboriginal Legal Rights Movement to address this recommendation.

Related to that, one of the concerns of the Aboriginal Legal Rights Movement is that there is now a higher level of 'cross charging', as they call it, by State Government departments for services provided to the Aboriginal Legal Rights Movement. For example, the costs of transcripts in court proceedings and other court costs have to be paid by Aboriginal people represented by the movement in court, whereas, with the Legal Services Commission, for example, special provision is made to enable the commission to meet these charges imposed by the courts. It has been suggested to me that there is a greater amount of this charging by the State to the Aboriginal Legal Rights Movement, including other State agencies such as police and health, in the current

financial year largely because of the State's difficult budgetary situation.

Obviously, the requirement to pay for transcripts and other court hearings, as well as the other charges made by State Government agencies, creates a shortage of funds in the Aboriginal Legal Rights Movement, which is already very short staffed and, it says, inadequately resourced, so that it is not able adequately to deal with the increasing legal problems of Aboriginal people. This is reflected in one example of the sole field officer and only Aboriginal Legal Rights Movement worker, at Murray Bridge, whose area covers Murray Bridge, the Riverland and the South-East. He does everything. He deals with criminal and civil cases, loss of jobs and many other legal problems, including liaising with police and lawyers. He is a person without legal training. That is a 24 hours a day, seven days a week job, with no days off because the movement is unable to fund any support staff.

The movement has indicated that the lack of resources is prejudicial to Aboriginal people genuinely in need of legal assistance, and one can easily believe that this is so. In discussing the issues with me, it was noted that funds have been made available at State level, not only for the Legal Services Commission, but more particularly for community mediation centres and community legal aid services. My questions to the Attorney-General are as follows:

1. What consideration has the Government given to the recommendations of the royal commission in relation to the provision of adequate funding for the provision of legal services and with what result?

2. Has any consideration been given by the Government to a special allocation to the Aboriginal Legal Rights Movement to cope with the charging by State Government agencies in areas such as transcript and other court costs or the waiving of such fees, or representations to the Federal Government to address this issue?

3. What steps is the State Government able to take to ensure that adequate legal aid is available to disadvantaged Aboriginal people?

The Hon. C.J. SUMNER: The principal responsibility for the provision of legal aid for citizens lies with the Federal Government. In the case of the Aboriginal Legal Rights Movement and legal aid for Aboriginal people, that area has been totally funded by the Federal Government and I think it is seen as its responsibility.

The recommendations of the Royal Commission into Aboriginal Deaths in Custody are being considered by the State Government. There is a process within the Government to consider those recommendations and to respond to them, although, as I understand it, this particular recommendation was not necessarily directed to the State Government, as I am sure it is realised that the responsibility for Aboriginal legal aid rests with the Federal Government.

On various occasions the Aboriginal Legal Rights Movement has made submissions to the State Government for special allocations to assist with its funding. They have not been acceded to during the budget process, principally because this is a Federal Government responsibility.

As to other steps taken, on occasions I have made representations to the Federal Government on this topic, but it has not seen fit to increase the allocation to cover the costs of transcript and the like. The only thing that I can suggest is that the Aboriginal Legal Rights Movement makes a submission again in relation to the matter, and it can be considered in the budget context along with any response to the royal commission recommendations.

REGIONAL CULTURAL CENTRE TRUSTS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about the future of regional cultural centre trusts.

Leave granted.

The Hon. DIANA LAIDLAW: At the end of this month—essentially in a few days time—a team appointed in July to review regional arts development in South Australia is due to present its report to the Minister. During consultations in country areas members of the review have proposed that savings be made by repealing the local boards and management structure associated with administering each of the four regional cultural centre trusts in South Australia and establishing in their place a central management authority based in Adelaide. This proposition has caused alarm because, if implemented, it would undermine local input, reduce each centre's capacity to respond to local arts needs and remove financial accountability for local programming decisions.

Last Tuesday representatives of the four boards, together with the four regional managers, initiated a meeting with the review team in Adelaide to plead the case for retaining the current management structure. They submitted that cost savings of over $300 000 could be made by revamping the Regional Cultural Council and its Adelaide-based secretariat with a lean coordinating committee comprising the chairperson of each trust, serviced in rotation by each of the four trusts. My questions to the Minister are:

1. As the Minister acknowledged in this place on 28 August that '... each trust is close and responsive to the arts needs of the regions which they service', does she recognise that any move to abolish the local management structure of the four trusts in favour of a centralised management structure would destroy this most laudable feature—to which she referred in August—of the current system for administering the regional cultural centre trusts in South Australia?

2. As a large proportion, if not the greater proportion, of annual funds for regional art development in South Australia is spent on meeting debt servicing commitments, what plans, if any, does the Government have to begin paying off the principal on each cultural trust theatre and associated buildings?

The Hon. ANNE LEVY: To answer the second question first, the debt servicing payments do not apply just to the regional cultural trusts: they apply to many arts bodies which have capital facilities provided at great expense by the taxpayers of South Australia. The individual organisations are financed to enable them to meet their debt servicing requirements, and there is no suggestion that that would not continue. This is the normal practice, and the grant to the particular bodies is determined as the operating grant plus the debt repayment component. There is no suggestion that, if one were removed, the other would take up the slack. They are treated as two quite separate payments, and there is no suggestion that it should be done otherwise for the regional trusts or anybody else to whom it applies.

Having said that, I turn now to the first part of the question, which is the more important part. As the honourable member indicated, a team is working on the review of our regional arts structure. It is not the only review team that we have working at the moment, but it is expected to be the first one to report as it was the first one to be set up. I understand that the review team is deliberating and writing its submission at the moment, and I hope to have

its report by the end of the month. I hope to have a whole lot of other review reports before Christmas, although I understand that at least one of them will be delayed until probably February of next year.

I have spoken on regional radio and to all regional cultural trusts in the past few months regarding concerns, which I appreciate, about local input, control, contribution and decision making as to the arts programs that are provided in those areas. That to me is of a very high priority, as I am sure it is to all members of the review panel.

The other very important matter which I regard as being of a high priority, as I am sure it is also considered by the review team and the individual trusts, is the arts product, if one can call it that, which is delivered to people in the non-metropolitan area. It is the arts product with which the community is most concerned. The maintenance and enhancement of that local arts product certainly is a high priority with me as I am sure it is with the review team also.

The honourable member mentioned that there is alarm in the regions. I do not know what her source of information is—

The Hon. Diana Laidlaw: That is why they came to Adelaide to meet with the review team last Tuesday.

The PRESIDENT: Order!

The Hon. ANNE LEVY: I understand that there was a meeting with the review team last Tuesday to further discuss various options which the review team had discussed with each of them individually and which they wanted to discuss together with the review team. I have received transcript of a radio interview—I think it was this morning or yesterday—with someone from one of the regional cultural trusts who is expressing no alarm whatsoever but who is, on the contrary, interested in the various proposals which had been put forward and which they felt were worth considering. As has been pointed out, at the moment there are elements of considerable central control under the existing structure.

The Hon. Diana Laidlaw: That is what the regional Chairman is suggesting you get rid of, instead of getting rid of the local boards.

The Hon. ANNE LEVY: There is considerable central control at the moment in a number of areas, and it may well be possible to devise some structure which reduces the amount of centralisation that occurs and enhances local control. However, I think the honourable member was sliding a bit between local control of the arts product and local decision making regarding arts programs, and tying this up with local line management and local administrative control. It would seem to me that these matters can be considered separately. However, I have not yet received any recommendations from the review team, and I certainly do not want to pre-empt any findings that it might make.

However, I am quite happy to reiterate here what I have said to each of the regional cultural trusts when I have met with them in recent weeks: to me, the two highest priorities are the actual arts product which is available to people in non-metropolitan South Australia and local control and input into the arts programs that are available in those regions. They certainly remain very high priorities for me, and I have made members of the review team aware of those priorities on my part. I am sure they will take them into account, along with the other 100 submissions that they have received from interested people throughout regional South Australia.

The Hon. DIANA LAIDLAW: I have a supplementary question, Mr Speaker, as I suspect the Minister may not have heard or, perhaps, I did not speak slowly enough. The second part of my question related to the Minister's addressing either now, or bringing back a reply later, the plans, if any, that the Government may have to begin paying off the principal on each of the cultural trust buildings in order to reduce the interest in the longer term.

The Hon. ANNE LEVY: I did answer that question. I said that the debt servicing arrangements are the same as those which apply not only to regional cultural trusts but also for many other bodies within the arts portfolio and, indeed, right across Government. I also said that the degree of debt servicing is a return to the taxpayers of South Australia for the money that they have invested in the capital structures that exist right throughout South Australia and that the debt servicing arrangements are in no way peculiar to the regional cultural trust. They are exactly the same debt servicing arrangements that occur through all levels and areas of Government in South Australia.

MOUNT GAMBIER RAIL SERVICE

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister representing the Minister of Transport a question about a secret report by Australian National on the Mount Gambier passenger rail service.

Leave granted.

The Hon. I. GILFILLAN: In June this year an independent arbitrator, appointed under the terms of the 1975 railways transfer agreement, ruled in favour of the reinstatement of the Blue Lake passenger service withdrawn by Australian National in August 1990. Following the arbitrator's decision, Federal Land Transport Minister, Mr Bob Brown, asked AN to prepare a special report detailing the costs involved in abiding by the arbitrator's ruling. It is now almost five months since AN undertook the task of reporting to the Federal Minister, and I have learnt that yesterday Mr Brown received the final report from Australian National.

Surprisingly, South Australia's Transport Minister, Mr Blevins, has not been provided with a copy of the report, a fact confirmed today by his office. The report is being withheld by AN and the Federal Minister. The contents of the now secret report are unknown, and there is growing speculation among interested parties, such as the media and the people of Mount Gambier, that the time taken to compile the report and the secret nature of it indicate that the report's brief has gone much further than dealing with the reinstatement of the Mount Gambier passenger service. There is mounting speculation that the report has come up with a number of options in relation to the reinstatement of the Blue Lake service, options that include reducing other country rail services and facilities to fund the Blue Lake's reinstatement. My questions to the Minister are:

1. Will the Minister call on Federal Land Transport Minister Brown immediately to release the contents of the report publicly?

2. Does the Minister agree that Australian National should, as a matter of courtesy, at least have provided him with a copy of the report?

3. If the Minister receives a copy of the report, will he make its contents known to the public? If not, why not?

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

RURAL ADJUSTMENT SCHEME

The Hon. R.R. ROBERTS: I wish to make a brief explanation before asking the Minister representing the Minister of Agriculture a question about the rural adjustment scheme.

Leave granted.

The Hon. R.R. ROBERTS: I recently received some correspondence from Rural Counselling Services with respect to the rural adjustment scheme. It wished to express its concern about the recent changes in the eligibility criteria for re-establishment under the rural adjustment scheme.

In particular, it is concerned about the reduction in the equity that is allowed for the family car and tools of trade when applying for a re-establishment grant. There has been a reduction from $10 000 to $2 500 for a family car and from $5 000 to $2 000 for tools of trade. These changes mean that farmers applying for re-establishment grants have effectively had assets tests reduced by $10 500. This will disadvantage farmers who realise all their assets in favour of their creditors and have the maximum available assets to qualify for this grant.

This is inequitable and may even encourage farmers to hang on to their assets, which may deteriorate even further. The Rural Council has been informed by the Rural Finance and Development Division that these changes have been made to bring the re-establishment grant in line with limits under the Bankruptcy Act. Previously, re-establishment grants were promoted as being better than bankruptcy.

If the aim of the re-establishment grant is to encourage people to move out of farming, then they believe that these limits ought to be set at realistic levels. A car worth $2 500 in the country is, in their terms, a bomb and would be totally inadequate. They say that a reliable vehicle is required in the country and I have to concur with them and, even under the Bankruptcy Act, there is some flexibility in relation to the absolute value of tools of trade and the family car. My questions to the Minister are:

1. Why were the levels of allowance for these exempted items reduced?

2. Will the Minister reinstate the previous levels of exemption for family cars and for tools of trade?

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

SMALL BUSINESS

The Hon. L.H. DAVIS: Can the Minister of Small Business advise approximately what percentage of all new jobs created in the South Australian economy in recent years is in the small business sector?

The Hon. BARBARA WIESE: Of course, these judgments are often quite difficult to make and statistical collection is not always as reliable as it might be. However, I am sure assessments have been made about such matters, and I will seek a report on it for the honourable member.

REGISTRATION SCHEME

The Hon. PETER DUNN: I seek leave to continue my explanation, which was abruptly interrupted yesterday, and ask a question about Federal interstate registration schemes.

Leave granted.

The Hon. PETER DUNN: I explained this question in some detail yesterday and nearly got to the stage of asking my question. I have one further comment: that it is interesting to note that Federal Minister Brown, in a press release earlier this week or late last week, announced that B-doubles, a form of road train, were now eligible to travel anywhere in Australia on main roads.

If that is the case, they can run parallel to railway lines. The road train operators who have contacted me are from Eyre Peninsula, where road trains are used for the very specific purpose of carting grain from those silos that are not serviced by a railway system. So, there is no way that the grain can be carted other than by truck, and a road train is the most efficient method of doing that. My questions, therefore, to the Minister are:

1. What is the agenda for the introduction of the new Federal interstate registration scheme?

2. Has the Minister accepted the Federal interstate registration scheme as a *fait accompli*, or will he put up a defence for South Australia?

The Hon. ANNE LEVY: I will refer those two questions, plus the split explanation, to my colleague in another place and bring back a reply.

COMMUNITY RELATIONS ADVISORY COMMITTEE REPORT

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Ethnic Affairs a question about the Community Relations Advisory Committee report.

Leave granted.

The Hon. J.F. STEFANI: In 1990 the Multicultural and Ethnic Affairs Commission established a Community Relations Advisory Committee under the chairmanship of Mr Elliott Johnston, QC. Following the committee's work, a report was prepared and submitted to the Minister of Ethnic Affairs, the Hon. Mr Arnold. My questions are: first, will the Minister release the full report to Parliament and to the public, and, secondly, what were the recommendations contained in the report, and how are they being implemented by the commission at this stage?

The Hon. BARBARA WIESE: On behalf of the Attorney-General, I will undertake to have that question referred to the appropriate Minister and a reply brought back.

LOCAL GOVERNMENT BUREAU

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister for Local Government Relations a question about the Local Government Bureau.

Leave granted.

The Hon. J.C. IRWIN: At the time that the memorandum of understanding was signed by the Premier and the President of the LGA, it was stated that a Local Government Bureau, which would be funded by the Government until 30 June 1991 and funded half by the Government and half by the LGA until 30 June 1992, would be established. I have often heard the Secretary-General of the Local Government Association, Mr Hullick, say that the bureau will not be required after 31 December this year or that the bureau's work will be completed by 31 December this year.

In an interjection last week, I was informed by the Minister that the bureau is totally funded by the Government. I take it that this funding will cease on 31 December 1991. I ask the Minister: first, is that assumption correct, in other words, the original agreement was not for mixed Government and local government funding for 12 months from 30 June 1991 to 30 June 1992 but, rather, was for six months funding from each partner? Secondly, as there are only six weeks or so until 31 December this year and the job of the bureau may not be completed by that time, and given that

matters still being negotiated may not be completed and that there is still a lot of work to do to prepare new local government legislation for the autumn session and beyond, what structure will be in place after 31 December to perform some of these jobs and who will fund it?

The Hon. ANNE LEVY: I am very happy to answer that question. I do not think that the honourable member has the right information at his disposal. The memorandum of understanding stated that the Government would fund the bureau until 30 June 1991 and then would provide half the funding until 30 June 1992. It did not state that the Local Government Association would pay the other half. It made no comment whatsover about the funding for the other half that was required, although I certainly understood that it would be provided by the local government sector.

However, the local government sector has provided no funds whatsoever for the continuation of the Local Government Services Bureau. I know that it stated initially that it expected the bureau to finish its work by the end of this year so that no funding from it would be necessary, but it became obvious quite some time ago that there was no way that the negotiations would be concluded satisfactorily by 31 December this year and, in consequence, the bureau will certainly need to continue to exist at least until 30 June 1992.

As a result of this, and the refusal of the local government sector to provide any money, the State Government has provided nearly $1 million more to enable the bureau to continue functioning until 30 June next year. This was evident in the budget papers, but obviously the honourable member did not pick it up. It has been an exercise in extraordinary generosity on the part of the Government to enable the bureau to continue and it is very much to the advantage of local government that it does continue. It works almost entirely for the benefit of local government, it provides a service to local government, not to the Government, and it is managed by a committee comprising a majority of members from local government. In other words, local government has control of the bureau, but it does not contribute one cent towards its existence, although it can control it completely by majority vote.

When the Government made the extra funding available for the bureau so that it could continue until the end of this financial year, it was made clear that this was not to be taken as a precedent in any way.

It was also made clear that there was no question of Government funding continuing in any way, shape or form beyond 30 June 1992. Further, it was made clear that the matters which are still being dealt with by the bureau will have to be resolved by that date and that serious negotiations will have to be undertaken so that matters can be resolved well before that time, unless the local government sector is prepared to provide resources for the bureau's continuation. I assure members that the bureau is funded to continue until 30 June next year. Its entire funding has been found by the State Government, but very little recognition of that has been given by the Local Government Association or anyone in the local government sector.

The Hon. J.C. Irwin: Who have you told?

The Hon. ANNE LEVY: We have certainly told the Local Government Association and local councils.

SCHOOL CLOSURES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Education and the Minister of Transport a question in relation to the closure of Government schools and the removal of free student travel.

Leave granted.

The Hon. M.J. ELLIOTT: Today, I received a letter from a constituent. Rather than rephrasing what he said, I will simply read the letter, because it is written eloquently. He says:

> I wish to raise an issue dealing with the closures of Government schools and the removal of free student travel. When we first bought our house we thought we would be within walking distance of a high school without the hassles of transport. Unfortunately this school (Vermont High School) has been closed and almost all secondary schoolchildren in the neighbourhood are now having to use public transport (even to go to the designated school—Hamilton). In my daughter's case, she is now attending Unley High along with many other ex-Forbes Primary School students. This involves travelling on the Circle line with associated problems of crowded buses, experiences of not being able to get on a bus, being put off because the bus is considered overcrowded, etc.
>
> I would like the following questions answered. How much money has the Government (Education Department?) saved or made by closing and selling Vermont High? Could some of this money be spent in providing transport for those children who may have attended Vermont (if it still existed) but now have to go elsewhere on public transport? What is the Government doing to provide sufficient buses to transport these children?
>
> This question could be extended to all metropolitan areas where there has been Government schools closed down. The Government needs to consider more than just closing these schools and the savings and income that can be made. There is the resultant cost of transporting children who may have attended the closed schools to other schools.
>
> The introduction of public transport tickets is going to add a further burden and I would like to see some concessions introduced for students who have been forced by school closures to use public transport. While the State Government has reneged on its election promise of free student travel, I have some sympathy with asking students to pay if they have chosen to go to another school rather than their 'local'. However, the circumstances are different if it is the Government which has closed the 'local'.
>
> At the very least, and especially if we are being forced to pay, there needs to be an improvement in bus services. Do you know if the Government is proposing to improve its bus services as a result of the introduction of the fares?

A number of questions are posed in that letter, and I would appreciate it if both Ministers could provide replies to those questions in due course.

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

REPLIES TO QUESTIONS

The Hon. ANNE LEVY: I seek leave to have the following answers to questions inserted in *Hansard.*

Leave granted.

CROYDON PARK COLLEGE

In reply to **Hon. BERNICE PFITZNER** (23 October).

The Hon. ANNE LEVY: My colleague the Minister of Employment and Further Education has advised that there is currently a surplus of TAFE facilities to teach hairdressing apprentices in the metropolitan area of Adelaide. The decision to close the facility at Croydon Park has been made in the interest of good management of taxpayers' resources. The students from Croydon Park can be accommodated readily at other colleges so none should be significantly disadvantaged.

The Minister has provided the following responses to the honourable member's questions:

1. The western suburbs are generally well served by TAFE with Regency, Port Adelaide, Croydon Park and Marleston colleges. Croydon Park has just recently received the bene-

fits of a major upgrade in the printing and graphic arts and the health and care areas. In addition, a major rebuild of the Port Adelaide College is to commence shortly. In the employment and training area, a major regionalisation of labour market programs is being developed and the western suburbs have been selected for the location of the next metropolitan regional committee. In addition, there is currently under way a project to assess whether additional programs for unemployed and people disadvantaged in the labour market could be assisted through preparatory, access and pre-vocational programs in the Parks area.

2. Hairdressing and cosmetology are offered at a number of other colleges in the Adelaide metropolitan area; Noarlunga in the south, Elizabeth in the north, Tea Tree Gully in the north-east and Adelaide in the centre. The number of apprentices in the Croydon program is relatively small (approximately 140 students in their compulsory training) and continuing students will be relocated to the college closest to their home, based on an analysis of their home postcodes. Every effort will be made to minimise travel needed by apprentices and it seems likely that most will go to Adelaide college.

3. It is understood that Friday and perhaps Thursday are busy days for hairdressing businesses and small businesses are particularly anxious to have the help of their apprentices on those days. This may not be such a problem in larger firms where several apprentices are employed. Where possible, the needs of employers are taken into account. However, the college cannot afford to have very expensive facilities used only three or four days a week.

ADELAIDE PLANNING REVIEW

In reply to **Hon. BERNICE PFITZNER** (24 October).

The Hon. ANNE LEVY: My colleague the Minister for Environment and Planning has advised that planning investigations have reached an advanced stage for the Mount Lofty Ranges review area. This has included mapping, at a regional scale, factors such as sloping sites, areas adjacent to watercourses and other critical parameters which will indicate water sensitive zones for policy purposes. This mapping is in progress and will be completed for the review area prior to the regional SDP being prepared. Vacant allotments are also in the process of being mapped for the area. The Planning Review has commissioned a detailed study of the hills face zone, to examine relevant planning characteristics.

ORGAN AND TISSUE REMOVAL

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General a question on the subject of organ and tissue removal.

Leave granted.

The Hon. R.I. LUCAS: This follows a question asked yesterday by the Hon. Trevor Griffin on the subject of organ and tissue removal. My office has been contacted in recent days by several people who have expressed concern that human organs and tissue are being removed from recently deceased casualties of accidents, not for the purposes of determining the cause of death but primarily for the purposes of medical research.

The Coroner's Act makes quite clear that the Coroner can carry out whatever tests are necessary on a deceased person to determine the cause of death. No power is provided for such organs or tissues to be used primarily for the purposes of medical research. It has been suggested to me that the Coroner's Act is being used as a cover for the extensive use of organs and tissues for research purposes. In February of this year (the 14th, I think), I asked the Attorney whether he had been provided with any information that this was occurring. At the time the Attorney said in part:

> . . . the question of the use of these organs for research purposes is a matter on which I am still seeking clarification . . . I am still examining the question of research and I will further examine the relationship of the Coroner's Act to the Human Tissue and Transplantation Act.

Has the Attorney now obtained some clarification on whether organ and tissue removal is being practised primarily for the purposes of research, rather than for determining the cause of death, and what is the legal position of such practices?

The Hon. C.J. SUMNER: My inquiries of the Coroner have revealed that the removal of organs and their testing are not primarily for the purpose of research. It is true that the tests carried out may be used for the purposes of research, but it is not true to say that their primary purpose is research. I understand, for instance, that if pathology tests are carried out on a brain to determine the cause of death, and that occurs with a number of accidents, that material can be used for the purpose of identifying what might be a common cause of death; that is, whether it is a particular design of crash helmet or the like. In other words, by putting together the results of tests that are carried out to determine the cause of death we can draw conclusions that might enable us to prevent deaths by certain measures, such as using crash helmets and the like. If my memory serves me correctly, that example was specifically given in one instance by pathologists concerned in carrying out these tests.

I am advised that the present system has not been set up to provide research material. However, any information which is gathered from a population can be used for research purposes, such as certified cause of death, which gives an index of the health of the community and may show a rise or a fall in deaths related to heart or lung disease which, in turn, gives information on dietary influences or the significance of smoking. The information that I have been able to obtain—this is from the Coroner and from Dr Mannock—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: No, this is not advice. These are letters which have been provided, and I am reading out only sections of them. I will check, and I may be able to provide copies. All I can say is that I am advised that the examinations are carried out in accordance with the requirements of the Coroners Act. The examinations are not carried out principally for the purposes of research, but the findings of examinations may be used subsequently for the purposes of research. That is the situation as I understand it. The honourable member has raised this question of the practice again, and I think I have answered it on previous occasions, if not in this Parliament, at least in radio interviews and the like. However, I will again refer this question to the Coroner and get confirmation from the Coroner and the pathologists concerned that the situation I have outlined is in fact correct.

TORRENS RIVER

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism about the draining of the Torrens River.

Leave granted.

The Hon. DIANA LAIDLAW: On Monday night the Adelaide City Council agreed to a proposal to reinforce the banks of the Torrens River next year. This will involve the draining of the Torrens River, and the river in the central part of our city will be empty of water between 26 April and August—some four months. Apparently this will be in the low season winter months. The council took into consideration the Adelaide Festival and a convention of urologists, when apparently 1 000 will be here.

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: Yes, the plumbing of the Torrens River. That is about the one matter, the convention of urologists, that causes me to smile in respect of this major work. The Minister will be aware that the Rotunda in Elder Park is a key feature of the State's promotional campaign for tourism, and, as we all appreciate, tourism is one of the five key strategic areas for employment and economic growth in this State. It seems surprising that a year after this campaign has been launched and vast sums of taxpayers' money have been spent interstate—I understand that the campaign has been successful in bringing people to Adelaide—the council should be considering draining the Torrens River, which is the backdrop for this campaign based on the Rotunda and a key part of the quality appearance and lifestyle of this city.

I have been contacted by the proprietors of Jolleys Boathouse and Flannigan's Restaurant. Of course, they are upset that at a time of recession, when it is a struggle anyway to survive in the restaurant industry, the river will again be drained so soon after major works a couple of years ago which caused a huge downturn in trade for both restaurants. According to the people to whom I have spoken at the council, there is no record that the Minister has made representations on this matter. As I said, I understand that the decision has now been made by the council. However, I wonder whether the Minister is prepared to speak to the council, as both Minister of Tourism and Minister of Small Business, to see whether there is any way of speeding up the process of drainage and repair or of draining only some, not all, of the river. These propositions have been put to me and I have written to the Lord Mayor on both matters. Will the Minister use the weight of the Government in this matter?

The Hon. BARBARA WIESE: This matter arises in Adelaide from time to time. I recall that representations made by me and by various people in the tourism industry in 1986 convinced the Adelaide City Council that the proposed draining of the Torrens River during the Jubilee 150 year should be postponed as a large number of conferences, sporting and tourism events were to be held in Adelaide during the course of that year.

At that time I also asked the city council to be conscious of forward plans for conferences and other events in Adelaide when plans were being made for future maintenance of the Torrens Lake. I am pleased to hear, from what the honourable member said, that account was taken of conferences which are due to be held in Adelaide before decisions were taken about draining the lake and carrying out maintenance work.

I cannot offer a solution to this problem. It seems to me that it is desirable and necessary from time to time, because of the nature of the lake itself, that this work be undertaken. Unless engineers of the city council are able to come up with some other idea that would enable cleaning of the lake, and in this case maintenance work along the banks, to be undertaken without draining the lake, I am not sure what the alternatives are.

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: The honourable member has asked whether I am aware of the arrangements for the Yarra River in Melbourne. I must say that I am not. I do not know whether the Yarra River is drained, but I suspect it is not. I have never heard of it, but I imagine that the arrangements would be very different there since, as I understand it, it is a free-flowing river, so the problems of collecting waste and other things from the Torrens River would not apply to the Yarra River. I think that that is really at the nub of the problem with the Torrens River, and it is a difficult problem for Adelaide. It is not a pleasant sight to see the Torrens River drained and, at this point, until some other means can be found to clean up the lake from time to time, I suppose that all we can ask of the city council is that it be conscious of business interests and of approaching conferences and other special events that will focus on the Torrens River area, and plan around those events.

As to this next works program, I will undertake to look at the matter and, if I think there is some value to be gained in requesting the city council to reschedule its works program, that would certainly be a matter that I will take up with it.

STATUTORY AUTHORITY REVIEW COMMITTEE

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

1. A Standing Committee of the Legislative Council on Statutory Authority Review be appointed.
2. The functions of the committee shall be—
   (a) Where referred by resolution of the Legislative Council to the committee, to inquire into, consider and report on any matter concerned with the functions, operations, financial management or administration of a particular statutory authority or whether a particular statutory authority should continue to exist or whether changes should be made to improve its efficiency or effectiveness.
   (b) Such other functions as are determined by resolution of the Legislative Council.
3. The committee consist of five members of the Council of whom three shall comprise a quorum.
4. The committee shall appoint a Chairperson who shall be entitled to vote on every question, but when the votes are equal, the question shall pass in the negative.
5. Unless the committee otherwise orders, a member of the Legislative Council who is not a member of the committee may take part in its public proceedings and question witnesses but shall not vote, move any motion or be counted for the purpose of any quorum or division.
6. The committee shall have power to act and to send for persons, papers and records whether the Parliament is in session or not.
7. The committee have power to report from time to time its opinions or observations, or the minutes of evidence only, or its proceedings.
8. The Council permits the committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the council.
9. The procedure of the committee shall, except where herein otherwise ordered, be regulated by the Standing Orders of the Legislative Council relating to select committees.

This motion rises like a phoenix from the ashes of the parliamentary committees debate. I do not intend dragging over the coals of that debate and retracing the arguments both for and against what eventually occurred at that time. Rather, I want to consider the arguments for and against this particular committee for which I am seeking support from the Council to have established here in the Legislative Council.

What prompted this motion so soon after the parliamentary committees debate, amongst other things, were two very encouraging statements from the two Australian Democrat members of the Legislative Council some two to three weeks ago when the parliamentary committees debate was conducted in this Chamber. I want to refer to those statements to refresh the memories of individual members. The debate was held on 31 October of this year in this Chamber. I quote the Hon. Mr Gilfillan from the debate on 31 October 1991:

> A substantial amount of work may not accumulate to justify the dedication of a committee purely for statutory authorities. I would suggest—and I float this idea—that, if we go down the path of establishing our own Legislative Council standing committee, it embrace a title wider than statutory authorities, such as, perhaps, Government management—an area that really gives us this scope to be a review House. There is no way that we will get this Bill through the Parliament at this time, but the opportunity is still there. The goodwill is here, and I speak for myself—it is here.

He then went on to indicate he was withdrawing a set of amendments that he had on file at the time. I also want to refer to the following statement by the Hon. Mr Elliott on the same day in the same debate:

> Whether it happens under the Bill or within this Chamber by way of another motion, I would be most surprised if, in a couple of weeks, we do not have some form of committee looking at statutory bodies. I already have a motion before this Chamber dealing with at least four such bodies and there is no likelihood that I will withdraw that motion with the passage of this Bill. There are matters that I believe the Council should look at. As a part response, I believe that there will be some sort of committee, either standing or select, that will look at some, if not all, statutory bodies.

Now, as I indicated, they were encouraging statements from the viewpoint of anyone in this Chamber who would like to have considered seriously a motion to establish a standing committee of the Legislative Council to review statutory authorities. I accept that neither the Hon. Mr Gilfillan nor the Hon. Mr Elliott, lock stock and barrel, promised their particular vote for such a motion as we have before us at the moment, but I do believe—and I think they would concede—that, having had their memories refreshed by those quotes, both their statements were encouraging to the possibility of establishing a standing committee of the Legislative Council to monitor statutory authorities.

Members will have heard before from me and others in this Chamber the general reasons for the need for a standing committee on statutory authorities. I do not intend, during this debate, to chronicle all the problems that have existed within the various statutory authorities of Government in South Australia to argue that there was and still is a need for some form of close oversight and monitoring of the operations of those statutory authorities.

That has been done before and need not be done again this afternoon. I want to make a brief comment in relation to where we are now with respect to the four parliamentary committees and why we should have a further Statutory Authority Review Committee in the Legislative Council. It is my firm belief, the belief of many of my colleagues and, I know, a belief that is shared by many members of the Labor Party, particularly those of the House of Assembly, that the requirements of the new Economic and Finance Committee are extraordinarily onerous for that committee and its members. It will be required to take on all the functions currently undertaken by the Public Accounts Committee and the Industries Development Committee, in addition to a significant range of other functions in the economic and finance area. On top of all that, it will also have the responsibility to monitor and provide oversight for the operations of the hundreds of statutory authorities that currently exist in South Australia.

As I said, there is a common view of members of all political persuasions that the Economic and Finance Committee will be unable to undertake satisfactorily all those responsibilities. It remains my firm view and that of my colleagues that we need a specific Statutory Authority Review Committee in this Council to provide that form of oversight of the operations of the statutory authority section of Government in South Australia.

The other great advantage of a Statutory Authority Review Committee of five Legislative Council members is that, potentially, if we go down the same path as we do with select committees, there will be non-government control of the committee in contrast with the Government control of the Economic and Finance Committee of the House of Assembly. Members will be aware that that committee has four Government members, if one includes Mr Evans (member for Elizabeth) as a supporter of the Labor Government. So, there is Government control of that committee in another place. That is unlikely to be the case with a Legislative Council standing committee.

Based on my experience with the select committee on the South Australian Timber Corporation and, more recently, the select committee that looked at the operations of Marineland, including the West Beach Trust, I am not convinced that a committee controlled by Government would pursue, as relentlessly as the Upper House committees have, these issues which are embarrassing and potentially damaging to a Labor Government, particularly as we lead into the last 18 months to two years prior to a State election. Sometimes there is a tad more flexibility in the first year or 18 months after a State election, but certainly, if one bases one's experience on what has occurred over the past 10 or 15 years, one sees that that flexibility and relentless pursuit of truth and fact are somewhat restricted when one gets closer to a State election. Of course, I do not believe that would be the case with a Legislative Council standing committee with non-government control thereof.

The Hon. C.J. Sumner: Including a witch-hunt?

The Hon. R.I. LUCAS: The Attorney-General talks about political witch-hunts. He knows that his own colleagues behind him supported unanimous recommendations in relation to the South Australian Timber Corporation select committee which were extraordinarily damning of former Labor Ministers and former senior public servants in Government departments and statutory authorities. I congratulate the members of that committee—Labor, Liberal and Democrat—on their relentless pursuit of the truth and fact on the South Australian Timber Corporation select committee. It was a long time in the coming because of the difficulty in gathering information, but nevertheless it was very worthwhile and certainly was not a political witch-hunt. I am sure that the colleagues of the Attorney-General would not agree with the statement that he has just made.

Certainly it is not my preferred position that I move this motion. I have moved it in such a form as to hopefully encourage first the Australian Democrats and, hopefully, members of the Government to support it. I would not like it to be seen as a precedent or established position for the Liberal Party in relation to standing committees of the Legislative Council after the next State election. It is not the ideal position. I argued during the debate on the parliamentary committees legislation what I thought was the ideal position. I have compromised both my personal view and that of my Party of what is ideal in an attempt to present a resolution which is acceptable hopefully to all members in this Council.

For example, the motion before the Council refers to functions of the committee being referred by resolution of

the Legislative Council. That is, for the next 18 months, it will be up to the Legislative Council to refer matters to the Statutory Authority Review Standing Committee and to establish precedents and priority for the work of that committee. Therefore, the Government can feel confident that there will be full and appropriate debate in the Legislative Council Chamber, and that the decisions of this Chamber in relation to priorities for the committee will result in the Statutory Authority Review Committee heading down that path rather than perhaps a path established by the committee. I instance that as one example where my preferred position would be for that not to be the case.

In the ideal situation, I would prefer that the committee be able to generate its own work and priorities, as well as respond to references from the Legislative Council. However, as I have said, in the interests of trying to gather support, the motion has been drafted in this manner. An attempt has been made to meet part of the wishes of the Hon. Mr Gilfillan, who talked about perhaps the committee's having a wider function than just statutory authority review. The honourable member talked about Government management, and he would know from my previous speeches that I personally support that type of proposition. In the functions clause, we have listed 'such other functions as are determined by resolution of the Legislative Council'. That would be a matter for the Legislative Council to determine, and it may well be that the Legislative Council, perhaps on motion of the Hon. Mr Gilfillan, may want to refer an appropriate matter to the Statutory Authority Review Committee.

The other matter to which I will refer is a new provision which I do not believe has been experimented with in the South Australian Parliament but which I picked up from the Western Australian Standing Orders. In Western Australia, it is possible that members of the Legislative Council, other than members of a committee, can participate to a certain degree in the proceedings of the standing committees.

So, the motion before this Council states that, unless the committee otherwise orders, a member of the Legislative Council who is not a member of the committee may take part in its public proceedings and question witnesses, but shall not vote, move any motion or be counted for the purposes of any quorum or division. Clearly, such a member would not be there for the deliberations of the committee and would not be voting or moving motions or be counted for the purposes of a quorum. However, this involves a possible opportunity for other members of the Council, if they happen to have an interest in the review of a particular statutory authority, to attend the public proceedings of the committee and to participate to a certain degree in its proceedings.

For example, if there were to be a review of the South Australian Timber Corporation, and the Hon. Terry Roberts was not on the Statutory Authority Review Committee, he could, if he could squeeze it into his busy daily agenda, attend the meetings of the committee dealing with the South Australian Timber Corporation, participate in the public proceedings and ask questions in relation to any matter.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: As my colleague the Hon. Mr Davis says, it would be a cameo performance or appearance by the Hon. Terry Roberts. I am sure there are many other issues like that. My colleague the Hon. Dr Pfitzner, if she were not a member of this committee and it was considering the Health Commission, might well want to participate and ask questions. This is a very interesting innovation which the Western Australian Parliament has addressed, and I have included it in this motion. I urge members at least to give it consideration when they address this motion.

The motion is also not ideal in relation to questions of resources. To a very large degree we will be reliant on the goodwill, firm direction and leadership—we hope—of you, Mr President, in relation to providing resources for the committee. Obviously, we would also hope that perhaps the Government would be prepared to support the committee by providing an appropriate level of resources.

This motion is a short-term measure, for the duration of this Parliament. If we were to continue in this fashion, such a motion would have to be moved again at the start of every Parliament in order to reactivate or recommence the operations of the Statutory Authority Review Committee. I believe it is important that we give it a go and that we get the committee up and going so that we can demonstrate the importance of such a committee and the value of all members of the Legislative Council getting together to provide oversight and monitoring of the operations of statutory authorities in South Australia.

The first of my two final points relates to the fact that we have a number of motions of private members' business before the Council at the moment. There is, amongst others, a motion from the Hon. Mr Elliott in relation to a review of the SGIC; a motion for a select committee from the Hon. Mr Davis in relation to the Timber Corporation; and a motion from the Hon. Mr Davis regarding the need for an independent inquiry into the property dealings of the SGIC. I know that some members believe that the operations of the compulsory third party section of the SGIC should also be the subject of a select or standing committee inquiry.

I believe that if we were to establish this Statutory Authority Review Committee its first task ought to be, in effect, to combine all the requests in those two or three motions and ask the committee, as a matter of priority, to examine the State Government Insurance Commission. We should also let such a committee get its teeth into undertaking a review of the South Australian Timber Corporation. However, that will be a matter of a decision by this Council if and when it supports the motion for a Statutory Authority Review Committee. Perhaps in the longer term, after the committee completes those first two later tasks, it could undertake a review of the South Australian Government Financing Authority.

I think most members will have established their position on the need to establish this committee through this vehicle. We have had the debate on the Parliamentary Committees Bill, and we do not require, in my view, a long period of discussion or consideration before voting on this motion. Of course, I hope that, after other members have indicated their views on this matter, we can vote one way or the other next Wednesday—or the following Wednesday if we are sitting during the first week of December—on this motion. I believe that if we are going to establish a Statutory Authority Review Committee, along with the other four parliamentary committees which will have their members appointed next week, it will at least in an interim way over the Christmas break be able to commence its work. Therefore this Statutory Authority Review Committee could have its members appointed to enable the first references to be made to it. Also, it would be able to advertise for submissions and at least get the reviews of perhaps one or two of the first priority areas up and running during the Christmas break. I urge members to support this motion.

The Hon. L.H. DAVIS: I support the motion to establish a Statutory Authority Review Committee of the Legislative

Council. It is a matter about which I have felt strongly and passionately for many years. I think it has been to the detriment of the Parliament and of the community that we have not had a Statutory Authority Review Committee in recent years. As I argued in the debate on the Parliamentary Committees Bill, I believe that if we had established such a committee we might well have prevented some of the excesses of the SGIC.

It has really been left to the Auditor-General rather than to the Parliament to act as a check against ineffective and inefficient management of the public sector and to highlight the problems that are emerging in various Government agencies. I refer members opposite to the ongoing criticism and concern expressed by the Auditor-General over many years with respect to the South Australian Timber Corporation. The Auditor-General has also had a continuing role in criticising the operations of the Department of Housing and Construction. The Auditor-General obviously is playing a crucial role in examining the problems associated with the State Bank of South Australia.

So, I submit to members that, particularly at a time when the State's finances are so stretched, with the ongoing requirement of an amount of at least $220 million to cover the interest bill on the $2.2 billion State Bank debt, we must have a monitoring device to control and scrutinise statutory authorities in South Australia. There is no doubt that there are many authorities that should be examined sooner rather than later.

As my colleague the Hon. Robert Lucas has mentioned, the SGIC has already been subjected to a punishing investigation by the Government Management Board, with three people seconded from the private sector—Mr John Heard, Mr Dick McKay and Professor Scott Henderson of the University of Adelaide. There was not a page in that report that did not have some severe criticism of SGIC's financial administration, its investment decisions, and its general approach to its operations.

I believe that a standing committee of this Legislative Council could carry on the work which was begun by the Government Management Board, because quite clearly massive problems remain with SGIC, as I have instanced in a motion proposing a committee to examine, in particular, the property transactions of SGIC.

So, I think that, if we do establish a standing committee of the Legislative Council, I would quite happily give way on my two motions, which are on the Notice Paper, with respect to establishing a select committee to look at the South Australian Timber Corporation and, also, to monitor the property transactions of SGIC.

I would like to think that a standing committee of the Legislative Council would be provided with sufficient resources by the Government to enable research officers to assist it in inquiries. It would not be difficult to imagine a situation where two or three matters could be examined contemporaneously. It may well be possible to have an inquiry into SGIC and SATCO running simultaneously. It is not fanciful to suggest that, but a necessary prerequisite of such an operation would be backup research staff, in addition to the very good work performed by our table officers.

One of the concerns that was expressed during the debate on the Parliamentary Committees Bill should be expressed again here with respect to the motion now before us, namely, that we do not overwork the existing parliamentary staff and that we provide sufficient backup staff to ensure that the committees' work is worthwhile.

I accept the proposition that has been put forward in the amended motion to provide the standing committee with some flexibility. If someone has a particular interest in a subject which is being debated—for example, as my colleague the Hon. Robert Lucas said, if we were examining the South Australian Health Commission—that person could attend and ask specific questions of witnesses with respect to that matter.

I think it is important for us to recognise that this is an opportunity which we should grasp now. The Australian Democrats have indicated publicly that they support the principle. They now have an opportunity to support the motion which will make that principle a reality.

I hope that, just as the Government has moved with some alacrity to establish the new parliamentary committee system, literally within days of its passing Parliament, so, too, we can vote on this matter next Wednesday. We have had this debate in every sense of the word in recent weeks and members will have a view on this matter. There is nothing new in the proposal put forward today by my colleague the Hon. Robert Lucas. I would like to think we could put this standing committee in place next week.

As I have indicated, I would quite happily withdraw my motions with regard to establishing a select committee to look at SATCO (and surely that is a very important matter, given the continuing problems faced by SATCO) and the motion relating to SGIC. I say publicly to the Australian Democrats that I believe that there is a strong argument that, if a Statutory Authority Review Committee is established, the role of SGIC could be looked at, along with the possibility of the linkages which SGIC has with the State Bank and SAFA.

Those are big challenges, but there is no question that they deserve serious consideration. I do not think that, in their heart, anyone can deny the real financial problems that exist in South Australia. The very fact that a committee is established to look at statutory authorities and Government agencies will have a demonstrable effect whereby, in the future, all statutory authorities will recognise the possibility that their affairs may be subject to scrutiny, not only by the Auditor-General but also in even more detail by a committee of Parliament. It is a model which has been well tried and well proven in other parts of Australia and the world. It is overdue in South Australia.

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

EAST TIMOR

The Hon. BERNICE PFITZNER: I move:

That this Council—

1. Condemns the atrocities perpetrated during the incident of 12 November 1991 at East Timor Cemetery in Dili.
2. Strongly endorses the 1982 United Nations Assembly resolution on East Timor that the Secretary-General be asked to initiate consultations with all parties concerned with a view to exploring avenues and achieving a comprehensive settlement of the problem.
3. Urges the Federal Government to support the establishment of a United Nations presence in East Timor to monitor the current situation.
4. Requests the President of this Council to forward the motion to the Minister for Foreign Affairs in the Australian Federal Government.

Timor is located at the eastern extremity of the Indonesian Archipelago in the Lesser Sunda group. It is approximately 480 kilometres long and 100 kilometres at its widest point. The nearest land mass east of Timor is New Guinea and south is Australia. Timor is 620 kilometres north-west of Australia. Timor's territories consist of the eastern half of the island and the offshore islands of Atauro and Jaco and

an enclave, Occussa, which is on the northern coast of the Indonesian administered West Timor. The area of the island is 14 953 square kilometres.

The original population was 650 000 but, with the numerous alleged atrocities, it is estimated that 200 000—a third—have been killed. The population is concentrated on both sides of Dili and on the south coast. The eastern region is sparsely populated. The island is shaped like a crocodile, long and narrow, with a mountainous spine stretching along its centre. The highest point is Mt Tata Mailau, which is 2 960 metres high. Rice, coconut and coffee are grown, sandalwood is cut, and stretches of grasslands support cattle.

In 1789, when his crew sighted the coast of Timor at 3 a.m., Captain William Bligh of the *Bounty* wrote:

> The day gave us a most agreeable prospect of the land, which was interspersed with woods and lawns; the interior part mountainous, but the shore low. Towards noon, the coast became higher, with some remarkable headlands. We were greatly delighted with the general look of the country, which exhibited many cultivated spots and beautiful situations; but we could only see a few small huts, whence I concluded that no European resided in that part of the island . . . I saw several great smokes where the inhabitants were clearing and cultivating their ground.

Although Bligh's perceptions may well have been heightened by his plight, two centuries later the first appearance of Timor can still catch the traveller's breath. From the air the same 'smokes' with which the Timorese have cleared the ground for centuries are visible. Low-lying jungle thicket alternates with expanses of eucalypt-dotted savannah; along the coast the white sand and blue glitter of the South Seas are intersected by river estuaries choked with mud carried from the mountains by tropical rains, and, above all, the mountains, twisting and turning up towards Ramelau, 3 000 metres high in the rugged interior south-west of Dili.

The inhabitants are of Malay and Papuan stock and are predominantly Catholic. The 1987 Catholic survey estimated the religious mix to be: Catholic 540 000, Protestant 25 000, Moslem 15 000 and Buddhist/Hindu 2 000. In 1974 only 30 per cent of the population was Catholic; today it is 80 per cent. The island is a racial meeting point with a mixture of Malay, Melanesian, Arab, Chinese and African persons.

There are 12 to 18 dialects of language. The Papuan language is confined to the mountainous interior of East Timor. The *lingua franca* or compound common language is Tetum. There is the Dili Tetum and the 'high' or Terik Tetum. Portuguese is spoken in the urban centres. This is a beautiful and remote island. In her paper, Margaret King-Boyes said about the island:

> The largest island of the Lesser Sunda group, the landforms of Timor have been described as 'a tectonic chaos', the origins, the many languages, and the variety of socio-cultural practices, present a complexity of human expression equalling the geological formation.

Situated to the extreme of south-east Asia, for over 400 years Timor has formed part of the outermost point of the former Portuguese empire. It has powerful neighbours, who covet the oil deposits known to exist in its region.

I have spent some time on the description of the island because I feel that, although so close to Australia, we know so little about it. Further, an East Timor photographic exhibition will open tomorrow at the Union Art Gallery at the University of Adelaide. I believe the photographs will depict the difficulties experienced in East Timor. I understand that the wife of the leader of Fretilin, Mrs Gusmao, will be present at the opening.

The Portuguese were the first to arrive in 1613 and their claim to the island was disputed by the Dutch. The border between Dutch and Portuguese was finally settled in 1914. In 1950, with the creation of the Republic of Indonesia, the western half became Indonesian territory and the eastern half was retained by Portugal as a colony. In Portugal, the well-known dictator Salazar died in 1970. He was succeeded by Caetana and in April 1974 the dictatorship was overthrown by the army. The new Portuguese regime instituted a policy of decolonisation.

Meanwhile, in East Timor, three political groups were formed in that year (1974). First was the UDT—Democratic Union of Timorese. The people in this group were middle-class, older, Portuguese Catholics. Second, was the ASDT—Social Democratic Association of Timor. Under Jose Ramos Horta, a month later this group changed its name to Fretilin, which is the main group that provides resistance in East Timor today. Fretilin is known as the Revolutionary Front of Independent East Timor. The people in this group were younger, under-employed professionals, and Nationalist Catholics. The third group was APODETI—Popular Democratic Association of Timorese. This group favoured integration with Indonesia and to form an autonomous province of the Indonesian Republic. Of course, this is not possible as the Indonesian Constitution precludes this form of government.

In January 1975, the UDT and Fretilin formed a coalition and, together with the Portuguese, in May the Governor proposed a program of decolonisation. However, there was a deterioration within the coalition and in August there was an outbreak of civil war, which was over by September, with Fretilin in charge. In October 1975, as the *Bulletin* commented in 1989:

> A covert campaign was initiated, aiming to subvert the preference of the vast majority of the Timorese for ultimate independence and to bring about by stealth the territory's integration into the Republic of Indonesia.

The attack on Balibo on 16 October 1975 caused the loss of thousands of Timorese lives and six newsmen from Australia were killed. This attack was reported by the *Bulletin* as an Indonesian military operation to destabilise East Timor, then under Fretilin control.

In November 1975, Fretilin declared independence. However, the vacillation by the Lisbon policy makers concerning the viability of a continuing Portuguese presence in East Timor combined with the general reduction in the armed forces created the two conditions favourable to Indonesian invasion, which happened on 7 December 1975. That was the opinion of Father Duarte in his book *Un Grito.*

Since that time the United Nations General Assembly has called for the Indonesian withdrawal from East Timor. The United Nations Security Council unanimously condemned the invasion and instructed the Secretary-General to send a special representative to East Timor. In 1976 there were reports that Timorese were herded into guarded camps. Amnesty International has received reports of the disappearance and arbitrary killing of non-combatants; the torture and ill-treatment of people in custody; imprisonment without charge or trial; arbitrary arrests and detentions on a massive scale; other non-existence of the fundamental freedoms of expression, association and assembly; and reprisals and threats of reprisal against persons supporting the Fretilin-led resistance.

It is estimated that 60 000 were killed and 140 000 died as a result of starvation. There have been many individual incidents reported by eye witnesses of brutality to women and children. These have all been documented by video.

The Resistance under Fretilin was decimated between 1975 and 1979. However, they reorganised under Xanana Gusmao in 1987 and they are alleged to have been hunted by Indonesian military operations using approximately 40 000 troops in 1981-82, in 1983-84 and in 1985-87.

In January 1978, Australia gave *de jure* (a legal right) recognition of integration. The Timorese must have felt betrayed at that stage. As Margaret King-Boyes wrote in her papers:

> The Timorese people placed great reliance in the bondings made during the Second World War between the Australian troops and the East Timorese people—both fighting the Japanese (1942). Certainly Australia could have been instrumental in assisting the Timorese toward their goal of self-determination—perhaps acting as a United Nations Dependency guardian. That efforts were not made to do so must remain a permanent example of Australia's ingratitude to a small, friendly nation in desperate need.

Approximately 10 per cent of the Timorese population lost their lives during that time, fighting a war on Australia's behalf, a war that Australia brought to them. Again in 1983, Amnesty International exposed Indonesian authorisation of torture in East Timor and Indonesia was denounced by the United Nations Human Rights Commission for human rights violations in East Timor.

In 1986, the Portuguese Parliament unanimously denounced Indonesian genocidal practices in East Timor. A decolonisation committee was established by the United Nations in 1961. The committee is more fully known as the Special Committee on the Situation with Regard to the Implementation of the Declaration on Granting of Independence to Colonial Countries and People. East Timor was debated by this committee. The Timorese are desperate to have their country still on its agenda. The Fretilin leader's—Xanana Gusmao's—recent message to this committee reads:

> Under the present circumstances it is impossible for me to do anything at the United Nations. Even just going to the United Nations is impossible. Should I dare to do so, I will certainly be murdered. Should I even take a step into the township of Los Palos I will become a sitting duck (for would-be assassins).
>
> Having General Assembly Resolution 37/30 in mind, United Nations Secretary-General Perez de Cuellar promised the Parliamentarians for East Timor delegation when he met them last March that the visit to East Timor of his Portuguese Parliamentarians will take place. We hope the Secretary-General will continue his efforts for the realisation of that visit, and that when the Portuguese Parliamentarians get to visit Timor they will negotiate with the Indonesian Government in Jakarta to resolve the question of Timor.
>
> My hope is that if they are able to come to East Timor to see the true condition prevailing here they would then seek a different framework for the solution of this question.
>
> The United Nations must not forget any party which has a strong interest in solving this problem. The inhabitants of Timor must be considered such a party. It is, therefore, most important that representatives of the East Timorese sit at the conference table. Only when East Timorese representatives are seated at the conference table can the negotiations acquire international recognition and legitimacy. We will never abandon our position on dialogue. We are prepared to hold discussions unconditionally (without introducing new conditions). We are prepared to discuss all issues which will lead to a solution of the problem. We trust the United Nations Secretary-General to convene a meeting of all parties concerned. We believe that the realisation of the Portuguese Parliamentarian Mission will prove to be the source of change in knowledge and attitudes regarding the question of East Timor.

I understand that the visit referred to has now been cancelled. Portugal actively continues to plead the cause of the East Timorese at meetings of world bodies. Only Portugal continues to support this battle for self-determination for East Timor by persistent lobbying of her companion members of the EEC.

In December 1988, East Timor was formally declared 'open', and Jakarta announced that East Timor would be granted 'equal status' with Indonesian provinces. This should mean that the territory would be accessible to Indonesians and foreigners without requiring special permits. However, this is not so, as Indonesian visitors still need entrance permits; identity cards of Timorese are still constantly checked; there are frequent military check-points around Dili; and foreign visits are 'stage-managed'.

In 1989, Pope John Paul II visited Timor which resulted in tensions due to suppression of demonstrations.

So the struggle continues. The church has been a source of strength, leading to an increase of converts.

Now, a week ago, we have the report that there has been a massacre at a cemetery in Dili. We have conflicting accounts of the numbers wounded and dead. We have an Australian envoy who recently visited the area and who is not able to clarify the situation.

Why are we so reluctant to be more definite, as we do have enough signs that point out that all is not right? We Australians have always been at the forefront of fairness and decency. We always help the underdog. It is said that the reason is the Timorese Gap Treaty, which relates to the oil-rich seabed between Timor and Australia. The other reason for our turning our faces away is that it is difficult to censor Indonesia without signalling a tacit encouragement for a territory to break away and cause destabilisation.

However, we cannot avert our eyes any longer. We cannot wash our hands like Pontius Pilate. Australia is looked upon in this part of the world as a leader of human rights. We have here a small nation, which has helped us in our times of trouble, and I therefore ask this Council to support the motion.

Finally, we ought also to listen to their voices, as quoted in the East Timor booklet called 'The Hidden Wall', which states:

> We are fighting in the bush, fighting physically, but you in the free countries throughout the world, we hope you will stand up and give your words to support us so altogether we may fight for the victory and independence of our country.

I hope we will pause and listen.

The Hon. I. GILFILLAN: I support the motion and congratulate the Hon. Bernice Pfitzner on moving it. It is my intention, and I do formally move, to amend the motion by adding the following provision:

> 5. Urges the Federal Government of Australia to recognise the right of East Timor to self-determination and independence.

I would like to read a description of the events that took place on 12 November in Santa Cruz cemetery at Dili at about 8 a.m., and this is an Amnesty International report of what they describe as the Santa Cruz Massacre. I will not read the whole text: I will just select a sentence or two that describes it and then go to the description of events. The report states:

> The following account is based on information available on 14 November 1991 from a variety of sources, including a number of eyewitnesses and statements by Indonesian government and military authorities. The massacre took place at the Santa Cruz cemetery in Dili at about 8 a.m. on 12 November. The victims were among several hundred people who had joined a procession to the cemetery following an early morning memorial mass for Sebastiao (Gomes) Rangel, reportedly killed by Indonesian security forces on 28 October . . .

I move to the description:

> Eyewitnesses said that, throughout the procession itself, considerable effort was exerted by organisers to ensure that discipline was maintained. The shooting took place five to 10 minutes after the crowd had reached the cemetery. Some banners had been hung, people talked among themselves and a number shouted pro-independence slogans like 'Viva Timor Leste!'. At this point, a large contingent of armed soldiers arrived from two different directions.
>
> Eyewitnesses said that hundreds of soldiers carrying M-16 automatic weapons and wearing brown uniforms approached the cemetery on foot from one direction, while a smaller group, possibly of the paramilitary Police Mobile Brigade . . . arrived in trucks from another direction. As the soldiers approached there was considerable tension; people in the cemetery began spontaneously to move away from them in fear. According to eyewitnesses, the foot soldiers marched to the entrance of the cemetery, formed a line about 12 men abreast, then opened fire on the crowd. No warning was given. Some soldiers reportedly fired into the air,

but others levelled their weapons at the crowd. The walls of the cemetery and the large number of people made it difficult to escape, but the shooting continued even as people tried to flee. Some were believed to have been shot in the back while running away. The shooting stopped and resumed several times, suggesting that it was planned and deliberate, rather than a spontaneous reaction to provocation. An eyewitness said: 'Looking down the road I saw body after body, and the soldiers kept firing at those who were still standing' . . .

Dozens of people were said to have been beaten badly during the incident, among them two US journalists, Alan Nairn and Amy Goodman, who subsequently left the territory. Soldiers reportedly used their weapons to club people over the head and kicked them in the stomach with heavy military boots. Amy Goodman, who was beaten and kicked, described the soldiers' behaviour as 'vicious' and unprovoked. She said that they screamed as they beat her: 'Politics! Politics!'.

I pause to observe to suggest that, had it not been that the United States journalists had been there and survived that incident, we would have known virtually nothing of this horrendous massacre. The report continues:

The Government Response:

Indonesian government and military authorities have formally expressed regret at the deaths at Santa Cruz and have promised to investigate the incident. However, in a series of public statements beginning in the evening of 12 November, the authorities have appeared to try to justify the action of security forces and to place responsibility for the massacre on opposition forces and the mourners themselves. Commenting on the incident, the Commander of Regional Military Command IX which covers East Timor said: 'The authorities will never be in any doubt about taking tough action against abuse of our persuasive approach. The only order is: To kill or to be killed.' Government and military authorities have described the memorial procession as a 'riot' of 2 000 to 3 000 people, and have claimed that the security forces fired their weapons when 'the mob attacked them brutally'. Military authorities also said that a number of guns, grenades, ammunition, banners and a Fretilin flag had been seized. One spokesman said that 'security officers tried to disperse them in persuasive ways but they put up resistance and attacked the officers'. On 14 November Armed Forces Commander, General Try Sutrisno, said: 'We are a great nation which respects human rights. If there were victims in the Dili incident . . . it was because the security forces were forced to do so, not because of ignoring human rights.' Apparently attempting to justify the killings, military authorities drew particular attention to the fact that one military officer, Major Lantara, a Deputy Battalion Commander, had been injured in the incident and was thought to have died. A military spokesman said: 'You can imagine what the soldiers would do if they saw their commander die.'

In the face of mounting evidence of military responsibility for the arbitrary killings, the official position began to change slightly, but the authorities continued to claim that the military action had been provoked by members of the procession. The Foreign Minister, Ali Alatas, who has worked hard to improve Indonesia's human rights image in recent years, expressed his regret at the loss of life. He stressed that the Government had not ordered the massacre and did not condone it, but said that 'the security forces had to take action'. The military commander for East Timor, Brigadier General Warouw, suggested that the killings had been the result of '. . . a misunderstanding by the soldiers . . . they shot because of the tension'. An account provided by the Regional Military Commander was, in almost every respect, inconsistent with the body of independent evidence and eyewitness testimony. He claimed that the shooting began when security forces prevented the procession from going to see the UN Special Rapporteur on Torture at the Hotel Turismo, whereas all existing evidence indicates clearly that the killings took place at Santa Cruz cemetery, after the procession had ended. The Commander also claimed that a pistol had been fired and a grenade thrown by members of the crowd; and that the soldiers had begun to fire in response, although an officer had shouted 'Don't shoot.' Then, according to this version of events, '. . . the crowd advanced and gave the troops no option but to fire into the crowd'. These claims were at odds with the testimony of eyewitnesses cited above, who said that the soldiers fired on the crowd without warning and continued to fire even as people tried to flee.

That is the extent of the quote that I want to give from the Amnesty International official description of the event. It points out what I believe are some dramatic and very significant observations. Anybody who saw the Kerry O'Brien program on the ABC last night would know that the video film of the incident has verified precisely the eyewitness accounts of the innocence of the protest and the vicious and bloody slaughter that took place, as far as one could tell from that, without provocation. On that program Kerry O'Brien read to the previous Australian diplomat there statements made by the Indonesian Armed Forces Commander and I believe that, as Democrat Senator Vicki Bourne has put out in a press release, these statements must be considered when we, as Australians, view our response to this particular atrocity. She states:

In the face of statements by Indonesia's armed forces commander, General Try Sutriano, that East Timorese dissidents must be 'wiped out' Australia must rethink its relationship with Indonesia. How can we continue to cooperate with a military which says of the Dili massacre, 'Finally, yes, they had to be blasted' . . . Our international reputation is worth more than any relationship with Indonesia. We must now join the overwhelming majority of United Nations members in calling for self-determination for the East Timorese.

I want to endorse that fully. I believe that we must accept that the Indonesians cannot be believed in the statements they make about these events. The evidence is stark and horrifying of the way in which that regime is dealing with dissidents, particularly in East Timor. There is no excuse. The Indonesians cannot offload the responsibility to some rogue military presence in East Timor. They have had 16 years to put in that area people who are aware of and sensitive to the situation. It is no good trying to con the rest of the world that they are caring for the indigenous population and that they have reformed their approach and dealings with the indigenous population, because the evidence is overwhelming that they have not.

The evidence of 12 November has proved that, if anything, it has become more savage, and this is on a people who, as the Hon. Bernice Pfitzner so eloquently put, 'are our friends and have shown friendship and loyalty to Australia over many decades'. It is not a time for us to vacillate. It is not a time for us to tolerate and accept the appeasement policy which both the major Parties that have held government in this country in the past 16 years since this event occurred have condoned. It is not our obligation as a free, independent sovereign country to kowtow to the wishes and to avoid hurting the feelings of a neighbour, even if we do wish to establish friendly and constructive relations with that neighbour. We do nothing to enhance the relationship with that neighbour if we turn a blind eye to what must stand in world terms as a horrendous crime, one which the world condemns and which we must condemn.

I do not see how we can back away from the call of the people and, in fact, the call of the United Nations. It is fortuitous that an article appears in this afternoon's edition of the *News*. The article is headed, 'Massacre rally barred to avoid more violence', and its last paragraphs state:

Meanwhile, in Washington today, a US Senate committee approved a resolution urging President Bush to press for a UN probe in East Timor.

Legislators also called on the President to introduce another UN resolution that would provide for self-determination in East Timor, a former Portuguese territory that was annexed by Indonesia in 1976.

In supporting this motion, as I do wholeheartedly, I say that it is a shame on us if we are going to back away from calling for the exercise of self-determination in East Timor. I hope that the Council will see fit to support my amendment so that the excellent wording and what I hope will be the unanimous support for the motion as amended will include this strong call for self-determination with a clear message: friend or no friend, we will not tolerate the behaviour of the Indonesian regime as perpetrated in East Timor on a continuing basis, highlighted on 12 November, without the most strident criticism.

The threat that Mr Hawke may not go to Indonesia is not punishment enough. If that is the only reaction that Australia can give, it is pathetic, and I wash my hands of it. We must have the courage to break free of what we might see as economic and diplomatic obligations, of timidity—being scared of a big neighbour nearby—and say with courage what I am sure all of us believe in our hearts: that the people of East Timor deserve the right to choose how they run their affairs in their own country. I urge support for the motion and the amendment thereto.

The Hon. T.G. ROBERTS: I rise to support the sentiments expressed by both speakers in relation to this very serious matter. In doing so, I congratulate the Hon. Dr Pfitzner for her motion and contribution in relation to the very serious problems facing the Timorese people. On Saturday, the Friends of Timor organised a rally in Adelaide outside the office of Garuda Airlines and invited a number of speakers, including the Hon. Mr Gilfillan and me. It was clear from the sentiments expressed by a number of speakers, including Dr Richie Gun and others, that the circumstances surrounding the shootings that occurred at the cemetery were soundly condemned by each speaker, and that the Adelaide Timorese community present was certainly outraged. The speeches delivered by its members gave even those who have been following the political situation since 1975 a further insight, by their own personal touch in being able to relive some of the circumstances in which they found themselves while living in East Timor prior to their arrival in Adelaide.

I must pay a tribute at this stage to Dr Richie Gun and Andrew Alcock, who have maintained a vigilance on behalf of the Timorese people in Adelaide and kept the issue to the forefront of the attention of many members of Parliament and decision-making people who have the ability to influence Governments and the way in which they formulate policies in this country. They have certainly sharpened many consciences, particularly here in Adelaide. Dr Richie Gun and Andrew Alcock have worked tirelessly on behalf of the Timorese people in providing not just the political contributions required to keep the issue in the forefront of the eyes of Federal members, where the problem can be addressed, but also the personal succour and support that is required in setting up support groups for migrant families. I am sure that the Timorese people in Adelaide appreciate the work being done by these people on their behalf. Certainly they are not the only two working in Adelaide on behalf of the Timorese people; a number of other people are also doing so.

The horror of the events that occurred has been brought home more graphically this time than at any other that I can remember since 1975, mainly because of the international journalists who were there to witness what they thought was to be a visit by a parliamentary delegation to look at some of the problems associated with the integration of East Timor into Indonesia. It was quite clear that the Indonesians did not want the international delegation to probe too closely. Excuses were found not to allow the delegation's visit to continue, and it was done on the very flimsy ground that one of the journalist's views would be tainted. That journalist happened to be Australian, and we tend to use our journalists in the front line quite regularly to fight many battles in these troubled areas. The journalist was refused entry into East Timor to cover the delegation's visit. The Portuguese and other people involved in the visit decided not to continue.

I am not sure whether the Indonesian Government was involved in the events that followed or whether it fully orchestrated the problems that evolved, but there is certainly evidence to suggest that the Timorese people did not provoke the situation that brought about the confrontation which followed.

It was reported in the press soon afterwards that the Indonesian Government had said that the marchers themselves had provoked the situation and that the commanders of the troops opened fire in self-defence. A journalist managed to get out of Timor intact very graphic film of the event. That and other evidence gathered since shows conclusively that the Timorese people would not have put schoolchildren dressed in uniforms into a demonstration or march for peace on the basis that they would provoke or cause trouble. One could see disbelief and horror on the faces of the people who were running away from the Indonesian army. They had not considered that a force armed in such a way as the Indonesians were would open fire with automatic weapons on their peaceful demonstration.

I think it has been graphically shown that the situation in Timor has deteriorated to a point where international intervention is now required. It is quite clear that the Timorese people themselves do not have the international strength to be able to bring about the intervention that is required by the United Nations, and it is incumbent on the Australian Government and other Governments to put pressure on the UN to bring about a solution to the situation in which the Timorese people find themselves. The Hon. Dr Pfitzner certainly outlined very clearly the historical evolution of East Timor and how it is different from the western end of Timor and a lot of the other islands in the archipelago. She also pointed out that Dili and East Timor itself were used as international staging posts for trade, that East Timor has developed a very independent view on how it sees its international role, the Timorese do not accept Indonesian rule in any form and that East Timor needs a democratic expression of its national identity.

In conclusion, at the Australian Labor Party State Council meeting last Thursday the council moved a resolution calling on the Australian Government to formulate proposals for an internationally supervised act of self-determination for East Timor as a matter of priority, to use fully its diplomatic resources to enlist the support of the UN member states to ensure maximum support for such an act, that the Prime Minister to cancel his planned trip to Indonesia in 1992 and that the military commanders responsible for the killing of unarmed mourners be brought to justice. They are the sentiments of the State council and also the views being discussed by the Government.

The Hon. M.J. ELLIOTT: I rise in support of the motion and the amendment. We must to be very careful in Australia that we are not accused of wringing our hands, saying 'Isn't it awful?', and then not be willing to do anything further. I recall that in early 1976, when I briefly worked for the Liberal Party as a research officer, I had a visit from a Mr Santos—I think the name is correct—who was a representative of Fretilin. He recounted to me what was happening in Timor. At that stage I knew very little about it. I then set about trying to organise contacts within the Party so that the matters of concern to Fretilin and to the people of East Timor, more generally, could be addressed within Liberal Party circles. I must say that I hit a brick wall very quickly. In fact, I think that has been the unfortunate history in Australia: that while political Parties have been making one noise publicly, the noise has been going only so far and there has been more wringing of the hands than anything else.

Back in the mid-seventies, Australia could and should have done a lot more. If we had, we may not have been facing the position we are currently experiencing, and the people of East Timor may not have been in the position in which they now find themselves. What the political Parties have done from that time on has clearly not been sufficient.

The issue of self-determination should be included in any motion passed by this Council. For goodness sake, it was not that long ago that we had people like Mr Bush, Mr Hawke and others talking about a new world order. We sent troops into the Middle East on the pretext of assisting a nation that had been overrun by another nation. One cannot help but think that that had more to do with securing oil interests than it had to do with helping people in relation to self-determination, because we seem to be rather selective about when we go to help people and when we do not.

The history of the world shows that enforced incorporation of people does not work. We have only to look at what is now happening in Yugoslavia, where various nations were cobbled together into one nation. It did not work; it will not work. We cannot force people together. We can look at what is happening in the Union of Soviet Socialist Republics at the moment: again, forced incorporation has failed. We are not talking about the question of the failure of communism, we are talking about the failure of policies of forced incorporation.

Australia came together as a nation made up of different groupings of people, although largely homogenous groupings, but it came together largely of its own volition—with the obvious exception of the Aboriginal people. Of course, they are still suffering because they were forcibly incorporated into another nation. That is the basis of the land rights and self-determination arguments within our own nation and they are arguments which some people refuse to understand. It seems that they can understand the arguments in relation to Yugoslavia and they understood it quite well in relation to the Soviet Union and the Middle East. However, they understand it less well, for some reason, when it comes to places like Timor.

Once again, the EEC sees people coming together, but of their own volition and on their own terms. We really must question what Australia has done. It is not just a matter of passing a motion and feeling good when it has been passed. What has Australia done in regard to this? We have negotiated rights to oil in the Timor Gap—that is what Australia has done! We have been more concerned about oil again! Is that what international politics is all about—access to oil?

We in Australia are willing to take people to court for atrocities committed 45 years ago—and so that should be. Yet, atrocities have occurred in recent days and we wring our hands. If Australia and the people in this place are accused of gross hypocrisy, we deserve it. I believe that members in this place should exercise their own right of self-determination; there should be a conscience vote on this issue; and I believe members should be supporting not only the motion but also the amendment, which supports self-determination for the people of East Timor.

The Hon. CAROLYN PICKLES: I support the sentiments expressed by the Hon. Dr Pfitzner and the Hon. Mr Roberts in relation to this motion. However, the motion has been moved in an amended form and a motion has also been moved to reinstate the original motion. It is all very well for the Hon. Mr Elliott to talk about members having conscience votes on this issue, but members of my Party would like to express their views on this motion, as I understand members opposite would wish to do, also.

This is not a new issue for members of my Party. As the Hon. Mr Roberts indicated, Dr Richie Gunn fought for very many years on this issue, as have members present today. It is not a new thing; we feel very strongly about it. However, in all fairness to members of my Party, I intend to seek leave to conclude in order to give them time to consider the amended motion moved by the Hon. Dr Pfitzner and, subsequently, the amendment by the Hon. Mr Gilfillan to reinstate the original part of the motion. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

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

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

That the time for bringing up the report of the select committee be extended until Wednesday 12 February 1992.

Motion carried.

SELECT COMMITTEE ON THE CIRCUMSTANCES RELATED TO THE STIRLING COUNCIL PERTAINING TO AND ARISING FROM THE ASH WEDNESDAY 1980 BUSHFIRES AND RELATED MATTERS

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

That the time for bringing up the report of the select committee be extended until Wednesday 12 February 1992.

Motion carried.

SELECT COMMITTEE ON THE PENAL SYSTEM IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 12 February 1992.

Motion carried.

SELECT COMMITTEE ON COUNTRY RAIL SERVICES IN SOUTH AUSTRALIA

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

That the time for bringing up the report of the select committee be extended until Wednesday 12 February 1992.

Motion carried.

SELECT COMMITTEE ON THE CONTROL AND ILLEGAL USE OF DRUGS OF DEPENDENCE

The Hon. CAROLYN PICKLES: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 12 February 1992.

Motion carried.

PATHOLOGY LABORATORIES

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

That this Council urges the State Government to investigate the introduction of an independent licensing procedure for pathology laboratories which guarantees—

1. a high level of quality and reliability;
2. regular independent inspections of quality control measures and occupational health and safety standards.
3. public involvement in the process and publication of the results to health professionals; and
4. laboratory participation in the Royal College of Pathologists of Australasia quality assurance programs.

(Continued from 13 November. Page 1817.)

The Hon. CAROLYN PICKLES: I oppose the motion. No doubt members would have noticed from the press the strong reaction that the motion has elicited. I have a concern for those patients who, as a result of the manner in which this matter has proceeded, may now be confused, indeed highly anxious, about the accuracy of tests they have had performed.

That is not to say that one in any way condones poor practice, if in fact such practices exist, and that is really the nub of the matter. As members of Parliament, we have a right, indeed a duty, to raise matters in the public interest, but the manner in which we raise them constitutes the difference between responsibility and irresponsibility.

A number of allegations of poor practice with potentially serious consequences have been made. We have heard allegations that the present system of approval and accreditation is lacking and that the State, therefore, should superimpose its own system. What we have not heard is that there has been any attempt to check the allegations. I decided that these allegations were serious and had caused some disquiet amongst patients. I have a personal interest in ascertaining whether or not there is any evidence of poor practice at Gribbles Pathology. I visited Gribbles on Monday 18 November and spent about 1½ hours being shown anywhere in the laboratories that I chose to go. Staff were made available to answer questions and I found all persons I spoke to frank and helpful.

I have also discussed these allegations with the AMA and have been provided with detailed briefings. During my visit to Gribbles, I ascertained that there is a very thorough quality control check on all procedures. I checked the procedures for waste disposal. There seems to be a satisfactory process in place to deal with this. All needles are placed in safe disposal bins and removed by the Waste Management Commission.

While I was there, I witnessed the procedure for disposal of human body tissue. These specimens are placed in the original containers in a large plastic bag, which is then placed in a special yellow bin for disposal every day by the Waste Management Commission. I was informed that, when the Unley council read the allegations in the *Advertiser*, it sent its area health surveyor to check the process, and I understand that the surveyor was perfectly satisfied.

With respect to dealing with blood examples which may be HIV positive, I am satisfied that Gribbles are very careful with all specimens, which are treated as potentially positive. They conduct stringent staff education programs in respect of safe handling of all specimens.

The Hon. Dr Pfitzner detailed Gribbles' response to allegations made by the Hon. Mr Elliott. I understand that other members have also received copies of those comments and, therefore, I will not duplicate that. As for the allegations that specimens are mixed up, following my inspection I feel it would be difficult to see how this could happen, as each specimen is given a computer bar code as soon as it arrives in the laboratory. I am glad that I decided to make—

The Hon. M.J. Elliott interjecting:

The Hon. CAROLYN PICKLES: I understand that the Hon. Mr Elliott has been there now. I am glad that I decided to make a visit to Gribbles. I think that Mr Elliott should have paid them the courtesy of doing the same thing before he made the allegations. I understand that he has now visited the laboratory and that this inspection was attended by Dr P.C.J. Joseph, the Federal councillor of the AMA, who has written to members regarding this inspection. The letter, which is dated 12 November, states:

On 11 November 1991 at the request of the President of the South Australian Branch of the Australian Medical Association, I attended an inspection of Gribbles Pathology laboratories by the Hon. M.J. Elliott, MLC. In a speech in the Legislative Council on 30 October 1991, Mr Elliott supported his request that the State Government investigate the introduction of an independent licensing procedure for pathology laboratories by alleging a long list of unsatisfactory and unprofessional practices by the staff of Gribbles Pathology. The AMA's concern was essentially to establish whether there was any substance to the allegations which could impact on patient health and safety.

I am pleased to report I was quite satisfied by what I saw. There had been no apparent alteration to the arrangements of the laboratory since the allegations were made. Many of the allegations were rendered ludicrous by the most cursory inspection particularly, for example, those pertaining to sharps disposals, human tissues and the disposal of specimens. Mr Elliott appeared concerned by the manner in which microbiology specimens were labelled. There is no doubt that human error can occur within any system: that includes the labelling of specimens collected in doctors' rooms. However, none of the procedures that I observed evoked a sensation of alarm. I saw nothing that would influence me to believe that Gribbles Pathology specimen identification procedures are inherently unsafe. Incidentally, I have ascertained that the same procedures are used at the IMVS, the Repatriation General Hospital, Daw Park, and at a number of private pathology laboratories.

I have seen Dr Abbott's rebuttal of the individual points raised by Mr Elliott in Parliament. I feel that he adequately disposes of the allegations. In the AMA's view, Mr Elliott should have inspected the premises prior to making statements under parliamentary privilege which have impugned the honour of a number of doctors of international reputation and high standing within the South Australian medical community.

I am sad that this matter has been raised in such a sensational way. It has both public and private dimensions. It has diminished the reputation of a pathology laboratory and its staff and has shaken public confidence in the laboratory and those who work there. Pathology service provision has become very competitive in South Australia. Mr Elliott's remarks have the capacity to cost some staff their jobs and further reduce employment within this State. In the private sphere, the medical practitioners, the other members of the staff and their families have been exposed to public ridicule by what has been said. This has occasioned real hurt to some of them.

Two of the doctors were class mates of mine at medical school. I have known them for 28 years and am thus qualified to judge them as individuals. I have known some of the other doctors for almost as long and am acquainted with nearly all of them. They are all people driven by the pursuit of excellence. The practice of pathology involves immense attention to detail. None of the people I know could work in a system as described in Parliament. None of them would do so whatever the financial inducement. Medical practitioners of all disciplines feel that the profession's honour has been impugned in an unfair fashion. I believe that if significant allegations cannot be substantiated then there is only one honourable course for Mr Elliott to take in this matter.

The Hon. R.J. Ritson: Do you think Mr Elliott was driven by a pursuit of excellence?

The Hon. CAROLYN PICKLES: I am sure that Mr Elliott can respond to the honourable member's question. Pathology services in this country are highly regulated—some would say they are too highly regulated. However, I believe it is an area that needs to be regulated.

I am advised that pathology services are subject to three levels of accreditation or approval under the provisions of the Health Insurance Act which covers the conditions under which Medicare benefits can be paid by the Health Insurance Commission. First, the laboratory has to be accredited for the services it provides. This accreditation is by the Commonwealth and the National Association of Testing Authorities (NATA), which acts on the Commonwealth's behalf as the primary inspection agency, using standards set down by the National Pathology Accreditation Advisory

Council (NPAAC). Secondly, the service has to be provided by or on behalf of an approved pathology practitioner, who must be a registered medical practitioner. There are a number of obligations and responsibilities required of approved pathology practitioners, including required personal supervision of work. Thirdly, the proprietor of the laboratory in which the pathology service is performed has to be an approved pathology authority. All these approvals are required by Commonwealth legislation and, in the case of accreditation, involve independent agents and the NPAAC.

The Government is concerned to ensure that South Australians are provided with high quality health services. My colleague the Minister of Health has therefore written to his Commonwealth counterpart to see whether matters of the nature of the honourable member's allegations have come to the attention of the authorities involved in the accreditation/approval process. In part, that letter states:

As Minister of Health, I am obviously concerned to ensure that South Australians are provided with high quality health services. I am aware that various levels of approval and accreditation are required by, or for the purposes of, Commonwealth legislation. I would appreciate your assistance in obtaining advice as to whether matters of the nature of Mr Elliott's allegations have come to the attention of the authorities involved in the accreditation/approval process.

I would have to say that, at a time when attention is focused very much on reducing overlap and duplication between the Commonwealth and the States, I am not at all attracted to Mr Elliott's proposition of yet another tier of regulation at the State level, nor do I believe there would be broad parliamentary support for such a move. However, as Minister of Health, I seek some assurance that the system which is in place adequately protects the public.

That letter is signed by Don Hopgood, Deputy Premier, Minister of Health. The introduction of yet another tier of regulation at the State level is not on the Government's agenda. The Government opposes the motion.

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

CHILE

Adjourned debate on motion of Hon. I. Gilfillan:

That this Council, considering the continuing concerns of Chilean refugees in this State and the influence that a State Parliament can exert on that country, welcomes the positive measures taken by the civilian Government in Chile to address the legacy of past human rights abuses. Taking note of the obstacles faced in addressing these violations, this Council believes that the Chilean Government has a continuing obligation to ensure that:

1. full investigations into allegations of human rights abuses under the previous Government, including all complaints of torture, are carried out, that the full truth is made known and that those responsible are brought to justice;
2. the proceedings against prisoners charged with politically motivated offences are re-examined without delay, aimed at determining whether those prisoners who did not receive a fair trial according to international standards should be released or should have their case re-heard under fair procedures;
3. the death penalty is abolished;
4. any allegation of torture or other cruel, inhuman or degrading treatment is immediately and impartially investigated and that those responsible are brought to justice;
5. there is a comprehensive review of the judiciary aimed at introducing reforms to bring about a genuinely independent and impartial judiciary which will never again condone human rights abuses committed by agents of the State.

(Continued from 30 October. Page 1513.)

The Hon. T.G. ROBERTS: I move:

Leave out paragraph 5 and insert additional passage:

and further this Council calls upon the Federal Government, being a signatory to the International Covenant on Civil and Political Rights, to advise of its concern that an independent and impartial review of the judiciary be held.

I feel a bit like the Minister for Foreign Affairs and Trade today, because this is the second 'international' motion that the Council has debated. Perhaps it is part of the Council's changing role to address matters of concern which local residents feel they are unable to raise through their Federal member. Perhaps those residents feel closer to their State members of Parliament and are more confident about passing their messages on to the Federal Government via the States, or perhaps it is a role the Council is picking up *de facto* from some canvassing. I am not sure about that but I have certainly been approached by many community groups to take up foreign affairs issues.

Members interjecting:

The Hon. T.G. ROBERTS: According to the interjections from the other side of the Chamber, this item could also be put on the agenda regarding new Commonwealth-State relationships. The States could go back to the pre-1901 days where we had our own navies—heaven forbid!

I will support the motion in an amended form. Chile certainly has come a long way since 1973 and the overthrow of the Allende Government. However, it must go much further in its own attitude to human rights before it can participate at an equal level in the international community. Although we are not living in the dim dark ages of 1973, when thousands of people disappeared or were rounded up and summarily shot by the orders of the military tribunals that were set up at the time, we have come some way towards the democratisation of the Chilean Government in that it is no longer a military Government but a civilian Government, which is starting to take notice of some of the international pressures which are being applied. The Government is led by President Patricio Aylwin. Certainly, the information I have received from Chileans in Australia is that the constitution restricts the freedom of the people to move to a full, broad participatory democracy.

We can only hope that, with pressure from the Federal Government on behalf of the Chilean people, the rights that are expressed in Western constitutions might apply to Chile and that the Chilean democracy can be opened up to be more like Western democracies. The problems the Chileans have faced since the violent overthrow of the Allende Government in 1973 are well documented. Letters from international organisations, including Amnesty International, document the history of violations, which include torture, summary executions and disappearances, and I do not think that history is contested by any individual who watched the deterioration of the Chilean scene between 1973 and the time when Pinochet reluctantly handed over the reins of power to a civilian Government.

The Pinochet Army officers keep an eye on the civilian Government, and the civilian Government cannot move too far away from the wishes and dictates of the military. Therein lies the problem. The military still holds a lot of sway over the Government's constitution. The Chilean people have fears about the broadened base of participatory democracy and, like the Timorese, are calling on Governments outside their own internationally to try to bring about some reforms whereby the constitution can reflect the democratic aspirations of the Chilean people.

I support the motion as it stands, with the amendment that I have circulated. I pass on the responsibility of triggering a United Nations investigation to look at the problems associated with the constitution and many of the other matters relating to the day-to-day democratic processes in Chile and to investigate the horrendous crimes which are inflicted on the Chilean people by the military. Hopefully, by trying to bring about a new democratic regime in Chile,

the people responsible for the crimes that were committed against their own people will be brought to justice.

I should like to read into *Hansard* the case of a young woman who came to the South Australian Parliament some time ago. Her case was tragic. I will read the testimony of Carmen Gloria Quintana. The Hon. Carolyn Pickles, together with other members and me, met Carmen. The testimony—this was in 1988—reads as follows:

My name is Carmen Gloria Quintana . . . My personal testimony is also the collective testimony of thousands of children, youth and students who have suffered in their own flesh during this thirteen years of cruelty of an unconstitutional regime which came to power during a bloody military coup.

I am a 19 year old Chilean university student. Eight months ago, I was savagely beaten and burned alive by Chilean soldiers. I survived and I am here today to tell what happened and to denounce before this commission the continued human rights violations in my country.

On 2 July 1986 I was participating in a national strike called by the National Civil Assembly. That day Rodrigo Rojas de Negri was also present, a 19 year old man, photographer, resident of the United States, son of an exiled Chilean woman, who had returned to the country to find his roots. I mention him in modest homage to his life which he lost in his home land.

As we were walking toward a demonstration in our neighbourhood, a patrol of heavily armed soldiers in combat gear and with their faces painted black followed us in a civilian truck. They detained Rodrigo and me. We were insulted with obscenities, physically searched and brutally beaten. Two other vehicles with soldiers and two persons in civil dress arrived on the scene, bringing the number of assailants to thirty people. One of them carried a can of gasoline. Rodrigo was already semi conscious on the ground, bleeding profusely from the brutal kicks, punches and blows form the butt-end of the rifles.

They continued beating me. The leader of the patrol began to douse us with gasoline, from head to foot, despite my pleas that they stop because it was entering my mouth. The soldiers just laughed at us. As I was wiping my mouth with my hand they threw something between us which exploded and we began to burn like human torches. As I began to jump and roll on the ground to put out the flames, a soldier hit me in the mouth with the but of his rifle and I lost several teeth. Witnesses to the act said later the soldiers left us in flames for several minutes. Almost unconscious, I remember we were wrapped in blankets and thrown into a vehicle as if we were sacks. Afterwards, we were thrown into a ditch 23 kilometres away, in the countryside. I woke up to feel myself being shaken by a man who was totally disfigured, with his face burned black, his lips ashen and his nose bleeding. It was Rodrigo. We climbed out of the ditch like zombies, with our arms and legs outstretched, and we began to walk with great difficulty to find help.

The testimony of Carmen Gloria Quintana, along with many others, shows the depths of depravity to which the military Government sank after it took over from Salvador Allende in 1973. The tragedy is that Chile was a democracy in South America that could hold itself high in terms of its human rights record and its approach to delivering a fair and equitable distribution of its wealth to its people in a dignified and democratic way. A socialist Government was elected in Chile, and that upset many people outside and drew a lot of attention from those who were watching Chile's democracy grow. Some events were orchestrated, Chile's democracy faded overnight, and military governments were able to impose their will on the people, including mass killings and brutal tortures.

The deterioration that occurred between 1973 and the handover to the civilian Government goes unquestioned. The motion that has been moved today needs support from other countries and the United Nations to make sure that the transfer of power from the military to the civilian Government and a democratic constitution allows Chile to reach its potential within its own geographical area and internationally and that the aspirations of the Chilean people can be fulfilled through a fully democratised Government.

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

EXPIATION OF OFFENCES

Order of the Day, Private Business, No. 22: Hon. M.S. Feleppa to move:

That regulations made under the Local Government Act, 1934, concerning expiation of offences, made on 27 June 1991, and laid on the table of this Council on 8 August 1991, be disallowed.

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

That this Order the of Day be discharged.

Order of the Day discharged.

PARKING REGULATIONS

Order of the Day, Private Business, No. 23: Hon. M.S. Feleppa to move:

That regulations made under the Local Government Act, 1934, concerning Parking, made on 27 June 1991, and laid on the table of this Council on 8 August 1991, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

CORPORAL PUNISHMENT

Adjourned debate on motion of Hon. R.I. Lucas:

That regulations made under the Education Act 1972, concerning corporal punishment made on 30 May 1991, and laid on the table of this Council on 8 August 1991, be disallowed.

(Continued from 9 October. Page 973.)

The Hon. T.G. ROBERTS: I oppose the motion on the basis that it almost takes me back to my era when I was at school, when the cane was used quite freely. The motion to disallow the regulations relating to corporal punishment and the debate about it in the community come up quite regularly, but in general terms only a very small minority want to reintroduce corporal punishment into schools. I thought at first that the Hon. Mr Lucas had his tongue in his cheek, but half way through his speech he took his tongue out from his cheek and he actually felt quite convinced that it was the way to go, and that a lot of the problems being expressed inside our education system could be overcome if teachers could only bring back corporal punishment.

It is not generally the view that I, my Party or the Government share in relation to this issue. One of the reasons that the Hon. Mr Lucas thought it would be a good idea to leave it on the statute books was that teachers were using emotional and verbal abuse in replacement of physical abuse. There are some arguments that it should be left as a last resort, as a disciplinary measure to scare those children whom no other method of discipline can reach. Another view is that, generally, those children have either been brutalised or are in the process of being brutalised in home situations where considerable force is used against them to effect some sort of behaviour changes. If Mr Lucas took time out to speak to teachers across the board, I think he would find that a huge majority of teachers just do not want to have anything to do with corporal punishment, and their levels of competency are generally judged by their ability to be able to manage situations within classrooms by rewards, etc., and by being able to gain the confidence of the children to behave in an acceptable manner so that education can be imparted to them without disruption of

classes. That seems to be the general theme adopted by good teachers in classrooms. Many methods can be used to bring out the best in children other than threatening them with physical violence or actually carrying it out, as some schools used to do.

I do not think that too many teachers regard corporal punishment as a preferred method of control. It is perhaps a dying cry from some teachers, who are reflecting back on what may be regarded as the good old days for some and the bad old days for others. As usual, Mr Lucas offered no evidence to support his contentions that the abolition of corporal punishment has caused an increase in the occurrence of other forms of abuse, such as verbal and emotional abuse. Those of us who can remember our own childhoods and teachers know that a combination of all three was used against us. I see the Hon. Mr Ron Roberts nodding his head. He related quite a number of threats and underwent emotional abuse as a child at the schools he attended. The mixture of emotional and verbal abuse and corporal punishment changed some time in the 1960s. Teachers became more professional, and probably as children became more responsible, the option of corporal punishment was no longer seen as any sort of option: it was seen as a brutalising option that generally proved to children that adults tended to settle arguments by wielding the cane and threatening corporal punishment.

I would like to quote Mr Lucas's words on the issue that there was an increase in the forms of abuse. There is no doubt that corporal punishment is a form of abuse, and Mr Lucas's argument tacitly acknowledges this, even though his logic was a bit astray. Mr Lucas's words show a certain contempt for the professionalism of teachers and principals. As reported at page 971 of *Hansard* of 9 October 1991, Mr Lucas states:

> The abolition of corporal punishment is leading to the use of many other techniques in schools by teachers and by people in charge. I refer to the increased use of verbal abuse, humiliation techniques, sarcasm and, perhaps, degrading comments—and I am not suggesting they are encouraged by the Education Department—as a natural outlet of teachers who, in frustration at the lack of support from the department, are inflicting these forms of treatment or behaviour management technique upon the unruly students in their classroom.

As I said before, I suspect that a combination of all those techniques for trying to get the students' attention was used in various forms over many years but, by removing corporal punishment from that combination, hopefully, the cooperative approach—

The Hon. Peter Dunn interjecting:

The Hon. T.G. ROBERTS: The Hon. Mr Dunn asked whether I had a bad experience. I had a number of bad experiences, but I was one of those who preferred corporal punishment on the basis that you got it over with very quickly. However, I say that with tongue in cheek, because that is not a way that should be used to get attention in classrooms; there are other ways of doing that. But I must say that, in one of the classes in which I can remember being taught in year 7, there were 51 students. Nowadays, classes are much smaller and are more manageable in terms of numbers. Although some teachers resorted to corporal punishment, I can remember many other teachers who taught very professionally and very well without resorting to belting students with pine off-cuts.

I must pay tribute to a teacher who died recently, Max Reynolds, who was one of those teachers who could command the attention of a class without threats or cajoling and very rarely raised his voice. I must also pay tribute to the SAIT magazine which published an excellent article in praise of Max Reynolds' teaching methods over many years. I am sure that, if the Hon. Mr Lucas had spoken to Mr Reynolds, he would have learnt quite a bit about teaching methods and maintaining attention levels without resorting to corporal punishment.

It is also relevant that the South Australian Commission for Catholic Schools last night launched its policy titled 'Effective Management of Student Behaviour'. The introduction to the policy (and there is an article about it in today's *News*) states:

> Underlying this policy is a belief in an education which aims at reconciliation, student autonomy and responsibility. It focuses on community negotiated logical consequences of responsible and irresponsible behaviour.

I would hope that the Hon. Mr Lucas would go away and study that. The article goes on to state:

> Corporal punishment is counter to this philosophy and contrary to the gospel values to which catholic schools aspire and it provides an inappropriate model of violence as a solution to behavioural difficulties.

The policy applies to more than 35 000 students in 105 catholic schools in our State. I applaud the South Australian Commission for Catholic Schools for their new policy which complements the approach taken by the SA Education Department. I wonder where that leaves the Hon. Mr Lucas. Will he now argue with the Catholic Schools Commission and tell it that it is wrong? I understand that when we were taking evidence on a recent select committee into child protection it was quite clear that any further brutalisation of children within the education system certainly would not do anything to break the cycle of child abuse to allow for responsible behaviour to be learnt and developed by children in the education system. I understand the argument being put forward by some people is that corporal punishment should be left as the final and ultimate arbiter, if you like, to instil some sort of discipline into students, so that it is used only as a threat and a fear.

As I have said in this contribution on behalf of the Government (it is also my Party's policy), with the removal of this method as a final arbiter, other methods can be looked at. Certainly the Government's position was stated five years ago. Time was given for the introduction of alternative methods of control. Attention has been paid to that. Teachers have been equipped and trained, and are aware that the policy was being developed and that there would be a phase-out period. I suspect that the only people who are complaining are the very small minority, and the Hon. Mr Lucas has listened to them and come forward with this motion, which I oppose.

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

SOUTH AUSTRALIA'S BIRTHPLACE

Adjourned debate on motion of Hon. I. Gilfillan:

1. That this Council officially recognises—
   (a) Kangaroo Island as the birthplace of South Australia; and
   (b) Glenelg as the site for the inauguration of Government.
2. That the Government officially recognises the above in all official documentation,

which the Hon. Anne Levy had moved to amend by leaving out all words after 'That this Council officially recognises —' and inserting:

- *(a)* human occupation of South Australia for many thousands of years;
- *(b)* European habitation in South Australia from early in the nineteenth century;
- *(c)* a settlement of individuals from the South Australian Company on Kangaroo Island from July 1836; and
- *(d)* a proclamation which established a Government of South Australia at Glenelg on 28 December 1836.

(Continued from 9 October. Page 974.)

The Hon. J.C. IRWIN: For some unknown reason, I have been given the unenviable task by my Leader, the Hon. Rob Lucas, to prepare a paper for the Opposition on the Hon. Mr Gilfillan's motion calling on this Council to officially recognise, first, Kangaroo Island as the birthplace of South Australia and, secondly, Glenelg as the site for the inauguration of government, and that the Government officially recognise the foregoing in all its official documents. I say 'unenviable' because, when I first heard the Hon. Mr Gilfillan ask questions about this matter, and following some publicity in the local papers about it, I thought it might just go away and that nobody would have to make any decisions or even have to do much homework on it, and it could be dealt with easily. However, the more that I and the Minister, and others who may contribute to this debate, or those who have thought about it have gone into it—

The Hon. Anne Levy: I have contributed!

The Hon. J.C. IRWIN: I said, 'the Minister and others who are going to contribute'. I certainly know that you have contributed—I listened to it and have read it! The more we have gone into the subject, the more interesting it has become. Like most members, I have an increasing interest in history, particularly family history and South Australian history. I am proud to be a council member of the Pioneers Association of South Australia, whose membership is restricted to those who are related to settlers that arrived in South Australia prior to December 1845—

An honourable member interjecting:

The Hon. J.C. IRWIN: A non-convict background. My relation happened to be the first Auditor-General of South Australia. The membership of the Pioneers Association is about 800, and it is a very active association both in regularly informing its members and publishing documents relating mainly to the pioneers of South Australia. I claim no deep knowledge of the subject of this motion, but through some limited research I have greatly increased my awareness of the events leading up to the momentous year for South Australia of 1836, and the actual events of 1836.

I would plead time for more research, as I am convinced that this is not the first time that the Parliament, nor the people of South Australia, have debated the events of 1836 in particular. As we all know, we cannot change historic events, although we sometimes try. We cannot even change everyday events which may not become historic but which in a sense have happened through a day and, whatever we say after it, we cannot change those events. What has happened has happened. Our task is to try to gather facts and put them into some perspective and order. One is then still left with the interpretation of many things, but the two words that came to me when thinking about this debate were 'birthplace' and 'proclamation'.

I have not had the time to do more than skate over the information given to me and some which I found myself. To do this job properly, I would suggest that I and others would need to have—and some may have—consulted the Royal Geographic Society of South Australia and the History Trust of South Australia, and researched newspapers for similar debates since 1836 and the parliamentary papers and debates. In a recent letter to Mr Dene Cordes, one of the people behind Mr Gilfillan's motion (Mr Cordes holds a master's degree in Australian history), Mrs Sue Marsden of the History Trust of South Australia stated:

> I am quite prepared to accept Kangaroo Island rather than Glenelg as the birthplace of the colony in the restricted sense of the first arrival of official settlers, first formal settlement, etc. More importantly I pointed out (to *7.30 Report*) that both Kangaroo Island and Glenelg legitimately celebrate different aspects of South Australia's foundation history, and that this is as it should be because history is complex (and controversial) and this should be reflected in our celebrations: there is a place for them all.

Mrs Marsden also pointed out that the proclamation itself was not read at the Old Gum Tree. Mr G.S. Kingston in a letter May 1877 to the *Register* said:

> From all I can learn the story of the crooked tree under which it is said to have been read is somewhat apocryphal.

Most people whom I have talked to about this matter believe that the proclamation and a whole lot of other matters around it, to which I will come later, were in fact read under the Old Gum Tree at Glenelg in a ceremony which took place in a tent, when all females and children were excluded. I believe this information to be true, and it is supported by the Geographic Society in its research, which I will come to now.

In 1936, prior to the celebration of the centenary of South Australia, the Royal Geographic Society of South Australia researched 'what happened at Holdfast Bay on 28 December 1836'. A subcommittee prepared a thesis published by the Royal Geographic Society of South Australia as a fair and accurate record, first, as to what happened on 28 December 1836; and, secondly, as to the correct name to be applied to 28 December 1836.

The committee was of the opinion that the only question that could be raised was whether the term 'Inauguration Day' was the most suitable and acceptable. Other names suggested where 'Proclamation Day', 'Foundation Day', 'Commemoration Day', 'Birthday', and 'Hindmarsh Day'. As regards 'Proclamation Day', it was agreed that the reading of the proclamation was not the greatest event of the day but only notified that the Government had been duly established. It is intended to commemorate the reading of Hindmarsh's first proclamation and the committee pointed out that the perpetuation of the inaccuracy already existing—that it signifies the proclamation of the province—is likely to follow.

In relation to 'Foundation Day', that term is already in use as the foundation day of Australia on 26 January and should be reserved for that day alone. The committee was of the opinion that 'Commemoration Day' was the next most acceptable expression, but that it could not be applied to the great day—28 December 1836—and that it does not convey any special significance to any of the events of the day; for instance, it might equally well be applied to the landing of Hindmarsh, the establishment of the Government or the reading of Hindmarsh's first proclamation. It is also the locally recognised term used by the Adelaide University for the day on which honours and degrees are conferred each year.

In relation to the term 'Birthday', the committee was of the opinion that no definite date could be fixed as the birthday of the province. It was contended that if the arrival of the Governor at Holdfast Bay justified this appellation then it must be remembered that Governor Hindmarsh had previously landed at Port Lincoln's Spalding Cove on 24 December and had arrived in South Australian waters some days previously. Moreover, the date of the assent of the empowering Act of 15 August 1834, or the date of His Majesty's letters patent erecting and establishing the province on 19 February 1836 could more reasonably be claimed as the birthday of the province.

In relation to the term 'Hindmarsh Day', it was pointed out that in South Africa the practice has been in existence for many years of perpetuating certain events by having a day named after some person of nobility or a leader connected thereto, for example, Dingaan Day, which is named

after a Kaffir chief, and Wiener's Day, which is named after the legislator who introduced that holiday. If a similar system were adopted in South Australia, a name perpetuating the first Governor might be justified.

The committee was of the opinion that 'Inauguration Day', as recommended by the writers of the following thesis, was the most accurate description that could be applied: this title would signify the inauguration of the Government, the act of beginning or setting in progress with formality, solemnity, pomp and ceremony. There is no mention of Kangaroo Island in the thesis. I guess that is understandable, as the thesis was aimed purely at 28 December 1836. The Royal Geographic Society published the following conclusions:

> The initial query can be answered with confidence in the following conclusions:
>
> 1. In accordance with the authority given in imperial statute, His Majesty King William IV—
>
> *(a)* By letters patent (19 February 1836) erected and established the province of South Australia;
>
> *(b)* By Order in Council (23 February 1836) provided for the Government thereof by creating a council consisting of a Governor and four other members with authority to make laws, as long as they be resident in the province;
>
> *(c)* Appointed (*London Gazette*, 2 February 1836) John Hindmarsh, Captain in the Royal Navy, to be the Governor and Commander in Chief of the province;
>
> *(d)* By letters patent (11 July 1836) confirmed the appointment of Governor and recited all relevant Acts and authorities by which the province had been established, and the Government thereof provided for.
>
> 2. The landing at Holdfast Bay of the Governor and the Resident Commissioner from the *Buffalo* on 28 December, together with the Colonial Secretary, provided the stipulated quorum to enable the Governor and his council to complete the final act of inaugurating the Government and to consummate the authority to make all necessary laws.

As I have mentioned already, the quorum was three, but that had to include the Governor. The conclusions continued as follows:

> 3. It is not reasonable to think that Governor Hindmarsh (and his Secretary), who were cognisant of all the neccessary proceedings, would have assumed the responsibility of doing anything that had already been done by higher authority, unless the Governor had received a definite and specific instruction to do so. There is no record of any such instruction having been given.
>
> 4. The reference to 28 December as the anniversary of the 'Proclamation of South Australia' is neither officially nor historically correct.
>
> 5. It is considered that 'Inauguration Day' is the best description that can be applied to 28 December 1836 and to future anniversaries.

I think it is very important to consider the words used in the first and second points because the same logic can be applied to 27 July 1836 on Kangaroo Island. In his contribution, the Hon. Mr Gilfillan made the point that the first South Australia Company immigrants landed on the island on 27 July 1836. Samuel Stephens, Manager of the South Australia Company said:

> I was the first to set foot in the land of South Australia and proclaim the establishment of the colony.

I had lunch with a Mrs Jim Hodge today. I told her that I would be discussing a motion about Kangaroo Island, and she told me that her great aunt, Elizabeth Beare, daughter of Thomas Hudson Beare, was the young child who was ceremonously carried ashore from the *Duke of York* to Kangaroo Island and who had her feet planted in the sand. She was the first of the official South Australia Company settlers to touch land on Kangaroo Island. That is Mrs Hodge's story, and I do not have any reason to dispute it. From my reading I am certainly aware of the name of Beare on the passenger list of the *Duke of York*. I believe they were settlers who had paid their way on the ship. I was not aware of the story, but perhaps it is already well and truly established in various books that have been written in the history of Kangaroo Island. It was a rather interesting coincidence today.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: Well, she made the point to me that this was only a great aunt, and there is a lot of time between 1836 and now.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: Yes, that is right; there have been many generations since then. As I said, Mr Samuel Stephens claimed to be the first person to set foot in the land of South Australia and proclaim the establishment of the colony. The original proclamation document issued for Governor Hindmarsh by Robert Gouger does not proclaim the province. It had already been proclaimed in London.

Turning to Kangaroo Island, the Hon. Mr Gilfillan and, I think, the Minister have already noted the evidence of people using and living on Kangaroo Island prior to July 1836. The journal of Samuel Stephens, from the South Australia Company, who landed on 27 January, speaks of meeting John Day and Henry Wallen. Mr Wallen was the oldest resident on the island and had been there for 18 years. A Mr Cooper, who had been a resident on the island for seven years, lent Stephens a boat.

The Hon. Anne Levy: Don't forget the Aborigines.

The Hon. J.C. IRWIN: Yes, I am not forgetting them, but I am not leaving them out for any other reason but that I am now concentrating on the European settlement. Without going back over all the facts, there is plenty of evidence that there were people on Kangaroo Island before July 1836.

It can be argued that a colony had already been established on Kangaroo Island. The issue of Letters Patent in London on 11 July 1836 prior to Stephens' landing on Kangaroo Island already proclaimed the province. It did not need Stephens or anyone else to proclaim the province again on 27 July on Kangaroo Island. So, I cannot find any evidence that gives Stephens the authority to proclaim the province. I think that that is quite important in the argument about what happened at Holdfast Bay and what Governor Hindmarsh did (and what he did not have to do because it had been done previously) and what Stephens claimed he did (and did not need to do because that had already been done previously somewhere else).

I suppose that, going into the very fine details, as I have mentioned, people were already on Kangaroo Island, and they were there on 11 July 1836 when the Letters Patent were issued in London. The others were at sea.

What is not in dispute is the landing of the first South Australia Company settlers on 27 July 1836, which added to the settlers already there. Stephens' ship, the *Duke of York*, was followed by seven other ships from the South Australia Company. The ninth ship, *Buffalo*, which carried Governor Hindmarsh, was intercepted and sent to Glenelg via Port Lincoln. All the others went to Kangaroo Island when Kingston and Light, who were at Holdfast Bay, had a major difference of opinion as to where the South Australian capital was going to be located.

All the ships appear to have had a common order and destiny. There certainly was no long distance ship-to-ship communication in those days, so they homed in with great accuracy. Again, I do not know the stories surrounding each ship's voyage, but I suppose that they would be very interesting in themselves. However, like a homing device, they went to a common point on land.

The dreaded term 'select committee' is perhaps one way of arriving at an acceptable solution, and I will move some

minor amendments when I have concluded my remarks. My research has not been in depth and I am not expert enough to arrive at a final solution to the problem raised by Mr Gilfillan, although I am certain he does not see it as a problem.

As I have already said, Parliament may have already performed this work, but I do not know of it and I have not researched this aspect. I have trouble with the word 'birthplace' and I believe that the city of Glenelg should not use the words 'birthplace of South Australia' without qualification. Perhaps it could use the words 'birthplace of Government of South Australia'.

I believe that the second part of the inscription on the Glenelg monument that states 'and Governor Hindmarsh announced the establishment of Government on 28 December 1836' is very accurate. The monument at Holdfast Bay carries at the top the inscription 'Here at Holdfast Bay landed the pioneer settlers' and I do not believe that is totally correct. I acknowledge as fact, as many now do, that Portland calls itself the birthplace of Victoria and Fremantle calls itself the birthplace of Western Australia. I imagine that there is now no argument in those States about their respective claims.

The Hon. Anne Levy: What about the buccaneers on the West Coast?

The Hon. J.C. IRWIN: Where is this?

The Hon. Anne Levy: Buccaneers—Dampier and so on.

The Hon. J.C. IRWIN: I am assuming there are not any running battles going on.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: Fremantle calls itself the birthplace of Western Australia. The honourable member is saying there are other claims in Western Australia—

The Hon. Anne Levy: There might well be.

The Hon. J.C. IRWIN: —to that accolade. I guess that is one of the problems that we have.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: Yes. I would happily acknowledge Kingscote as the birthplace of South Australia, first, for its early settlers who date back to the first ten years of the nineteenth century and perhaps prior to that and, secondly, for the first South Australia Company settlers from July 1836, about which I believe there is no dispute. I would support that claim if I could be assured that there were no other claims from around the State. I have not heard directly of other claims, but I have heard indirectly that others claim that they had settlements prior to 1836.

The Hon. T.G. Roberts: Beachport.

The Hon. J.C. IRWIN: I know that Ren DeGaris has an interest in this matter. I have not spoken to him, but he said that, if this motion is carried, he will certainly have evidence presented to indicate that it may well be Beachport. I am not sure what he refers to. Someone said, 'Has Mr DeGaris been around that long?' I have not heard directly of others who wish to claim the title of 'birthplace of South Australia', except Glenelg, which now uses the title on its letterhead and in some publications. I believe it is now prepared to concede that title to Kingscote and I understand that the mayors of those respective municipalities meet reasonably regularly on a number of issues, so perhaps they will be able to resolve this problem if we cannot.

I know indirectly of other areas in the State where settlements occurred in the early days. I have not researched those or tried to document them all. If we had time, it would be a simple matter to call publicly for evidence that other settlements occurred within the State before the settlement at Kangaroo Island, and that would certainly bring forth other claims. I just do not know the answer and, because at times I am too careful a person, I would want to get it right if I were to be involved in it, otherwise we, or someone else, will have this argument all over again when some of our children have the fortune or misfortune to sit in this Chamber.

It should strike all of us as odd that the Council is asked to confirm Kingscote as the birthplace of South Australia 155 years after the events of 1836. If the first boatload of the South Australia Company settlers who landed on Kangaroo Island on 27 July, with all the ties back to the legislation in England, is deemed by experts to be the starting point for the colony or the province, then so be it. As a result of a lack of research evidence, I just cannot make that determination. Nothing I say based on limited evidence denies Glenelg its rightful claim as historic and important, nor does it deny Kingscote, Kangaroo Island, its rightful claim as an historic and important place.

I wish to amend the amendment moved by the Minister for the Arts and Cultural Heritage, and I move:

Leave out paragraphs *(c)* and *(d)* and insert the following new paragraphs:

(c) the first South Australia Company settlement on Kangaroo Island from 27 July 1836;

(d) the Inauguration of Government at Glenelg on 28 December 1836.

The amendment will not suit everyone and does not go as far as the motion moved by the Hon. Mr Gilfillan. However, I am satisfied that what I have moved, which is not very different from the amendment moved by the Minister (and I acknowledge that), is accurate. As I have said, I am not prepared yet to put my stamp, for what it is worth, to a finite conclusion as to the exact birthplace of South Australia.

I believe that the mayors of Glenelg and Kingscote may soon come to some agreement about the use on their official documents of the word 'birthplace'. If they decide that that distinction moves from Glenelg to Kingscote, then so be it, but it may well be that other people in the State would like to challenge that conclusion. I seek the support of the Council.

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

[*Sitting suspended from 5.56 to 7.45 p.m.*]

HILLCREST HOSPITAL

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

That this Council—

1. Recognise a significant level of community concern in relation to the proposed closure of Hillcrest Hospital.
2. Further recognise that there are potential benefits from the redirection of resources to community-based services.
3. Call on the State Government to release a timeline and detailed information both structural and financial in relation to redirection of psychiatric resources.
4. Call for an undertaking from the State Government that no service at Hillcrest Hospital close until another service is in place which will properly cater for the displaced patients.

(Continued from 16 October. Page 1120.)

The Hon. M.J. ELLIOTT: I will not take a great deal of the Council's time in closing this debate, because this motion has been supported by all Parties. I will briefly reiterate my arguments. A great deal of concern has been expressed in the community about the implications of the closure of the Hillcrest Hospital. Of course, that concern is based largely on the fact that so little information is available. There is a general recognition that, if the resources that are saved by

the closure of the Hillcrest Hospital are directed to community-based services, that will result in much benefit for the community. However, our concern is that we do not have any sort of time frame as to when the changes will begin. We do not know precisely what services will be provided outside the hospital system or where they will be located.

The fear is that, given that the general economic climate and the Government's financial position, there will be a temptation to withdraw Hillcrest Hospital's services before the community-based services which are to replace them are operating. Any deficiencies that occur during that process will remain. If this process is not carried out properly, we will be in the same position as England and New South Wales, which have had to re-establish their psychiatric hospitals.

There is no doubt that the more people we remove from these hospitals and put in the community in one way or another the better, as long as they are properly resourced and as long as many of them do not end up in boarding houses or on the street without adequate resources. The Government has supported the motion, so I presume that we can take it that, before any closure occurs, other services will be out in place so that people do not find themselves in a gap in service delivery. I presume also that we expect to see a timeline and detailed information about the structural and financial changes which will occur long before they do so. I urge all members to support the motion.

Motion carried.

EXPIATION OF OFFENCES

Adjourned debate on motion of Hon. J.C. Irwin:

That the regulations under the Local Government Act 1934, concerning expiation of offences, made on 27 June 1991 and laid on the table of this Council on 8 August 1991, be disallowed.

(Continued from 13 November. Page 1818.)

The Hon. ANNE LEVY (Minister for Local Government Relations): On 11 September, the Hon. Mr Irwin moved that the regulations under the Local Government Act concerning expiation of offences be disallowed. These regulations were made on 27 June this year and laid on the table of this Council on 8 August. At that time, the honourable member made some preliminary comments and obtained leave to continue his remarks later. It was not until eight weeks later, on 13 November, that the honourable member concluded his remarks. I certainly accept his explanation for the delay in finalising this motion. However, the facts are that the expiation of offences regulations were gazetted five months ago. They have been in operation since early August, and the present motion was initiated nine weeks ago. That sort of delay is not calculated to reassure either motorists or councils.

The local government expiation of offences regulations list a number of revised fees for offences against the new parking regulations. I understand that the Chief Executive of the RAA has taken exception to 19 fees out of a total of 46 fees, the 19 fees in question having increased by more than the CPI figure of 10 per cent, which was calculated to the September 1990 quarter from the time the penalties were last changed. Of course, if these figures were indexed to the September 1991 quarter, in view of the time lapse that has occurred, the CPI increase since the fees were last adjusted would now approximate to 15 per cent.

Mention has been made of a comparison with the ACT. In the ACT, if a parking offence is not expiated within 42 days—which is a longer time than is allowed in South Australia—the owner of the vehicle is liable to have his or her driver's licence revoked or to have his or her car deregistered. So, by comparison, South Australia's new parking fees are a relatively minor imposition.

On the basis of submissions received from local government, it was considered that a number of the former expiation fees lacked consistency in terms of their relative gravity. My staff members certainly made a conscious effort to redress the imbalance and restore some sort of consistency using as their reference point what used to be $30 for offences such as no standing, unlawfully parking in a bus zone, parking within a prescribed distance of a pedestrian crossing and parking within a prescribed distance of an intersection. They used the $30 penalty for those offences to get relative penalties in terms of the gravity of the offence. It is also apparent that, in general, parking fees interstate are noticeably higher than those in this State. Of course, this is not to say that South Australian parking fees should necessarily be tied to interstate practice. However, it is surely a relevant factor in arriving at an amount intended to deter motorists from offences without threatening to be an unreasonable penalty.

I would like to reply briefly to some of the comments from the RAA. Under regulation 15 (2), which relates to a no-parking sign and which formerly attracted a penalty of $12, the fee for an infringement has been increased to $25, which is an increase of 180 per cent. The RAA comment was that the no-standing zone certainly has a relationship to road safety, whereas motorists are able to stop in a no-parking area to pick up or set down passengers so that safety is not involved.

I think that a little consideration will show that there is a considerable safety difference between lawfully stopping a car to pick up or set down passengers very briefly in a no-parking area and parking a vehicle in a no-parking area for a long time. I am told that this latter practice is a breach of road safety. The relative gravity of this has in the past escaped notice and it is now being attended to in these new regulations.

The RAA has mentioned regulation 16 which relates to parking in a loading zone, for which the expiation penalty is $20. In recent years there have been four separate appeals to the Supreme Court involving convictions for the use of loading zones by non-commercial vehicles. The new regulation and fee have been altered so as to discourage the use of loading zones by non-commercial vehicles, but it is most unlikely that this would have the desired effect if the former penalty of $12 was increased by no more than 10 per cent and became just over $11. It is felt that $20 is a far more appropriate expiation fee.

Regulations 18 *(a)*, *(b)*, *(e)* and *(f)* relate to parking in works, truck, taxi or mail zones, for which the penalty is now $20. The RAA commented that these four offences are not very common. That may be true, but that is hardly relevant. They are surely grave enough offences to be worthy of an expiation fee of $20.

The RAA commented on regulation 25 (2) *(b)* which relates to parking on parklands and reserves, for which there is an expiation penalty of $25. The RAA observed that in relation to parklands and reserves there did not need to be any nexus between the penalty applying in the central business district and that applying elsewhere. In my view, this is an arbitrary observation which is really under-valuing suburban and rural reserves as places of recreation and relaxation for young and old alike. This new penalty of $25 reflects the importance of protecting these reserves from damage which can be caused by unlawful parking.

Regulation 26 (8) relates to parking on a bridge or culvert, for which the expiation penalty will now be $33. Again, the RAA observed that it does not believe that this offence could be considered as being prevalent. Unlawful parking in a bus zone is also not very prevalent, yet the RAA took no exception to the identical expiation fee of $33 for that offence. I hope that members agree that a particular fee should reflect the relative gravity of the offence, irrespective of its prevalence.

Regulation 28 (4) relates to obstructing access to a fire hydrant or fire plug, for which the expiation penalty will become $25. Here and elsewhere I consider that the RAA is inviting the comment that it is perhaps belittling the revised expiation fees simply because they might affect the parking habits of some of its members. Obviously this is a matter of unmistakable gravity—obstructing access to a fire hydrant or fire plug—and the RAA proposes a penalty of $17 only instead of the proposed $25. The sum of $17 seems insignificant for the gravity of that offence.

I think that it might be worth looking at comparative interstate parking expiation fees. I have a table which examines the parking expiation fees which are in operation in other parts of Australia. The particulars for Tasmania and the Australian Capital Territory are not readily accessible, but details for the other States are obtainable. Mr President. I seek leave to table this document showing the comparative interstate parking expiation fees.

Leave granted.

The Hon. ANNE LEVY: I will indicate some of the examples. With regard to the offence of no parking, the expiation fees are $25 in South Australia, $43 in New South Wales, $40 in Victoria, $32 in Western Australia, $30 in Queensland and $30 in the Northern Territory. South Australia remains the lowest expiation fee for that offence.

With regard to parking in a bus zone, in South Australia the expiation fee is $33, in New South Wales $97 (nearly three times as much, and Greiner lovers should note that), in Victoria $40, in Western Australia $32, and in Queensland $30.

For parking in a loading zone, in South Australia the fee is $20, in New South Wales $59 (again, nearly three times as much), in Victoria $40, in Western Australia $32, and in Queensland $20. Again, South Australia is at the bottom of the list in expiation fees.

With regard to parking in a disabled parking space without displaying a disabled permit, in South Australia the fee is $50, in Victoria $60, in Western Australia $65 and in New South Wales only $43. It would seem that we have our priorities right by having an expiation fee for parking in a disabled parking space of twice the fee for parking in a no-parking zone, rather than the situation in New South Wales where the same fee applies for both offences.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: I think it is appropriate that parking in a disabled parking space should attract twice the expiation fee that the offence of parking in a general no-parking zone has. To me it is much more serious. I hope that everyone here agrees that that is a more serious offence and should incur a higher penalty, unlike New South Wales where the two offences have the same penalty. It can be seen that in general South Australian expiation fees are relatively moderate.

In conclusion, I feel obliged to reaffirm my view that the RAA invites the comment that it is perhaps special pleading to object to these reasonable expiation fees. One suspects that may be because they will impact unfavourably on the parking habits of what is, I am sure, a small minority, not the vast majority, of RAA members in this State. I urge members to oppose the motion.

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

PARKING REGULATIONS

Adjourned debate on motion of Hon. J.C. Irwin:

That the regulations under the Local Government Act 1934, concerning parking, made on 27 June 1991 and laid on the table of this Council on 8 August 1991, be disallowed.

(Continued from 13 November. Page 1821.)

The Hon. J.C. BURDETT: I rise to speak briefly on this motion. I believe that this issue can be resolved with goodwill on both sides and probably can be resolved in a better way than by going to a vote on the disallowance motion. Of course, this is in relation to the parking regulations. The matters that have been put before the Subordinate Legislation Committee have been largely in a letter from Mr Gordon Howie, who would be well-known to most members of this Council. At least some of the matters that he has raised appear to have some merit.

This matter has been raised by the Hon. Mr Irwin, the mover of the motion, and debated, and I do not intend to repeat what he has said. I understand that an officer from the Local Government Services Bureau has indicated that he is prepared to reconsider some of the regulations, provided that it has the approval of the Department of Transport. That seems to be a reasonable approach. The problem that it raises, as far as this Council is concerned, is that, as we all know, we cannot amend regulations; we cannot allow some and disallow others; and, as far as our formal role is concerned, all we can do is either allow or disallow the lot. That is one of the reasons why I say it seems to me that there is a role for considering these regulations and probably resolving the problems without having to go to a vote on whether to allow or disallow the whole of them.

I understand that the Minister is prepared to undertake to set up some expert groups, which are concerned in this area, to consider the regulations. In regard to the standardisation of signs, basically everyone on this side of the Council supports that. This matter must be resolved fairly soon because of the need to advertise and educate people about these signs. But, as I said, I understand that the Minister is prepared to give an undertaking about setting up groups of people with expertise to consider this matter, and it is my view that it would be desirable that, after the Minister has made her speech, set out her position and, I hope, given some undertakings, it should be possible for the Hon. Mr Irwin, the mover of this motion, to consult his colleagues before coming to a final conclusion.

I would think it likely that, after having done that, it may be possible to resolve this matter on Wednesday next and, depending on what the Minister says, it may well be that the motion may be discharged at that stage. However, it seems to me to be appropriate—and, of course, it is up to the Council to determine—that, after the Minister has made her statement and given any undertaking she may be prepared to give, that leeway and flexibility of a week ought to be retained. From the discussions that I have had, it seems to me that there is enough goodwill to enable this matter to be resolved. I do not want to either support or oppose the motion but just say that I hope there is a possibility of resolving it in this way, without going to a vote and perhaps disallowing the regulations or otherwise.

The Hon. ANNE LEVY (Minister for Local Government Relations): In responding to the Hon. Mr Irwin's motion, I would like to point out that, on 11 September, he moved that the regulations made under the Local Government Act concerning parking be disallowed. These regulations were made on 27 June this year and laid on the table of this Council on 8 August. They became operative on 5 August this year. As we all know, the Hon. Mr Irwin made only a few remarks and then sought leave to continue his remarks, which he did eight weeks later on 13 November.

The Hon. Peter Dunn: Is that in your diary?

The Hon. ANNE LEVY: Yes, you can trust me to be accurate. That is a considerable length of time. Despite the honourable member's taking eight weeks before being able to conclude his remarks, he was quoted in an article in the *Advertiser* of 30 October, under the heading of 'Rejection of new parking laws threatens chaos', as saying:

> I have received advice from the Royal Automobile Association and others that the increase in expiation fees is too high and some of the new regulations are simply not workable.

I dealt with the expiation fees a minute ago. I do not want in any way to comment on the reasons for the delay in finalising this motion, but the facts are that the new parking regulations were gazetted five months ago. They have been in operation since early August, and the present motion first began to threaten their existence more than two months ago.

We should realise that, with Christmas and the summer holiday season approaching, motorists throughout the State, as well as councils who administer the regulations, surely have cause for concern. The matter must be resolved urgently, and I regret that it will apparently take another week before it can be resolved.

The Hon. Mr Irwin criticised the parking regulations on two principal bases, first, the administration of the regulations by councils and, secondly, the unsatisfactory quality of the regulations.

Before dealing in detail with those two major points, I will reply to a couple of other points raised by the Hon. Mr Irwin. He contended that the consultation process preceding the making of the regulations was incomplete. He asked, 'Were local government senior parking inspectors and authorised officers consulted on the working parties?' The answer is 'Yes, very definitely yes.' The Parking Revision Committee consulted representatives of the Local Government General Inspectors Association, and that association received and responded to three sets of draft regulations which were circulated during the period from June 1989 to April 1991.

He also asked whether magistrates and lawyers were consulted. No magistrate was consulted, but the revision committee included three lawyers as members of the committee, and they and other lawyers were also on the circulation list which received the copies of the three successive drafts. Further, he asked, 'Was the RAA or any other body that is interested in parking and expiation of regulations consulted or represented on the working party?' The answer to that is also 'Yes'. The RAA was represented on the working party. There was also consultation with the South Australian Road Transport Association, the Bus and Coach Association of South Australia, the Tip Truck Operators Association of South Australia Ltd, the State Transport Authority, Tourism South Australia, the Transport Workers Union, the Australian Workers' Union and, of course, the Local Government Association. There has been a great deal of consultation.

Another point raised by the Hon. Mr Irwin was the timing of the commencement of the regulations and its effect on signage at the Royal Adelaide Show. If we look at the history of this, we see that the Parking Regulations Revision Committee presented its report late in 1986. Draft regulations were drawn up as a result of this report, and circulation of the first set of draft regulations formally commenced in June 1989. As I mentioned a minute ago, two further drafts were also prepared and widely circulated as a result of comments received. At the time of circulation of the third and final set of draft regulations in March this year, there was general agreement on the need to finalise consultation and get the regulations promulgated.

Mr Gordon Howie, who has been referred to already and quoted in this Chamber, was a member of the Parking Regulations Committee until he resigned of his own volition. Last year and early this year, he wrote to me, the press and, I understand, to the Hon. Mr Irwin on several occasions calling for a conclusion to consultation and asking for the promulgation of the regulations as soon as possible. With the full agreement of the Local Government Association, it was decided to promulgate and gazette the regulations on 27 June, to take effect on 5 August, thereby allowing motorists and councils ample time to be prepared and informed.

One thing I will state clearly in this place is that Unley council did not prior to the commencement of the regulations raise concerns about the possible effect of the new parking regulations on parking at the Royal Adelaide Show. I have here a copy of its correspondence to me, dated 25 June, and I will read part of the only letter received from the council before the parking regulations became operative. The letter states:

> The Local Government Service Bureau has advised that the new parking regulations, together with the schedule of expiation fees, are currently tabled for Government's approval, with a suggested implementation date of 8 August 1991.
>
> This is of some concern, as draft copies of the new parking regulations have been circulating for some time, on the understanding that the implementation date should be three months after gazettal notice of the new regulations.
>
> Unley council has postponed reordering parking ticket books whilst awaiting a more definite implementation date.
>
> The suggested implementation date of the new parking regulations, as advised by the Local Government Service Bureau, will necessitate the reordering of only a small quantity of parking ticket books in the 'old' format before changing the format in accordance with the new regulations and schedule of expiation fees.
>
> As you may appreciate, reordering parking ticket books in small quantities is a costly exercise, together with the time factor involved in actual printing. Therefore, Unley council seeks your assistance, in ensuring that gazettal of the new parking regulations occurs with an implementation date after 30 September 1991, and providing for a period of at least three months from gazettal to the new regulations becoming operative. This will allow all councils to 'gear up' administratively to accommodate the new regulations. (signed) Town Clerk.

It is quite obvious that the concern of Unley council, as expressed in that letter and in telephone conversations with officers of the bureau, was confined solely to the management of stocks of parking tickets. The question of the Royal Show was never raised.

The November-December issue of the RAA magazine *SA Motor* contained an illustrated feature article on the new symbolic signs. The Local Government Association, in cooperation with the bureau, has also undertaken to be responsible for further publicising the new signs, but this whole process has been delayed because of the motion moved by the Hon. Mr Irwin. These various bodies are not willing to undertake the expense and time in such publicity and the education program that would go with it until they are sure that the regulations will not be disallowed. They await the finalisation of this matter, up to 12 weeks after the matter was first raised.

On 8 October the Hon. Mr Irwin complained that neither I nor the bureau had advised councils on their obligations

under the new regulations and that some councils have continued unnecessarily to gazette parking resolutions. This is not the case. In March this year, in a circular prepared by the bureau and circulated by the Local Government Association, all councils in this State were reminded—and not for the first time—that after the commencement of the new regulations a register of parking controls maintained by each council would replace notification of parking resolutions by publication in the *Government Gazette*. I must also point out that the protocol which supports the memorandum of understanding between the State Government and the Local Government Assocation, together with an ancillary agreement entered into between the State Government and the LGA in April, has given increasing and, it can be said, almost exclusive priority to the LGA to advise councils about the operation of the regulations. It is certainly now the responsibility of the LGA to keep its members informed of matters that concern them.

It is not my responsibility or that of the bureau. This is not a question of passing the buck; it is simply giving effect to the memorandum of understanding, and it is clearly understood by both the Government and the LGA, if not by the Opposition.

I refer now to the Hon. Mr Irwin's two principal criticisms. First, he referred to lax administration of regulations by councils. The honourable member was critical of the way in which some councils in both city and country areas have behaved in relation to the old regulations in a manner that is spilling over onto the new regulations. He said:

> We have to be concerned if drivers or motorists are being improperly fined by councils through their ignorance.

The Hon. Mr Irwin recently put three questions to me and they have, in the main, referred to examples of 'extensive failings in the old regulations before 1980'. As acknowledged and alluded to by the honourable member, a set of parking regulations made in 1979 were disallowed in 1980 and subsequently were replaced by the now repealed 1981 regulations in June 1981. Thus, since June 1981, until the recent repeal of the regulations in August and their replacement by the current set of regulations, I suggest it is unlikely that many councils have failed to comply with the requirement for gazettal of parking resolutions, except perhaps by oversight.

Under the new regulations the concept of a register of parking controls maintained by each council, which was tried briefly in 1984, is being reintroduced, although with much more comprehensive provisions than in those earlier 1984 regulations. In addition, it should be noted that the 1981 regulations provided that parking restrictions were not effective unless appropriate signage had been erected. Hence, although it is possible that parking resolutions have not always been gazetted, it has been esssential for a restricted parking area to be signed and/or marked. Let us be frank about this: the reality is that the vast majority of motorists never read or check parking resolutions or, for that matter, parking regulations. They get their information from signs and markings.

In relation to the register, at the request of the Adelaide City Council, all councils will have until August 1992 to record in their registers particulars of parking resolutions that were in force at the commencement of any regulations. At the same time, of course, any parking resolution made since the commencement of the regulations in August this year must be entered in the register. Thus, to enforce a parking restriction made on or after the commencement of the regulations in August this year, a council must have recorded particulars of the resolution in the register. After August 1992, to enforce any parking control resolution, whenever made, it will be necessary for a council to show that the particular resolution has been incorporated in the register.

On the matter of misleading and faded signs and temporary control signs left standing after the permitted 35 days (previously 28 days), I accept that this can and has happened. Certainly, a fresh effort will be made to encourage council engineers and parking inspectors to formulate a self-regulatory code of practice in the installation and maintenance of parking signs. It is undoubtedly probable also that Mr Howie will exercise his customary vigilance in placing recalcitrant council staff under pressure to provide adequate signage.

The honourable member's second criticism is directed at the regulations themselves. If the honourable member was quoted accurately as recorded in the *Advertiser* of 30 October that 'some of the new regulations are simply not workable', I disagree in the strongest terms. I note that in his remarks, so long ago, of 11 September 1991, and also his more recent remarks of 13 November, he has not chosen to identify any of the so-called unworkable regulations. Until the honourable member identifies those that he classes as unworkable his criticism is meaningless, and I am obviously not in a position to answer him.

The honourable member did point out that the National Traffic Code and interstate parking laws permit the immediate loading and unloading of goods in 'No parking' areas as well as loading and unloading of passengers. As the Hon. Mr Burdett mentioned, provided that the Office of Road Safety of the Department of Road Transport has no objections, I am happy to have regulation 15 (1) amended so that it will no longer prohibit the practice of immediate loading and unloading of goods as well as passengers in a 'No parking' area.

The Hon. Mr Irwin commended the fact that Victoria has adopted that part of the National Road Traffic Code which deals with stopping and parking vehicles. In South Australia the parking regulations that were first made in 1979 picked up some of the basic provisions of the code, but did not follow the code's framework or language. The new regulations rely on categories and terms that are much more familiar to South Australian councils and motorists than those in the national code and have been developed on the basis of local experience.

On 19 August this year, as part of the ongoing consultation between State and local government, an approach was made to representatives of the Department of Road Transport to return parking laws to the Road Traffic Act. This is presently undergoing consideration by the Department of Road Transport, but it is unlikely that any decision will be made before 1992. Should this come about, however, it is possible that the regulations will then be recast to be more consistent with the National Traffic Code.

In the meantime, together with the Local Government Association, I will be happy to sponsor a meeting between key people involved in the preparation and administration of parking regulations, including, of course, Mr Howie, so that the Hon. Mr Irwin's concerns can be recognised and taken into account—including recommendations for possible amendments.

In addition, the Local Government Association has said that it would convene a seminar for its member councils to reinforce the requirements in the administration of parking regulations generally. However, it will not do so before the uncertainty of the current regulations is removed either by discharging or defeating this motion. I hope that these two initiatives that I have mentioned will help resolve any

outstanding difficulties that members may have. I ask members to oppose the motion.

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

PARLIAMENT (JOINT SERVICES—PROHIBITION ON SMOKING) AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

I move the second reading not as the originator of the Bill but simply as a supporter of it. I think that it is most unfortunate that it has come to pass that such legislation should be debated in this place. I am, and I think my record in various debates shows me to be, a libertarian, which means that I accept, without necessarily approving, what a person may choose to do to himself. However, I do not accept that the person has a right to do to somebody else something of which that other person does not approve.

If we take that very simple principle and apply it to smoking, I do not mind whether or not people smoke, but a smoker cannot assume that he has a right to put the smoke into other people's lungs. That is an act to which many people do not consent and on occasions it has been made plain among members of this place, not just in this Council but generally, and via the Joint Parliamentary Services Committee, that the majority of members do not consent to having tobacco smoke inflicted upon them.

The President, the Speaker, and the Joint Parliamentary Services Committee have attempted to make rules about where smoking will and will not occur, but some members of this Council and of the other place have decided that those rules count for nothing. They have decided that their wishes should rise above the wishes of the majority of members. So, with those few words, I urge other members to support this Bill.

As I said, I have no problems with people smoking, but I think that, when rules are made by the majority and when the majority say, 'Your right to smoke is not your right to inflict it on others,' then that will should prevail. I think it is sheer selfishness on the part of people who are not willing to accede to such a wish and to the right of others.

The Hon. CAROLYN PICKLES: Government members support the Bill.

The Hon. R.I. Lucas: All of them?

The Hon. CAROLYN PICKLES: Every one of them. I do not intend to speak at great length, but I should like to put on the record that in a document circulated on 2 May 1989 by the Commissioner for Public Employment to all Chief Executive Officers regarding smoking in the workplace, the following statement was made:

> Under the Government Management and Employment Act, the general principles of personnel management require that, within the public sector, employees shall be provided with safe and healthy working conditions. The Occupational, Health, Safety and Welfare Act also provides that employers shall provide and maintain, so far as is reasonably practicable, a safe working environment.

I do not see that Parliament House should be any different from any other Public Service venue for workers. On 30 April this year, the Hon. Bob Gregory, Minister of Labour and Minister of Occupational Health and Safety, circulated a press release that stated in part:

> The South Australian Occupational Health and Safety Commission has been directed to develop a code of practice on smoking in the workplace.

I understand that that code has now been established and it seems to me that that is something this Parliament could also address.

I draw the attention of members to the excellent kit which has been produced by the South Australian Health Commission, and which is called 'Working smoke free'. I understand that all members were given a copy of this pamphlet and I suggest that perhaps we ought to address the suggestions raised in it. Perhaps we can work out some reasonable ways in which smokers can be accommodated in areas where the lungs of others are not polluted and where those people who do not smoke can have a smoke free environment in which to work.

The Hon. R.I. Lucas: What does this Bill do? I would like the honourable member to explain it. Which areas are banned and which areas are not?

The Hon. CAROLYN PICKLES: That will be a matter for the Joint Parliamentary Services Committee to decide and it is to be hoped that it will take into account some suggestions in this document. I hope that you, Mr President, have received a copy of this pamphlet, as has the Speaker, and that together you will take note of suggested ways in which to implement smoke free areas. Hopefully, in the fullness of time, we will be able to work in an area where those of us who are non smokers do not have to breathe in smoke, and those members who are smokers can perhaps look at healthier options, or at least find an area where your smoke goes up the chimney.

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

STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 2001.)

The Hon. DIANA LAIDLAW: The Liberal Party regards this as an odious Bill. It seeks to validate retrospectively the date of implementation of an odious water rating system and to date retrospectively water and sewerage notices that were published in the *Government Gazette* on 11 July. This Bill is before the Council because on 5 November the majority of the Full Bench of the Supreme Court found the notices to be sloppy in drafting, defective, *ultra vires* and invalid. It gives me no pleasure to address this Bill nor to participate in this debate because I have the most uncomfortable feeling that my involvement in this debate may be interpreted as a case of guilt by association.

From whatever perspective one seeks to address the saga of the water rating system over the past year, there is no question that the Minister, on behalf of the Government has been guilty of many unsatisfactory, unsavoury and, I think unparliamentary practices in the way she has handled this matter. I accuse her of being guilty of introducing an unfair and unsound water rating system that has nothing to do with social justice and very little to do with the conservation of water. I accuse her of arrogantly ignoring community concern about key features of this Bill and its application. I also accuse her of being guilty of dismissing Liberal calls for independent legal advice to test her claims and those of her officers about the merits of the system and their statements that sought to dismiss community concerns about the system.

I also believe she can be accused of being guilty of spending scarce taxpayers' dollars to squash community agitation

by employing at great expense public relations consultants to sell the unsaleable. Also, the Minister has been guilty of dismissing as a technical hitch the Supreme Court judgment that the implementation of this system was sloppy and defective. Further, the Minister has been guilty of perpetuating sloppy administration for which she has become renowned—in fact, she is notorious in this regard. I was surprised to see that, following the introduction of the initial Bill in the other place, it was almost immediately followed by further amendments. So, a retrospectively amending Bill, which was controversial enough itself, was immediately followed by further amendments.

I feel strongly about the Government's tolerance in the other place of what is an unsavoury practice, that is, the guillotining of debate. For those who are interested in this matter—and I would say that is the majority in the community—it is disappointing that a measure as important as this was allowed so little time for debate in the other place. It is also disappointing that the amendments moved by the Minister were not explained because of lack of time, and that the amendments to the amendments were not explained. The debate was extraordinary. I have seen very few similar instances of amendments being moved and immediately divided on. That happened on five occasions in the other place merely to meet a deadline without any regard for public interest or the need for public debate on this matter. I suppose that practice merely reinforces the reasons we in this place have always sought to ensure that we do not have time limits on debates.

This is the third major retrospective Bill this year that the Minister for Environment and Planning and Minister of Water Resources has championed. We have seen the fiasco of the retrospective Wilpena legislation; we have also seen the introduction in the other place of heritage legislation, which will deal with conservation orders; and now we have this Bill. All those Bills have been prompted by challenges in the courts, which have been upheld, and the Government has sought to validate past actions and to thwart those challenges and judgments by putting before this Parliament retrospective legislation. They are difficult matters for this Parliament to address and, as a principle, I believe that retrospective legislation should not be accepted. Yet the Minister has an almost manic—

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: I said that as a principle I believe it is bad legislation, and I have always maintained that—as should every member in this place. We should ensure that the legislation we pass is understood by the courts and by the people and is not subject to challenges. I do not think it reflects well on this Parliament or this Government, and perhaps even more so the Democrats, because they have been the reason that much of this legislation has passed. This almost manic practice of the Minister's introducing retrospective legislation in almost every portfolio for which she is responsible reflects badly on the Minister and, unfortuntately, it demeans this Parliament and its standing in the community.

There is another very insidious practice that this Minister, perhaps more than most other Ministers, is prepared to indulge in. I refer to what I would describe as dirty deals with the Australian Democrats. I wonder what the Democrats believe is the role of Parliament, let alone of the Legislative Council, other than retrospectively to validate the deals that they are prepared to negotiate behind closed doors, without public attention and debate, with Minister after Minister. I highlight the fact that, in regard to the issue of the water rates, it is an absolute laugh that day after day we have needed to refer not to *Hansard* or to questions or debates in this place, because debates on the amendments are guillotined, but to the *Advertiser* to find out what deals have been negotiated and what measures will be imposed on this community, before there is public debate in this place. That is a very sick and sorry trend.

I recall some years ago, when the Government introduced amendments to the Acts Interpretation Act, it was thought at that time by the Government that the courts would be able to take into account the *Hansard* record and other features of Bills that had not been voted on for reasons of interpretation of an Act. I suggest that, in view of the way that the Democrats and the Government are moving in this matter, if the Government sought to introduce similar amendments to the Acts Interpretation Act, they would also have to include the *Advertiser*, the *News* and other public comments so that the courts would have some idea of what the Government and the Democrats mean by various measures which are later presented to this place but which have been negotiated outside. The *Advertiser* editorial of 6 November reads:

> It is not the technicality which the Government should address, but the larger issue of how tax gathering and conservation incentives can be applied to ensure that the finite supply of water is used to maximum efficiency.

The technicality referred to in that editorial referred back to the Supreme Court judgment determining that the notices for these water and sewerage rates were invalid.

The conservation of water is of prime importance to this State. I shall not go into the arguments that have been advanced in the past about this being the driest State in the driest continent. However, they are important arguments if we are to put off the day when we may be involved in major capital expenses to reinforce our water supply. The Minister has mentioned that a new pipeline from the River Murray would cost $200 million. She has also floated wild schemes, such as pipelines from the Ord River. I feel that rather than measures such as those incorporated in this Bill, which are essentially financial penalties in terms of the use of water, the Government should be looking at financial incentives for the conservation of water.

Over many years I have argued that it is important to encourage people to use rainwater tanks. I remember a town planner who came to this State just a few years ago being absolutely shocked that not only did we have very few solar energy units and panels on rooftops to supplement power supplies in each home, but also that there were so few rainwater tanks. That is extraordinary when we think of the expense that taxpayers incur not only in piping water throughout our community but in filtering our water. I am not sure how many companies today are involved in the sale of spring water. I would not mind having some shares in some, because I think it must be one of the most profitable areas of business. There is hardly a home of which I know that does not now purchase spring water if it does not have access to a rainwater tank.

Members interjecting:

The Hon. DIANA LAIDLAW: Yes, spring water is being purchased increasingly. That is evident not only from sales in supermarkets but from the companies that deliver it to homes. It is a very dear practice, but it is one to which people are resorting in order to obtain clean, refreshing water.

The Minister has also ignored, as has the Government, the issue of water harvesting. The former Minister of Water Resources, Peter Arnold, has been very active in promoting this over a number of years. He has argued—and I agree—that we should consider the practice of water harvesting or pumping not in summer months, as is the practice at present, but during the winter and possibly in the spring during

high flow periods, and storing it in the Adelaide Hills. It is considered to be a cheaper practice, and the water would also have the advantage of being much cleaner. I have also been advised on numerous occasions—

Members interjecting:

The Hon. DIANA LAIDLAW: It would also save filtering costs, of course. It seems surprising that the E&WS, according to my advice, should pump from near the muddy bottom of our dams rather than from near the surface. A change of practice in that regard would also lead to considerable cost savings to the taxpayer. A number of measures could be pursued if the Government wanted to restrict future imposts on ratepayers for water and also limit the possibility of future capital costs associated with pumping water to Adelaide.

I believe that a true user-pays rating system would be one method of conserving water. It seems absolutely extraordinary that we do not have a system of charging for water that uses the same method as is applied to other essential services, such as gas and electricity. Gas and electricity have long, if not always, been charged for on the basis of consumption. That charge covers not only the recurrent but the capital costs of the operator.

I have certainly never heard of any proposal that gas or electricity would attract a second tier of charges based on property valuations but, in respect to this Government and the Australian Democrats, that seems to be an acceptable practice in relation to water. I am not sure whether, if they believe that this practice is acceptable in relation to water, we will soon see it introduced in relation to gas and electricity.

All recent print media editorials have indicated that this new water rating system is a further means of gaining revenue for a Government disgraced in terms of its financial management, and I do not think there is any doubt that that accusation and observation is correct when one considers that some $11.6 million of ratepayers' money levied through water rates is to be taken from the E&WS this year, not for water conservation or for capital purposes, but simply to go into general revenue.

The Liberal Party recognises that, in Perth, Brisbane, Canberra and Newcastle, they have had the wit and the wisdom to introduce a true user-pays system along the lines that I have outlined for gas and electricity rates. I fail to see why those cities can manage to implement such a practice, but we must have a system here that is based, really, on some sort of distasteful chip on the shoulder wealth property tax, which perhaps reflects many of the rather ugly and bitter attitudes of members opposite to those who improve their circumstances.

I believe, as do my colleagues, that the current system of water rating is wrong and that it is unsound and unfair, and I will therefore move amendments to oppose this Bill and reintroduce the former system of water rating as an interim measure so that the Government—

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: It was no worse. It was not an acceptable system, and the Liberal Party acknowledged that prior to the last election. It was no worse; in fact, I think this current system is a disgrace in terms of perpetuating the unsound property rating system that was a feature of the past system. The Liberal Party does not accept that that is a valid means of water rating in terms of social justice measures, which the Democrats and the Government once sought to propound, but about which we hear nothing from them these days.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: By degrees? Social justice by degrees now, Minister? That is an interesting comment. It is a terrible system. We were moving towards a user-pays system, and you know that.

Members interjecting:

The PRESIDENT: Order! The honourable member will address the Chair. The rest of the Council will come to order.

The Hon. DIANA LAIDLAW: I am not at all surprised that the Minister and the other members are getting excited because, once you mention social justice to them, all they can do is scream and yell. They have no defence—no defence. What they have done is perpetuate in this so-called new system the intolerable practice of water rating on the basis of some misplaced notion that, for water, unlike other essential services, the value of one's property should be taken into account no matter how much one consumes of that resource.

The Hon. Anne Levy: Why didn't you—

The Hon. DIANA LAIDLAW: We indicated at the last election that we would be pushing for that just as Mr Mayes, the member for Unley, indicated that the property rating system was an odious, unjust system. The Liberal Party entirely agrees, and yet this Government has reinforced that as a key feature of this Bill. The Liberal Party will be moving, as an interim measure, to reintroduce the old system so that the Government has an opportunity to introduce a just system based on consumption as applies to other essential services, and I look forward to moving those amendments shortly.

The Hon. J.F. STEFANI: I strongly support my colleague's position as stated in relation to the Opposition. Before I say a few words about this Bill, I want to clarify that I was one of the litigants who joined in the action at the request of the group to give support to a principle which I strongly uphold and which was also upheld by the courts. The position was quite clear: I took an action, not as a member of Parliament, but as a citizen of South Australia together with my wife, a property holder and owner.

I want to put on public record tonight the principles that, if people who are in Parliament, who serve the community and who may live in a property that is worth 'X' number of dollars, are held to ridicule in an action because they so happen to live in that property, then sad is the day when those people reflect on those citizens for the principles that they represent. Those people who have the audacity to reflect on those citizens, claiming that they are not in a position to appropriately represent the principles and interests of the people of South Australia, ought to be strongly condemned and castigated. And that includes the Premier, because he is a total wimp when it comes to addressing the issue of water consumption.

The Hon. R.R. ROBERTS: On a point of order, the honourable member is obviously reflecting on a member of another House in this place. These people jump up at the fall of a hat—at the fall of a hat they are up.

The Hon. R.I. Lucas: Wait till your union mates hear about that one!

The PRESIDENT: Standing Orders provide that a member should not reflect on a member of the other House in a derogatory way. I ask the member to desist from that line of debate.

The Hon. R.R. ROBERTS: On a point of order, I ask that the honourable member be asked to withdraw the comment.

The PRESIDENT: The member is asked to withdraw the comment 'wimp'.

The Hon. J.F. STEFANI: The Premier has referred to me quite clearly in his contribution in the other House as a person who—and I quote—

The Hon. ANNE LEVY: On a point of order, Mr President, the Hon. Mr Roberts took a point of order and asked that the member be asked to withdraw his pejorative comment regarding a member of the other place. I would ask that you rule on that point of order, and ask the honourable member to withdraw his pejorative comment.

The PRESIDENT: The honourable member has asked for a withdrawal. A withdrawal should be given if he considers the remark offensive.

The Hon. R.I. Lucas: But the Premier is not here.

The PRESIDENT: No. A member has taken exception in relation to a member in another House, and Standing Orders provide that a member in another House or in this House shall not be unfavourably reflected upon. A member has taken a point of order on the word used in relation to a member of another House and asked the honourable member to withdraw, and I think he should withdraw.

The Hon. J.F. STEFANI: I withdraw the word 'wimp' and call him 'weak and uncaring'. The Premier went on to say, in his contribution about my water consumption—

Members interjecting:

The Hon. Diana Laidlaw: Do you know what the definition of 'wimp' is?

The Hon. J.F. STEFANI: 'Weak in the knees and the stomach'.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: For the benefit of the public, I do pay for water that I consume. I have been allocated a certain water allowance and I have stayed within that allocation. If I have exceeded the allowance, I have paid for it, so he need not concern himself about the water that I use because I pay for it. It is the water that this place uses during the night when the cisterns are running and, because the Bannon Government could not care less about the water that is wasted, and it is too lazy or too mean to pay someone to come and fix the cisterns—

The Hon. Anne Levy: We are supposed to conserve water whether or not we pay for it.

The Hon. J.F. STEFANI: That is precisely right. This place is under the administration of the Bannon Government—

Members interjecting:

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

The Hon. J.F. STEFANI: —and the cisterns run all night. When I come here in the morning the cisterns have been running all night; they have used 1 tonne of water during the night, with all that water just running away. Those cisterns are unattended, and they are the responsibility of this Government, a Government that preaches conservation of precious resources. This Government is quite at liberty to waste water—

Members interjecting:

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

The Hon. J.F. STEFANI: —in any way, shape or form, but when a private citizen who cares to pay for his or her water and uses it to keep the lawn green or to grow vegetables—

Members interjecting:

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

The Hon. J.F. STEFANI: —and do what he or she is allowed to do, this Government has the audacity to hold that citizen to ridicule. Yet it wastes tonnes of water down the drain with cisterns running, night after night.

The Hon. Diana Laidlaw: The cisterns where?

The Hon. J.F. STEFANI: The cisterns in the men's toilet upstairs in this place. I come in at 5 a.m. and find that the cistern has been running all night. I go up there and fix the cisterns because I care about wasted water. Let the Premier come here and defend his actions if he is capable of doing that. Let him come here—

Members interjecting:

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

The Hon. J.F. STEFANI: Let him come here and argue. I will argue with him any time of the day or night, because I know what I am talking about. This water that is wasted is paid for by the ratepayers of South Australia. Let me turn now to what the Full Court has said.

The Hon. Anne Levy interjecting:

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

The Hon. J.F. STEFANI: As the Minister has had the audacity to raise the matter of the five tonnes of water that I consume at my place, I will reply to that interjection. The consumption by an average householder in South Australia is 1.25 tonnes of water per day but, because I have a property five times the size of the average property, and if I want to keep it green and grow vegetables, surely I am entitled to keep it in the way as anyone else—green, with the lawns growing—

Members interjecting:

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

The Hon. J.F. STEFANI: I am permitted to use the water to keep the place in equal condition to that of Mr Average South Australian. Therefore, I use five tonnes of water. So what—I pay for it!

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: Having said that, I reflect on the Government of the day, which really runs the water down the toilet, in the urinals. There are five of them, all running.

Members interjecting:

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

The Hon. J.F. STEFANI: If you come here in the morning, Mr President, you will see them running, but the Government does not care about that.

Members interjecting:

The PRESIDENT: Order! There is too much conversation and interjection across the Chamber. The honourable member will calm down a bit and address his remarks through the Chair.

The Hon. J.F. STEFANI: I am addressing my remarks through you, Mr President, and I am saying that this Government runs water down the toilet without worrying about it, and that water is wasted all night.

Members interjecting:

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

The Hon. J.F. STEFANI: Thank you, Sir, for your protection. The Full Court did say that the legislation was sloppy. I did not say that—the judge did.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: They did say that he or she (being the consumer) is entitled, with some precision, to be told what they are expected to comply with in terms of the rating system—and the obvious implied requirement is 'and what they are paying for'. I say to you, Mr President, that from the information I can produce I have not been told with some precision. The Engineering and Water Supply Department is trying to tell me another story with graphs and pretty pictures, but I have not been told with some precision what I was entitled to and what I am paying for.

I can say that the third quarter account which I received stated that I was paying a water rate, under the old billing system, from January to March 1991 at $329.28. That was a quarterly rate. Those of us who pay high rates, such as I have been, are in fact subsidising other consumers, and the Engineering and Water Supply Department has confirmed that. I am happy to do that. I am happy to pay the high rates—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: —because I know that I am assisting some other resident in South Australia. I want to make that point because members opposite—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: —do not seem to understand that if you happen to pay a lot of money for a property—

Members interjecting:

The PRESIDENT: Order! Members will stop talking to one another and conversing across the Chamber.

The Hon. J.F. STEFANI: —that reflects on the overall availability of that resource and creates a cheaper rate for other consumers. I return to what I was saying: I have an account that purports to be charging me a water rate for January to March 1991. The next account which I received, and paid before the Act was proclaimed (and therefore I understood that to be a discharge of my obligation with the Engineeering and Water Supply Department), purports to charge me a water rate from April 1991 to June 1991. There is nothing clearer than that. That appears on the account. Anyone would think that that rate applies to that period but, if you, like I, thought that to be the case, we are both wrong, because today the Engineering and Water Supply Department tried to tell me that this period of payment really belongs to the period up to December 1990.

I just cannot believe that commercially anyone would render an account covering the period April to June 1991 which is really for the period from September to December 1990. I just cannot believe that, and nor do I accept it because, commercially, it is incorrect and, as the judge said, as a consumer I am entitled to know precisely what I am paying for, and that includes the period. For goodness sake, if I cannot be told precisely, obviously there is not a case for the E&WS Department or any other department to charge the public of South Australia in that way. That is the thing to which I am objecting, because it is a principle that we should all know precisely what we are paying for and for what period.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: There is also this business about sending out these graphs and then explaining to people. Did they send these graphs out to 100 000 people and try to say, 'You really have not been charged for that?' Tell them to do as they have done to me today. I was so frustrated in the end that I could have thrown the graphs right out the window. That is the issue—

Members interjecting:

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

Members interjecting:

The Hon. J.F. STEFANI: They couldn't run a bath! This is the issue.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. Members have had a fair go, and Standing Orders do not provide for repeated interjections and interruption of a member during a debate. I have given members a fair go and I ask them to recognise the Hon. Mr Stefani's right to address the Chamber.

The Hon. J.F. STEFANI: Thank you, Mr President, for your protection. I will lower my voice now that I do not have these continuous interjections. It is the right of the citizens of South Australia to know, and that is my concern. Another principle is involved: if this Council were told clearly that the measure to be introduced by the Government would be applied retrospectively to 1 January 1991, I am sure that the Australian Democrats would have had some difficulty in understanding and certainly approving that it in some way involves the charging of water at the new rate of 85c per kilolitre.

So, this Government has again taken the initiative of ripping off the people of South Australia by charging for water that they have consumed for the previous six months to 30 June at the new rate. So, South Australians paid a bit more. This principled Government would turn around and charge people 85c a kilolitre, and that is what it did. That is the rate on the account that I have. I have been charged 85c a kilolitre—the new rate—for water that I consumed in the past six months. It is a bit like going down to the service station and buying petrol at the old rate. Subsequently, the price is increased by 2c and, when the motorist goes back for more petrol, the proprietor says, 'Please pay me another 2c for the petrol you bought over the past six months.' That is not on, and it is not on because it is dishonest to charge for water at the new rate.

I was told today that the E&WS has put advertisements in the newspaper. What do they say? They warn people that they may be charged at the new rate. Well, I ask you, Mr President, how would you like to be in business and warn your customers that you will charge them extra at some time in the future for goods that they have previously purchased—that is, of course, if the Parliament approved the legislation, because there was no certainty that that would be the case? How would members like to be told by a manufacturer that they might be charged more pending some future event? To me, that is a nonsense.

It is the sort of social justice that this Government talks about, and I resent it because there is nothing just about it. There is no justice in this measure. It is purely and simply a measure to rip off the people of South Australia. It rips them off because the judges—by a majority—said that it is a wealth tax. The Government can run away from that, but certainly the judges have recognised that the access rate is, in part, a wealth tax. Let it be that the new system, which we all understood to apply from 1 July, did contain that component and, by democratic process, it was passed in this place. Let it be that it is applied from 1 July, but not back to January, not at the new rate and not in some other form of calculation, because the judgment said, quite clearly, that we the consumers are entitled to know precisely.

There are other defective matters in this Bill and in this Act, and in due course, if tonight this Council approves the legislation as proposed by the Government, I intend to pursue those matters in legal terms and we will have—

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI:—legal advice—

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI:—that will guide the principle of legislation and correct it, if need be. That is what will happen, because there is no need for a Government to deceive the people, or to rip them off just because it is in tatters, having written off $2.2 billion because of its disastrous administration of the State's affairs. That is what I

am objecting to. I am a taxpayer of this State and I am also paying for the Government's inadequacies, its mistakes, its lack of expertise in running the State and, its write-offs in relation to Marineland, Scrimber, the State Bank, the SGIC, and so it goes on. The Government then comes to me and rips me off as well. I will object to that until I have no breath left in my lungs and because I speak for the people of South Australia. I will continue to speak for them because this is the truth, and the truth hurts.

Members interjecting:

The Hon. J.F. STEFANI: The truth hurts and they are all squirming—the whole lot of them—just as the Premier squirmed and just as he will squirm again because at every opportunity that I have to represent the people fairly I will do so. That is the fact. This Government and these people are so inadequate in dealing with these matters.

Having said that, I wish to say one final thing. Section 94 (4) provides that the occupier or owner of land is entitled to pay his or her rates or charges in full in advance upon receipt of a notice requiring to pay for any quarterly amount due and payable. When I receive my accounts I pay them in advance for the period for which the E&WS purports to be charging me. I clearly understood my obligation to have been discharged at that point. There is no doubt in my mind that, commercially, because it purports to cover a certain rating period, with the dates on the account, I am clearly and totally discharged of any obligation to pay any more money.

If this legislation passes, the legality of other matters will not have been tested. Undoubtedly, there will be an opportunity to look at those matters and, in due course, we will find out more about them.

If we are to have an inadequate system, the Opposition favours the old system, because at least it went some way to providing some correlation between actual consumption and payment. The annual reduction of the allowance, which occurred in my case, provided for a closer relationship between the actual valuation of the property and the rates paid. That is still the criteria, but the current proposal does not provide for any compensation and that is why the judge said that the new system has a component of wealth tax. That is why I object to it, because it stinks and because it discriminates against people.

Let me assure the Council that we will look further at this matter and tonight we will fight for our proposed amendments. If we could, we would rather return to the old method, which was a fairer system than that proposed in this legislation. The new system is purported to be in accordance with the new found social justice strategy which the Government seeks to impose on the community as a whole.

The Hon. PETER DUNN: I oppose the Bill, but I have to make a declaration that I have an interest in this legislation, because I use more water than even the Hon. Mr Stefani. Last year my consumption was 5.88 tonnes per day. I do not think the Minister representing the Minister of Water Resources would know how much water 5.88 tonnes per day is.

The Hon. J.F. Stefani: She wouldn't know what size property you had, either.

The Hon. PETER DUNN: No, but we will go into that in a moment. Other than air, water is the most essential item for South Australia. In the driest State in the driest continent of the world, water is a precious commodity. Who distributes the water around the State? Who was the most—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The honourable member will address the Chair. Every honourable member will have the opportunity to enter the debate in a proper manner.

An honourable member: Chuck them out, Mr President.

The Hon. PETER DUNN: No, don't throw them out, Mr President. I like them there. They remind me of the disaster they caused in this State. Who, more than anyone else, was the person who distributed water around this State so that we could have a reasonably diverse economy? It was the Hon. Tom Playford who caused more miles of water pipe to be laid in this country where water cannot be harvested efficiently. Therefore, the water has to be distributed where it is caught and where it resides. Of course, the Murray River is the principal source, but there are other underground sources in the South-East, in the south of Eyre Peninsula, and in other areas around the State and those waters have been very efficiently distributed around the State. I pay great tribute to the Engineering and Water Supply Department, because I think its operations are excellent.

The Hon. R.R. Roberts: You must be getting subsidised water.

The Hon. PETER DUNN: I must be getting subsidised water? I subsidise the honourable member's salary to a large extent. How much money does the honourable member earn for this nation in a day or in a year? How much has the honourable member earned in a lifetime? I suspect that the honourable member has not earned too much, but just about every dollar I earn is an export dollar for this country, which eventually finishes up in the pockets of the city.

Members interjecting:

The PRESIDENT: Order! Members will stop interjecting across the Chamber.

The Hon. PETER DUNN: This city is a little like a black hole—it sucks all the money in, but gives nothing back. What we have seen recently is an unfair attempt by the Government to suck even more of that money out of the residents of this State. It is nothing more than a land tax. That is all it is.

The Hon. Anne Levy: We are subsidising your water.

The PRESIDENT: Order!

The Hon. PETER DUNN: Under the old system, everybody paid for his litre of water. If it is 85 cents now, I would not disagree with that. I would not care if it was a dollar a litre—I would still think it was pretty cheap water. However, I would be buying the water I used and I would not be paying for something that I did not use. Because I own some land, I have to pay a land tax or a capital tax on that land. That has absolutely nothing to do with the consumption of water. That tax is 80 cents for every $1 000 over $117 000.

What if the same criteria were applied to electricity? Where will it stop? Will the Government attempt the same thing with electricity or with the miles of bitumen that run past the Minister's place when I have a dirt road? In my opinion, it is just an outrage to use a tax which has no bearing or relationship to the consumption of water.

Let us have a little history lesson. How are rates set in the country? I suspect that the Minister would not understand how water rates are struck in the country where I suspect most of the water is used for stock. That is particularly true in my area. It is not used for irrigation, because it is too dear. However, water is essential for the running of stock.

Under the old system, and it still applies, the farm was rated for one mile back from the water pipe. A rate was struck for either side of the water pipe. A council rate value

was set or a value was set by the Lands Department and that was divided by the cost of the water and that provided the allocation.

When I first went into farming, I had a huge allocation of water and paid very little for it. Today, I have a much lower allocation and pay considerably more. As I paid over $5 000 for water last year, members can understand that it is getting rather expensive when I have only 1 000 sheep. Today each sheep only produces about $13, so a big component of the cost is water.

I will admit that some of the cost was caused by two burst water pipes that were under sandhills and were very hard to detect. I found them far too late, but that is the reason why I had such high water consumption. However, that could apply to anybody.

Water rates are most essential in the country and I agree with them, because we live in the driest continent. A huge amount of South Australia receives less than 250 millimetres of rain and in the rest of the world that is deemed to be a desert; yet from that land we produce huge quantities of wool as well as cattle. Most of it is export income and, indeed, it raises our standard of living. If one just lives off oneself, there is no standard of living.

However, in my opinion, the Government believes that that is what ought to be done, so we just tax people in a different fashion not because of the water they consume but because they own land. That is fundamental to the argument, because members opposite have in the back of their mind that anybody who owns a bit of land is a capitalist and we cannot have filthy capitalists around, so we will tax the ears off them.

The Hon. Anne Levy interjecting:

The Hon. PETER DUNN: How much does it cost to run the Minister as an operation helping to run the State? It does not cost anything like the 5 tonnes of water used by the honourable member. What does the Minister produce? I guarantee the honourable member produces something from his water. He produces vegetables and he feeds people. He keeps the place in reasonable order and it is not a fire hazard. The Minister should think about these things before she makes statements like that.

Let us get back to history again. Let us go back to the earlier explorers and see what they said. Members opposite should read the diaries of Edward John Eyre, Goyder, Lewis and Ernest Giles and see what they said. They went looking for water. Eyre spent half his life looking for the great inland sea of fresh water. He never found it. He found plenty of salt water but not the great inland sea.

When Flinders came around the corner near Port Lincoln at Cape Wiles, he pulled into the bay and thought, 'This would be a very good place to set up the capital,' but, fortunately, he sited it in Adelaide, because there is not enough water in Port Lincoln to support a large population. So he wisely located the capital in Adelaide, because he could see there was a mountain range behind it and a river or two.

An honourable member: Stinky Creek.

The Hon. PETER DUNN: Yes, Stinky Creek. The deal that has been done with the Democrats to keep the component of capital tax—the land tax, if you like—is very sad indeed. I would have thought that the Democrats would be a bit wiser than that and would understand what they are doing. Indeed, the Hon. Mr Elliott was a capitalist, he owned land up the River, and he may still do, I do not know. He should understand the use of water because he had a fruit block up there, and he should know that taxing that—

The Hon. M.J. Elliott interjecting:

The Hon. PETER DUNN: I am pleased to see that the Hon. Mr Elliott does understand what he is talking about, because, if that is the case, he will reject this Bill and let us go back to what we had before.

The Hon. Diana Laidlaw: As an interim measure.

The Hon. PETER DUNN: Yes, as an interim measure. If the Democrats want to have another look at the system and consider that it is not fair enough, then let them. Having a capital tax in the guise of a water rate does not wash—pardon the pun—with very many people.

A huge amount of money is required to run the Engineering and Water Supply Department—I am the first to admit that—and, as I have stated before, I think it does an extremely good job. However, I suspect that in the future most of the money will go into sewerage and drainage, rather than water reticulation, although I understand large sums of money are required to keep the pipes in the country and in this city in good order to reticulate water, whether it be for human consumption or for gardens. If we take Minister Levy's argument to the nth degree, we would not have any gardens. The Minister complained about the Hon. Mr Stefani's use of the water, but if she wanted to save water, she would not have any garden in her backyard—she would not even have any pot plants.

The Hon. Anne Levy: Australian natives do not need water.

The Hon. PETER DUNN: What rot! Are you telling me trees now don't need water? That's even more ridiculous! That is just a nonsense: let us not argue that. If we want a nice city, we need water; and if we need water, we must pay for it. However, we should not have to pay for it via a land tax.

It is quite obvious that, under the proposed legislation, water consumption has no bearing on the amount one pays for it. In relation to the average water consumption—and the Minister might like to listen to this, because she interjected while the Hon. Mr Stefani was making his speech—I jotted down what I thought would be the average daily consumption in a house with a family of four persons. One would use about 35 litres of water for a shower, one would wash the dishes three times (for one person one would use two litres, so that is six litres) and one would drink on average four litres (I think the average person drinks about 3.8 litres). Given that ladies tend to go to the toilet more often than men, on average one would go to the toilet six times a day using an average of 13 litres, which would result in 78 litres of water being used. After one goes to the toilet, one has to wash his or her hands which would use five litres of water and which would account for about 128 litres of water. If we multiply that by four, we would come up with 500 litres a day. That works out at about 18.2 kilolitres per household per year.

Members interjecting:

The ACTING PRESIDENT (Hon. M.S. Feleppa): Order!

The Hon. PETER DUNN: Thank you, Mr President. I have not taken into account the garden, the dishwasher, which would use about 90 litres of water a day, the sink disposal unit, which would use about 20 litres of water a day, the outside water trap, which would use about another 10 litres of water a day—another 120 litres—so there is another 18 kilolitres a year. All in all a family of four would use about 22 kilolitres just for the house, nothing else. That is about right, because that is what I use in my house. My house is serviced by rainwater. I know how much the tanks hold, and I know how empty they are. I have no other method of supplementing that water.

The toilet, which according to my figures is the biggest user of water, is on reticulated water. Our household uses

about 200 litres of water per day. However, if we included a garden we would double it, which would mean that we would be consuming 450 kilolitres. Despite what the Minister says, the average of 300 kilolitres a year for a family—

The Hon. Anne Levy: For a household.

The Hon. PETER DUNN: All right, for a household. Are you taking into account people who live in flats and who do not have gardens, and so on?

The Hon. Anne Levy: Yes.

The Hon. PETER DUNN: Well you see, you can't do that: that just doesn't work. That is just a rough guide to the use of water in South Australia. Indeed, it is an average use: I would suggest that 450 kilolitres per year per family is closer than anything else. If one multiplies that by 85c, one comes up with a figure of about $400 a year for water. I do not think that is unreasonable. The owner of a house worth about $170 000—and I guess that is about the average price in North Adelaide (where I know most of the Labor Party reside, or at least a number of them anyway)—would pay a capital tax or land tax on that of 80c, which equates to a round figure of $50 over and above the water consumption. It has nothing to do with the supply or provision of water, yet the Government wants to use this method to tax water users.

I can only come to the conclusion that Labor has lost its way—and we have noticed that in the past few months; it has lost it a number of times. However, it can correct this mistake: it can fix it up. All it has to do is reject this Bill and start afresh if it wishes to. If the Government must increase the price of water, that is fine; I do not think anyone will object. However, to include a tax that has no bearing whatsoever on water consumption will not wash.

The Minister sent out an explanation of the new residential water charging system. It contained one pertinent fact, right at the end; the rest of it is extremely suspect. The pamphlet states:

> I am sure you will agree with me that in South Australia our water resource is a precious asset and should be used to the best advantage of the community.

It was signed, 'Yours faithfully, Susan Lenehan'. I want to preserve water, but if the Minister charges me more for the asset of that water, I will use more water. If I am charged more I will use more. That is the opposite to what it should be. If one pays for what one uses, that will conserve water, and that is what we are all about.

The Hon. M.J. ELLIOTT: The Democrats support the Bill. I think that we need to make clear that we are not debating the new system versus the old rating system or whether or not we should return to the old system. That is not the essence of the Bill. It is worth noting that the old system was unfair. This Bill, particularly with some of the changes that the Government has already agreed to make and others which I believe will be made, will make the system even fairer. The new system does not make people, such as unit dwellers, pay for water that they do not use. The Hon. Ms Laidlaw should appreciate that, under the new system, while it is true that she faces a charge against the value of her property, she was indeed getting that under the old system and she was getting an allocation for water that she was never using.

The Hon. Diana Laidlaw: I did not use it, either.

The Hon. M.J. ELLIOTT: But you were paying for it nevertheless.

The Hon. Diana Laidlaw: Now it is on property value.

The Hon. M.J. ELLIOTT: You are finding, though, that your overall water charge has decreased. The new system is now offering—

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: The old system and the new system both had elements involving the value of property. The Liberal Party is saying that we should go back to the old system. At least the new system gets to the point where, if we use less water, we will pay less. We did not have that option under the old system. There is a greater element of user pays under the new system than there was under the old system. That is not very hard to understand.

There is no denying that both systems have elements of charge relating to the value of property, but the old system only had a user-pays element if we went over the allowance that was linked to the value of the property. Many people were given allowances that they could never use, but they were still required to pay for that water. I believe that under the old system many people were encouraged to waste water. That is the only way I can understand why some people would use five tonnes a day or seven tonnes a day in the case of one of the appellants in the recent case.

Under the old system, because the entitlement was linked directly to the value of the property, people were given massive allowances which, whether they were used or not, they paid for. It was a direct incentive for them to use water. Why not? After all, they paid for it. I can understand that thinking, although I do not defend it. At least under the new system, while they are still being charged against the value of their property, they can reduce their bills by reducing their consumption. In relation to one of the four appellants, I understand that under the new system, without even reducing his water consumption, his bill was going down. Anyone who thinks that the old system is better than the new system has to be a fool.

The Liberal Party has done nothing constructive in this debate. Opposition members have spent a great deal of time using emotive and divisive language and in many cases they have, either accidentally or deliberately, misled the public.

There are things which need to be done to improve this system. I will outline some of those a little later in my contribution. Two issues need to be addressed first: double charging and retrospectivity. I had members of my own Party coming to me six months ago saying, 'I have been double charged.' Those same people also said, 'I support the new system.' When I heard people saying that sort of thing, I thought that there may be something to it. They were supporting the new system, but fearing that they were being double charged.

After the case which necessitated further legislation the whole issue was opened up and a storm arose again. Many people contacted me making allegations of double charging. At that point I believed that double charging may have occurred. Some of the people who were involved in the campaign in the Burnside area came to see me. I sat down with them. They went through their rating material with me, and I believed that in fact they had been double charged.

I then went through an interesting exercise with a person who had been explaining to me that he had been double charged and the E&WS people. I had the two arguments being put and they could argue with each other. At the end of the day, after listening to the debate, I do not believe that double charging has occurred. There is no doubt that we have a convoluted and complex system of charging for water, and I believe that something needs to be done about it. The greatest complexity is caused by the fact that all the meters cannot be read at once; they have to be read progressively over a period of time. Therefore, it is not possible for everyone's consumption year to start at the same time. That is not new under this legislation; it has been going on since we first started having water supplied in Adelaide. It started off on about 1 June and it has shifted back until

some consumption years are starting more than six months before others. A great deal of difficulty is created with the consumption year starting at different times.

When the rate was struck under the old system, people were being charged according to the financial year. They had four equal payments to make through a financial year which related to the access charge. They also had another charge, and that was an excess water charge. The excess water charge did not come during the financial year; it was the first payment that was made after the end of the consumption year. When paying for water for a consumption year, the payment for the consumption year is made up of the four payments of the financial and the one payment at the end of the consumption year. It gets very complex; you need graphs in front of you. Indeed, I can understand why, even with graphs, it is a problem. The four payments of the financial year relate to the consumption year which has just finished. In some suburbs it finished virtually on 30 June; in other places the consumption year finished 6½ months earlier. That is why some people in the Burnside area and in Adelaide found they were making payments between January and July this year. The payments were equal payments made during the financial year, but the payments relate to water usage and they were paying the access charge for the consumption year which had finished 6½ months before.

With the new system, the consumption year for Burnside started around late December last year or early January this year, so in about July some people received their first bill for the consumption year. It has two components. It has the access charge again, and in most cases it will have an excess in it because the allowance, if we can call it that, is very small. That is complex. I think that if I tried to make the explanation longer it would get more rather than less complex.

When I started off, I believed that there had been double charging but, when I sat down with people who had complained about it and went through the system, I was finally convinced that double charging had not occurred. I wish that the system were simpler. I wish that everybody's meter could be read at the same time. Probably at some time in the future electronically that will be achieved. However, that is not the situation at the moment.

This situation has come about not only in relation to the new water rating system; it has always applied. Even before, we had an excess charge and four equal payments. It always worked in the same way. The reason why people have been caught out and why it looked as though they had been hit hard was that for the first time they were getting into excess—although the Government says that excess does not exist—much earlier in the financial year than before because their allowance was so much smaller and was not linked to property value. People are now suddenly getting excess bills and they are horrified because it is only six months since they paid the last one. As I said, I will stop following that through further, because it will become more rather than less complex. I think it is a great pity that more members have not taken the opportunity to go through the discussion which has been offered by the E&WS, because there is some chance that, at the end of it, they may understand it. However, it is very complex. Even as a person who has done mathematics at university level and thought he could understand things pretty well, it really took a lot of grappling with, but I do believe that I was not being spun a yarn.

That brings me to the second question—retrospectivity. I think two issues of retrospectivity must be discussed: the first issue is retrospectivity in relation to the Act that we passed in March this year, and the second question is that of retrospectivity implicit within the Bill which we are now discussing. When we were discussing the legislation last March, I did not understand the intricacies of the system that I was just struggling to explain to some other members, and I certainly had no conception that the consumption year started at any time other than at the beginning of the financial year. As such, when we were passing the legislation, in my mind I was expecting that we were passing something that would begin on 1 July. There is no doubt about that: I am on the record in the media as having said that.

I believed that we were passing something that would start on 1 July, and I was most surprised when, in about mid July, I had the first of a few members in our Party come to me and say, 'Look, I am being double charged.' They were talking about something that happened way before the Bill had been passed, and that threw me. I could not quite work out what the problem was, and I certainly had not twigged at that stage that the consumption year started so much earlier than the financial year. I doubt that any member in this place, including the Minister presenting the Bill (and I suspect even the Minister in the other place) understood that consumption years and financial years started at different times, and that the consumption year started before the financial year in which we pay our bill. I do not think anybody had that conception.

However, I think it is worth noting that, once again, what happened here does not relate to the new legislation, because every change in water rating that has occurred—even under the old system, because the rates were varied on many occasions—always happened some time after 1 July and related to a consumption year which, in some suburbs, had already started 6½ months before. So the allegation about retrospectivity is true, not only in relation to the new Act, but also in relation to every water bill that people have been paying for at least 30 or 40 years and perhaps even longer. The rate has always been struck and applied retrospectively, so it has always been true that we did not know what we were paying for our water until 1 July even though, in some cases, we had already gone half way through our consumption year.

The Hon. J.F. Stefani: Two wrongs don't make a right.

The Hon. M.J. ELLIOTT: I did not say that two wrongs make a right, but the point I am making is that the difficulty was not just a part of the new Act: the fact was that it was going on under the old Act. It happened under Labor Governments; it happened under Liberal Governments; and it has been going on for a long time. I do not believe that there is any act of deliberate deception by this Government, as I do not believe there was an act of deception by any previous Government in terms of the way it worked. Nevertheless, there was a radical change in this system over the old one, particularly in terms of the fact that most people would get a far smaller allowance, because it was the first time that the allowance was not linked to property values. I believe that perhaps, had people realised that their consumption year had started, and that they were in a position to take advantage of the new system—which you can do and reduce your water bill quite radically, something that was not really available before—many would have availed themselves of that opportunity.

So I am not defending what happened: it should not have happened in other years, and it is probably a little worse in this case, because there was something of a radical change in the way in which the system worked. However, I must say that, while we can argue about this matter of principle for a long time, I doubt in reality that people's water bills were drastically affected by the lack of that knowledge.

Under the new system, even one of the four plaintiffs in the court case, using the same amount of water, was going to pay less than under the old system, and I believe that an analysis will show that, for those who had a very early start to the consumption year, the variation in cost of water over that six month period would, under the old or new system, be neither here nor there. The variations that would probably be $10 or $20 in most cases.

I am extremely concerned about retrospectivity, despite attempted observations to the contrary, and I have spent a great deal of time over the past couple of weeks trying to find schemes whereby we might make the new system apply from 1 July. I obtained some data from the E&WS Department, and I did my own calculations, but I was left with two options: option one was to give people a choice between the two systems, opting for the lower one. On my 'back of envelope calculations' that would cost the State about $27 million and, quite frankly, I did not find that sort of option very acceptable, because where will the $27 million be found? The Government has got itself in enough of a mess as it is with everything else, without—

The Hon. I. Gilfillan interjecting:

The Hon. M.J. ELLIOTT: Lost revenue. That was before these calculations about rebilling. That option did not really seem to be on at all. The other option was that everybody go back to the old system. That meant that not only did we have to pay out some people but also we had to go to the other people and say, 'Sorry, now you are going to have to pay more.' I would have gone back to the Hon. Ms Laidlaw and said, 'Look, I am sorry, I need several hundred more dollars from you,' and she would have rightly screamed, 'Look, I have paid my bill.' But I suppose the point I am making is that, no matter which way we went, we were either going to lose the State a lot of money or have another batch of losers in the process. And, as far as I can see, most people's bills would not have varied by huge amounts anyway, and what we would have done on a matter of principle, is to try to overcome the problem of retrospectivity and ended up paying through our noses, having other quite radical effects as a result.

I simply could not come up with a scheme. I have had a look at the Liberal Party's scheme, and the same problems are implicit within it. I simply could not come up with a scheme which, I thought, at the end of the day, would really solve the problems, and I did try very hard to achieve that.

The Hon. Diana Laidlaw: The Liberal members achieved it.

The Hon. M.J. ELLIOTT: I am sorry, but I do not believe that you costed them, and, if you have, I would like to see your costings. I do not believe they will work, and the invitation is there for you to present your calculations during the Committee stages to explain exactly how you think it will work and will not cause disadvantage of one sort or another to one group of people or, in fact, to the State as a whole. But you will get a chance later to respond.

As to the question of retrospectivity in relation to the present Bill, anybody who is honest will have to say that what the court found was on a matter of technicality. It is on a matter of technicality that the Government is coming back here. In its findings, the court did not find that the legislation was flawed: it found that the gazettal was flawed. Probably every gazettal of the last 30 or 40 years has been flawed because, under Labor and Liberal Governments, they have never gazetted on 1 July. They have never done that, because they wait for property valuations to be declared first. So this real point of principle that you want to dig in on would be a point of principle that also applies to the past 30 or 40 years.

The Hon. Anne Levy: One hundred years.

The Hon. M.J. ELLIOTT: Well, it may be longer, but I was being careful not to exaggerate. What we are looking to do in relation to retrospectivity is address what is clearly a technical hitch. Once again, it was not a matter of malice or of deliberate intent by the Government to do bad things: it was a matter of tidying up, and I have no difficulties there, where retrospectivity maintains the intent of the law, and where people have not been caught at a clear disadvantage in relation to that particular fix up.

I believe that to be the case, so I do not have problems in relation to it. Certainly as discussions have gone on over the past couple of months, while I have always been a supporter of the new system, I have seen that some matters need addressing. In most cases, they relate not to legislation but to implementation. There is one matter of legislation that needed to be fixed, and that was the question of retrospectivity and the fact that the rate is declared after consumption has begun. That has happened for a long time under Governments of both persuasions. The Government has amended the legislation in the Lower House to ensure that gazettal occurs before consumption begins, and that move is long overdue and something that every member in this place will support. That is the only matter of legislative change which is necessary. It has become quite clear that, while I have supported the basis upon which this new system works, some of the threshold values—the numbers involved—needed some variation.

Water allowances were linked to property values. We now have a smaller levy than the one previously attached to property value. Some people may say it is too large, but it is smaller than the former charge. No longer is it linked to the consumption of water. It has been claimed that the threshold value—the value of properties—was set too low, and a significant number of people, particularly in the inner suburbs, have been caught out by rising property values. Many people on low incomes or receiving no income have been caught in this trap: there is no denying that. I recognised that concern and called on the Government to increase the cut-off value. I am glad to say that the Minister has conceded the point and has raised the level from $117 000 to $140 000. That actually gives a benefit not only to the people between those ranges but also to anyone with a property above $140 000. That movement alone will pick up a significant number—not all—of people who have been caught in that trap, but will benefit anyone who has been caught in the sort of trap to which I alluded.

I also called on the Government to introduce indexed excess water charges. I believe that the more water a consumer uses, the more that consumer should pay for that water, and I do not mean just in a linear fashion but increasing the rate in incremental steps as usage increases. In fact, I successfully moved an amendment to allow the Government to do this when the new water rates system was being debated in this place in March this year. The Government has chosen not to use it so far, although I believe it will not be long before it is used in Streaky Bay, the place which has particular problems with both quantity and quality of water.

The Hon. Diana Laidlaw: They have asked for it.

The Hon. M.J. ELLIOTT: That is right, and it is already sitting there. That is a good thing. Households with excessive consumption should be encouraged to reduce it to a more acceptable level. I will quote from a paper entitled, 'Water in Adelaide: Some new thinking in 20/20'. That paper was written by John R. Argue, Professor of the School of Civil Engineering in the University of South Australia, and published in the October 1991 edition of *Municipal*

Engineering in Australia. He makes a number of points, but I will pick up just two in relation to this matter. He states:

> The resulting true cost of water may be as high as $2.50 per kilolitre, well above the 85c per kilolitre presently charged for supplied water.

Professor Argue, who is referring to South Australia, mentions a cost of $2.50 per kilolitre. If one really starts examining our distribution system, on which we are not spending a lot for maintenance at the moment but which is gradually being run down and will need a massive refurbishing program in the not-too-distant future, one sees that the true cost of water even now should be closer to $2.50 per kilolitre, and we are paying only about 85c. We are sitting on something of a time bomb to begin with.

The greater worry to me is that Professor Argue talks in terms of where we might be in 30 years. It might be a lot shorter than that, when we will require a third major Murray-Adelaide pipeline. Here we are with an infrastructure that we are not maintaining and rushing headlong towards having to put in another pipeline at an additional cost. That additional pipeline will be required because additional water is being used. It is absolutely essential that we contain our water usage as much as we can. Not only are we facing the prospect of having to put in extra infrastructure, but also it is worth noting that any water we take from the Murray will cost us more than the water we get from the ranges. The Murray water has to be pumped; we have to consume energy; and often it is dirty and full of clay, needing filtration and often more chlorination. It is expensive water. The greater the water consumption, the more we have to pump from the Murray. Extra water is more expensive water.

People who use large quantities of water require us to pump extra water from the Murray. The charge for the water they require us to pump is spread amongst all consumers at present, so the people who are wasting water should be paying a lot more per kilolitre than the people who are doing everything they can to conserve water.

The Hon. J.F. Stefani: So people who use more water pay more?

The Hon. M.J. ELLIOTT: Actually yes.

The Hon. J.F. Stefani: Is that what you advocate?

The Hon. M.J. ELLIOTT: Yes. In fact, I would say that electricity charges should work in the same way: the more you use, the greater the charge.

The Hon. J.F. Stefani: And gas as well?

The Hon. M.J. ELLIOTT: That's right. If you increase use and require more infrastructure to be put in, that is a cost. It is interesting to note that in the United States even private power utilities are encouraging people to conserve because, by deferring the installation of extra infrastructure they increase their profitability. It makes economic sense for the State to put off the day when we must put in extra infrastructure. The people who require us to put in extra infrastructure are inflicting a cost on every consumer in the State and on the State economy as a whole. It is not just a matter of the environment or the economy: it is also a matter of equity. These people who are causing the waste and the additional cost are having it spread onto everyone else.

So, there are three areas where we must put pressure on those who cause the need for extra infrastructure and extra pumping from the Murray. Despite the defences we have heard today, I really fail to understand how people use five to seven tonnes of water per day.

The Hon. J.F. Stefani: Government House uses 50 tonnes. Does that mean that the Governor wastes water?

The Hon. M.J. ELLIOTT: If I use my own garden as an example, the sprinkler has been on—

The Hon. J.F. Stefani: How big is your garden? Do you have an acre?

The Hon. M.J. ELLIOTT: It is a standard quarter acre block. The sprinklers have been on in my garden on one occasion since winter, and the drippers were on for half an hour on one occasion.

Members interjecting:

The Hon. M.J. ELLIOTT: There is very little concrete around the place.

Members interjecting:

The Hon. M.J. ELLIOTT: It is not that difficult. I am afraid that some people will have to review their practices.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: I believe it is important that we impose increasing charges on very high users. This system has already been adopted in Perth, because they also have similar problems to us in terms of quality and quantity of water. It is the direct opposite of the system that the Hon. Mr Wotton seems to think is so good in Newcastle, where you get charged less for the more water you use. That is quite an absurd proposition and one that he has raised on a few occasions. Quite clearly we will not be heading in that direction. As we move into a true user-pays system, as we will do progressively, and move into a step-charge system, some people who complain bitterly now will complain even more bitterly later, because the true cost of what they have been doing will be brought to bear on them for the first time.

There is one other group of people about which I am concerned, namely, the family. I think the Hon. Ms Laidlaw raised the issue in her debate. The system does not adequately cope, in terms of cost, with the family that uses a reasonable amount of water. The basic allocation of 136 kilolitres is clearly nowhere near enough for a family. I put to the Minister a proposal that we should be looking at at least 200 kilolitres as a basic allowance. I did not win that argument, but I must say—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: Well, I would have been sorry if she had supported me, because when I went into more detail, in fact, I saw that increasing the basic allowance to 200 kilolitres would not have been a good thing to do, because 80 000 consumers in South Australia currently use less than 136 kilolitres.

The Hon. L.H. Davis: Are you one of them?

The Hon. M.J. ELLIOTT: No, I am not. To give them—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: The Liberal Party, which talks about user-pays and wants a system that starts from zero and goes all the way through (which is what a true user-pays system does), would have had to support the fact that the lower the allowance the better it would be in terms of trying to encourage consumption. However, that low allowance does cause a problem for families. The other way around it is not to increase the basic allowance but to reduce the cost of it. If the cost of 136 kilolitres is reduced, even though people may be using more than that, at least the cost to them and, therefore, the cost to the family—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: The obvious way to go is to try to decrease the cost of low water usage and to increase the cost of high water usage. There will be an offset in terms of return to the Government. It can be structured in such a way as to be revenue neutral. However, the challenge

is to find at what levels this sort of system should cut in: what amount will we consider to be excessive and what will be reasonable for a family? We must be very careful that we do not have higher charges cutting in at a point where families are using reasonable amounts of water. It is difficult to set a level immediately, and it is also difficult to estimate the effect on revenue.

The Minister has already said publicly that she will be setting up an inquiry to look particularly at step rating, and that inquiry will address the two issues that I thought still needed to be addressed. I refer to the question of the excessive usage of water and, at the other end of the scale, people—and particularly families—who are perhaps paying a lot, not the basic allowance, but for the amount of water that they should reasonably expect to have.

An honourable member: What—at no charge?

The Hon. M.J. ELLIOTT: I never said, 'At no charge'.

An honourable member: At low charge.

The Hon. M.J. ELLIOTT: At low charge. I think that people getting a basic amount of water at a low charge is a reasonable thing. I think that the Government will have to put a much greater effort into assisting this whole process which it has set in train by moving to what is more of a user-pays system than was the old system. It needs to run programs to help people to understand how they can save water.

If one plants native trees (and when I say, 'native trees', I do not mean a gum tree; I mean a gum tree or shrub from the local area or from a similar rainfall regime), they do not need watering at all. Such trees grow better with water; they will be lusher with water, and, particularly when they are establishing they have a better chance of surviving with additional water. However, at the end of the day, one can plant a garden that can look quite lush as long as it contains the correct species. If one establishes a garden with non-endemic flora and installs a drip system—not watering everything around the plants—once again, it does not need very much water. Automatic water systems are mindless things that operate whether or not water is needed and for longer than is needed. A carefully installed watering system encourages plants to be deep rooted, not needing water very often. There are practices that will cut water consumption significantly.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. M.J. ELLIOTT: Twenty Liberals—gross ignorance. Finally, I would like to deal with the allegation that two of the Liberals like to come up with—that is, deals. The Australian Democrat position—

Members interjecting:

The PRESIDENT: Order! Everyone has the opportunity to enter the debate in the proper manner.

The Hon. M.J. ELLIOTT: The Democrat position has always been a public position. We supported—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: We supported the new system when it was introduced and we have continued to support it. I have given the reasons for that. We saw some problems with the way in which it has been applied, and we said what those problems were—and we said that publicly. While we have been making quite public what we believe to be problems with the system, the Opposition, without even understanding how the rating system even worked (and I still do not think any of them understand it) has been playing—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: The court did not uphold any fault—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Elliott will address the Chair, and members will come to order.

The Hon. M.J. ELLIOTT: This is another example of what I was talking about, Mr President. The courts did not uphold any fault with the system. The court upheld that the wrong date of gazettal occurred, and that has occurred for the past 30 or 40 years.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: Read the judgment yourself. The Opposition has not played a constructive role; it set about a program of misinformation, and it has been nothing more nor less than political opportunism. It has either deliberately misled people or it simply does not understand the system itself. The public knew the concerns we had, and I put them on the public record before I had any meeting with the Minister. I listed my concerns and the matters that I believed needed to be addressed. Those matters were all put on the public record and, if putting things on the public record and then talking to the Minister about them is doing a deal, a lot more deals should probably be done.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): In closing the debate, I thank members for their contributions. Irrespective of the quality of the debate, I doubt if anyone can complain that they have not had an opportunity to state their opinion. I will not go into detail answering many of the allegations made by the Opposition, as the Hon. Mr Elliott has very adequately dealt with most of the points that it has raised. I merely reiterate that this Bill seeks to correct a technicality which has existed in water legislation since its inception. There may be argument as to whether it has applied for over 100 years or for merely 40 or 50 years, but it certainly has applied through the period of both Liberal and Labor Governments, never previously having been questioned.

Prior to 1 July gazettal of water charges had never occurred. This was the only ground which was upheld by the majority of judges in the recent court case, and it is that technicality which the Bill before us corrects.

Despite the fact that most of the time this evening has been spent in criticising the water rating system which was passed by this Council months ago, it is not revamping the entire water rating system. The Bill merely corrects the one technicality upon which the court ruled in the court case. The result of the court case did not require a revamping of the entire water rating system—

Members interjecting:

The PRESIDENT: Order! The honourable Minister.

The Hon. ANNE LEVY: —which was found to be perfectly legal. I urge members to support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. DIANA LAIDLAW: I move:

Page 1, line 13—Leave out 'Paragraph *(e)* of section 3' and insert 'Section 3'.

This is a major amendment, which, if successful, would result in a number of other amendments. The amendment seeks to substitute the old system of water rating for the system passed in May. As we have argued on numerous occasions and during the second reading debate, and I will

not elaborate further tonight, we believe it is most important to return to the old system, notwithstanding its flaws. Further, we believe that we should return to the old system on an interim basis while the Government moves to a user-pays system, which we believe would have all the qualities of the system that the Government claims are associated with the current system but which patently are not.

The user-pays system is in operation in Perth, Brisbane, the ACT, and Newcastle. There are various methods of the user-pays system in those States, but it is important that we gain a commitment from the Government to move to that principle. We believe that one way to gain such a commitment is by returning to the old system as an interim measure before introducing a much fairer system. I note that in his contribution to this debate the Hon. Mr Elliott indicated that he, too, was keen to see a move to a system that had a strong user-pays component.

This system reinforces the old, iniquitous, unfair property and wealth value components, which the Liberal Party deplores. We deplored it in the old system and we introduce this amendment merely as an interim measure.

The Hon. M.J. ELLIOTT: I thought that I made the point very clearly that the new system is far more of a user-pays system than the old system ever was. For the Liberal Party to say, on the one hand, that it wants a user-pays system and, on the other hand, that it wants to go back to a system that has hardly any user-pays component at all is very strange logically and would not get my support.

It is also predicated on a later amendment, which seeks to apply the old system to the bills many people have received since virtually December last year. Have any costings been done for such an exercise?

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. Elliott: This is predicated on that.

The Hon. DIANA LAIDLAW: No, there are two sets of amendments. I have moved a set of amendments to clause 2, which moves later to oppose clause 3. I then have other amendments to clause 3 if this one is lost. They are not related.

The Hon. ANNE LEVY: On its own this amendment is meaningless. It is part of a package of amendments, which consists of this particular amendment and replaces clause 3 with a new clause 3; the lot go together. One would either have to accept all of them or none of them, because they are part of a package, in which case I would have thought that discussing proposed new clause 3 is relevant as part of the package that contains this amendment to clause 2. They are consequential upon each other.

The Hon. M.J. Elliott: So is schedule 2.

The Hon. ANNE LEVY: I take it that the schedule could be considered separately and could be implemented even if the others were not, so that, if this amendment is lost, it would be pointless to oppose clause 3 and attempt to insert another clause 3, because it would make a nonsense, but it would still be possible to move the amendment to the schedule, which is a transitional procedure only. It would be possible to have either the first group, the second group or both. As I understand it, there are two matters to be discussed.

The CHAIRMAN: For clarity, we are taking the first amendment as the test case, but members may talk to the first package. The amendment moved by the Hon. Ms Laidlaw will either sink or swim.

The Hon. ANNE LEVY: I do not think it is worth spending very much time on this amendment because the package reverts it to what it was prior to the introduction of the residential water rating system, which was passed earlier this year. It is revisiting what we considered several months ago. The Government is committed to the reform that was introduced following a thorough investigation of our water rating system. If members opposite have not read the report produced by Mr Hugh Hudson on this matter, I suggest they read it.

The old system had many deficiencies, which were well recognised by many in the community, despite what the Hon. Mr Dunn says. The most important of these was the water conservation element; it gave no incentive to water conservation. Many consumers had a water allowance which was well beyond their needs—and the Hon. Ms Laidlaw has indicated that she was one of those—bec it was based solely on their property values. Since these people were paying for the water, there was no incentive for them to conserve water.

While there is security of water availability in this State, we must recognise that unnecessary consumption increases the overall cost of providing the services. As the Hon. Mr Elliott says, this is because of the extra pumping costs of Murray River water and the earlier need for new infrastructure, which is expensive to the community as a whole. If savings can be achieved in total water consumption, the whole community will benefit.

Much has been said by the Opposition about the plight of those who are asset rich but income poor. They are just the people who are most disadvantaged by the old system, which members opposite wish to reintroduce. These people's base water rate is in direct proportion to the capital value of their property. So, this rate must be paid whether or not the water is used.

The Hon. M.J. Elliott: That is the old system you are talking about?

The Hon. ANNE LEVY: Yes, that's under the old system. Asset rich, income poor people had to pay water rates whether or not they used the water. At least under the new system there is an opportunity for these people to save money if they wish to do so by cutting back only modestly on their water usage. I would have thought that, if concern for these people was genuine on the part of members of the Opposition, they would endorse the new water rating system which will help people who are asset rich and income poor. In any event, the new system has not been given a fair go. It has been in for less than six months, and there has been a great deal of misunderstanding within the community about it, and this has certainly not been helped by the misinformation which has been spread primarily by members of the Opposition.

The Hon. Diana Laidlaw interjecting:

The CHAIRMAN: Order!

The Hon. ANNE LEVY: The Government is prepared to assess the effectiveness of the system after it has operated for a reasonable time. Therefore, I cannot support this package of amendments.

The Hon. PETER DUNN: What percentage of consumers paid excess water rates under the old system?

The Hon. ANNE LEVY: In the previous financial year, close to 70 per cent of consumers paid excess water rates.

The Hon. PETER DUNN: If that is the case, 70 per cent of consumers under the old system were paying under a user-pays system; is that correct?

The Hon. ANNE LEVY: That is correct: 70 per cent of consumers were under the user-pays system and 30 per cent were not.

The Hon. Peter Dunn: There goes your argument.

The Hon. ANNE LEVY: I don't see that it does at all.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.F. STEFANI: Were those consumers residential or commercial?

The Hon. ANNE LEVY: These figures relate only to residential consumers: commercial and industrial users are not included in these figures.

The Hon. J.F. STEFANI: How many commercial consumers are exceeding their allocation? How many consumers on a fixed allocation are exceeding it?

The Hon. ANNE LEVY: I do not have those figures, but they can certainly be obtained. The officers have not brought information relating to non-residential use, seeing the matters being discussed relate only to residential water rates.

The Committee divided on the amendment:

Ayes (8)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, Diana Laidlaw (teller), R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (9)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts and G. Weatherill.

Pairs—Ayes—The Hons K.T. Griffin and J.C. Irwin. Noes—The Hons C.J. Sumner and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived. clause passed.

Clause 3—'Amendment of Waterworks Act 1932.'

The Hon. DIANA LAIDLAW: I move:

Page 2, after line 30—Insert schedule as follows:

SCHEDULE 3

Transitional

1. This schedule applies only in respect of residential land.

2. For the purposes of determining the amount of water rates payable in respect of land for the 1990-1991 financial year the number of kilolitres of water supplied by the Minister to, or in relation to, the land from the end of the 1990-1991 consumption year until 30 June 1991 will be added to the number of kilolitres of water supplied by the Minister to, or in relation to, the land during the 1990-1991 consumption year.

3. For the purpose of determining the amount of water rates payable in respect of land for the 1991-1992 financial year the quantity of water supplied to the land from 1 July 1991 until the end of the 1991-1992 consumption year will be taken to be the quantity of water supplied to the land in that consumption year.

4. The number of kilolitres of water supplied by the Minister to, or in relation to, land from the end of the 1990-1991 consumption year to 30 June 1991 will be extrapolated from the number of kilolitres supplied to, or in relation to, the land during that consumption year on the assumption that water was supplied to, or in relation to, the land at a constant rate from the beginning of that consumption year until 30 June 1991.

5. The quantity of water supplied to land from 1 July 1991 to the end of the 1991-1992 consumption year will be interpolated from the quantity of water supplied to the land from the beginning to the end of that consumption year on the assumption that water was supplied at a constant rate during the consumption year.

6. The amount of water rates determined in respect of the 1990-1991 and the 1991-1992 financial years must be adjusted in accordance with the provisions of this schedule and any amount overpaid must be refunded by the Minister to the person who made the payment and any amount not paid must be paid to the Minister upon receipt of a notice under section 87 in respect of the amount.

7. In this schedule—

'the 1990-1991 consumption year' means the consumption year ending in the 1990-1991 financial year:

'the 1991-1992 consumption year' means the consumption year ending in the 1991-1992 financial year:

'residential land' has the same meaning as in Part V Division I.

The new schedule applies in respect of residential land. Therefore, it is consistent with the Bill, but it proposes that any consumer who has paid a quarterly access fee under the old water rating system in the period 1 January 1991 to 30 June 1991 shall be deemed to have a *pro rata* water allowance of not less than half the previous full year's allowance in respect of the period 1 January to 30 June 1991. Where such consumers exceed that *pro rata* allowance in the period 1 January to 30 June 1991, they will pay an excess water charge at the standard rate of 80c per kilolitre. The new water rating system will apply only to water consumed on or after 1 July.

We have indicated throughout that this amendment would address the concerns about retrospectivity that have been raised over some time and earlier in this place. They are matters about which the Hon. Mr Elliott also expressed concern in his second reading contribution. We believe that this is an important amendment in terms of the credibility of this water rating system and, in particular, of the integrity of the Government in introducing this measure. It is also consistent with the views of the Supreme Court on the recent application that was made as expressed in its judgment on 5 November.

The Hon. ANNE LEVY: I oppose this amendment. Basically, the introduction of schedule 3 will divide the consumption year 1991-92 into two components. First, there will be the water consumed for the period between the beginning of that consumption year and 30 June 1991 and that amount of water will be added to the 1990-91 consumption year. Any water used in excess of the water allowance for that year will be paid for at 80c per kilolitre.

The second component will be for water consumed in the period for 1 July this year to the end of the consumption year. This will be paid for at 85c per kilolitre, after allowing for the water allocation of 136 kilolitres. In addition, the access charge for 1991-92, which remains unchanged, would be payable.

It follows from this proposal that those consumers whose meters are read earliest will gain the greatest benefit. Those whose meters are read close to the beginning of the financial year will get the least benefit.

Members interjecting:

The Hon. ANNE LEVY: On this proposal, it will work out that those whose meters are read earliest will get the greatest benefit and those whose meters are read nearest to the beginning of the financial year will get the least benefit. By way of example, members may or may not know that the areas where the meters are read earliest and where there would be the greatest benefit are in Adelaide, Kensington, St Peters and Burnside. They would benefit most by having an extra six months' consumption at 80c per kilolitre. On the other hand, those who would benefit least by having a greater proportion of their water at 85c instead of 80c per kilolitre happen to live in Elizabeth, Salisbury, Willunga and Noarlunga. Those are the people whose meters are read close to the beginning of the financial year and consequently will get least benefit from the amendment moved by the Hon. Ms Laidlaw.

Members interjecting:

The CHAIRMAN: Order! Members should ask questions in the proper manner.

The Hon. ANNE LEVY: As I understand the amendment, it does not relate to excess but rather to whether water will be paid for at 80c or 85c a litre. Some people will be paying a larger proportion at 80c than at 85c and others will be paying a greater proportion at 85c than at 80c. Those who benefit most will pay a larger proportion at 80c than at 85c, namely, the people whose meters are read earliest in the consumption year. They happen to be the people in Adelaide, Burnside, Kensington and St Peters. The people who will benefit least are those who will pay a much higher proportion at 85c than at 80c and they are the people whose meters are read close to the beginning of the financial year and will have only a month or so at the cheaper rate. They are people who live in Elizabeth, Salisbury, Willunga and Noarlunga.

The Hon. L.H. Davis: How many pay excess in those areas?

The CHAIRMAN: Order! Everyone has the opportunity to ask the Minister questions in the proper manner.

The Hon. ANNE LEVY: I point out to members that, if passed, this amendment will mean a great deal of costly work. Work will be required to individually reassess every account. We would need to compute the volumetric adjustments of water used at a different level for every consumer and would need to assess the component that needs to be paid for and what component falls within the 1990-91 water entitlement. We would need to make adjustments to each individual account and all this would have to be done for 450 000 accounts. The cost would be enormous and cannot be justified in the circumstances.

In case members do not realise it, the new system has not introduced the concept of having a consumption year and a financial year. It has existed for years, as the Hon. Mr Elliott made clear. It is necessitated by the time it takes to read all meters throughout the State. The price of water has never been published before 1 July. The problem that arises is one that has existed for years—ever since there were Waterworks Acts. The Government has acknowledged the equity of consumers being told of the water price before the commencement of the comsumption year and this is planned for the next consumption year.

The Hon. Ms Laidlaw might also like to consider that her amendment does not tell us how we would solve a number of problems that would arise. For instance, when properties change hands property settlements are made.

Members interjecting:

The CHAIRMAN: Order!

The Hon. ANNE LEVY: At settlement there always is an adjustment for water rates. What would happen to all the property settlements that have been finalised over the past nine months on the basis of the existing system? They would all have to be opened up again and further adjustments would have to be made. How is every party to a property settlement in the past nine months to be contacted so that the appropriate adjustment for water rates can be made?

The Hon. Peter Dunn: That's your problem. You created it.

The Hon. ANNE LEVY: No, it's your amendment that is creating the problem. The Government has not created it. Your amendment would create this problem. The amendment presumes that consumption is linear throughout the year. Where there are pro rata adjustments of usage as proposed in the amendment, it is presumed that water consumption is uniform throughout the year. This is manifestly not the case. Hardly anyone would use anything like the same water in winter as they do in summer. Even with a near perfect Australian native garden, I use more water in summer than I do in winter.

The Hon. L.H. Davis: Do you pay it, too?

The Hon. ANNE LEVY: No, I have never reached my allowance. There is no doubt that, if the current system is confusing to the community, as claimed by the Opposition, it will be infinitely more difficult to explain and justify these arbitrary adjustments proposed by the Opposition than the current system. It is true that some consumers, particularly those who are high water users in the more affluent areas of the State, will benefit from this amendment. By contrast, many consumers with low-valued properties who are modest users of water and who are less able to pay will be disadvantaged by this amendment and will have to pay more. It has been estimated that there would be 37 000 consumers in this category who have low-valued properties, who are modest users of water and who have low incomes; if this amendment were to pass, they would have to pay more. That is what one can only call a case of reversed social justice.

The Hon. DIANA LAIDLAW: In addressing this amendment, the Minister repeatedly talked about the past nine months. Can she confirm in terms of the gazettal of this measure, and also in respect of this Bill, that we are talking about a new system from 1 July and therefore should not be talking about a situation that is to apply from 1 July applying over a nine month period?

The Hon. ANNE LEVY: The amendment relates to the consumption year, not to a financial year, and the last consumption year goes back nine months from the current time. So adjustments would have to be made to all property settlements in the past nine months, and they would be impossible to trace.

The Hon. PETER DUNN: I will run through quickly what the Minister has just said. I think she is a little confused. If there is an access charge—and there has always been an access charge—people would not pay anything for that water until they exceeded their allowable consumption. Even if they were charged 85c back to that time, they would not start to use their 5c worth (that is, the difference between 80c and 85c) until they used excess water.

The Hon. ANNE LEVY: As I understand it, the amendment puts six months of one consumption year in with a previous consumption year: in other words, consumption would be measured over an 18 month period, and a very much larger number of people would therefore go into excess.

The Hon. PETER DUNN: Come on! How can we charge six months into 18 months? There is the average consumption—

The Hon. Anne Levy: Six plus 12 equals 18.

The Hon. PETER DUNN: Listen to me, Minister. When my meter cannot be read, or it has burst, an average reading is used. For heaven's sake, do it on this one. It is done for electricity and gas—every other item that we use—surely it can be done with water. Surely it is not beyond the capacity of a computer to set up a small program to do that. It is crazy to say that 18 months is considered because people are paying in advance when they were paying in arrears before. That is absolute nonsense.

The Hon. ANNE LEVY: Whether or not it is done by estimation, the effect of the amendment is to add six months water to the previous 12 months water, making a total of—

The Hon. Peter Dunn interjecting:

The Hon. ANNE LEVY: No, adding the amount of water used. It talks about the quantity of water.

The Hon. Peter Dunn interjecting:

The Hon. ANNE LEVY: Obviously, the honourable member has not read the amendment he is supporting. It adds the amount of water consumed in six months to the amount of water consumed in the previous 12 months.

The Hon. Peter Dunn: The rate.

The Hon. ANNE LEVY: Not the rate, the amount, and the quantity of water would then be the quantity of water over an 18 month period, because six plus 12 equals 18.

The Hon. J.F. STEFANI: Does the Minister concede that, under the new system, consumers—like me—could suddenly, out of the blue—

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.F. STEFANI: —receive a bill for additional water when they have sold their house? They could receive, in July, what they think is a back charge for additional water rates for the first half of 1991-92 (that is what it says on the notice) when the buyer has adjusted the purchase

price of the house and the vendor has gone. Will the Minister concede that there are buyers in that category? She has just pointed out that there would be buyers, under the system that we are proposing in our amendment, who would have this problem. Does she concede some buyers would face the same problem under the Government's new rating system?

The Hon. ANNE LEVY: The answer is 'No'.

The Hon. J.F. Stefani: You do not concede that?

The Hon. ANNE LEVY: I certainly do not concede it. When settlement of property occurs, buyers and sellers obtain information at that time from the E&WS Department and adjustments are made on the actual volume of water that has been consumed. No estimate is made; there is an actual meter reading at settlement of property, so that exact calculations can be made. If this amendment was passed, it would mean that a retrospective charge would be made to settlements that had already occurred and been finalised, and because of this amendment they would all have to be opened up again.

The Hon. J.F. STEFANI: I beg to differ with that reply. I have been involved in buying and selling properties, and the fact is that brokers adjust the settlement of water rates on an average of the quarterly rates. I do push the point in relation to the unknown quantity as regards quarterly rates, in that the E&WS Department would not have been in a position to advise anyone until 2 May, when this legislation was proclaimed. That in fact is when the new system applied, and I challenge the Minister to repeat what she said. The question is: does the Minister concede that when, after the event, an excess water charge is rendered—and there will be people who have sold their properties on the basis of the quarterly E&WS Department charges—those people would have the same problem to which she referred to as regards the situation that would apply if our amendment was included in the provisions?

The Hon. ANNE LEVY: The short answer is 'No'. While it is not compulsory to have water meters read at time of settlement of a property, that service is always available and always has been available, and many individuals have availed themselves of that opportunity so that exact calculations can be made. If the honourable member chose not to do so when he was involved in property buying and selling, that was his prerogative.

The Hon. J.F. STEFANI: Will the Minister indicate how long it would take, on request, to have a meter read for property settlement?

The Hon. ANNE LEVY: Five days.

The Hon. J.F. STEFANI: What is the price?

The Hon. ANNE LEVY: There is a fee, which I think is of the order of $10.

The Hon. M.J. ELLIOTT: I wanted to put a question to the Hon. Ms Laidlaw, the mover of this amendment, but she is not in the Chamber at present. It relates to what the cost of this amendment would be. I made clear during the second reading debate that I had contemplated trying to tackle this question of charges between late December 1990 and the end of June 1991 and, frankly, the sort of costs that I came across horrified me.

The Hon. R.I. Lucas: Who calculated your costs?

The Hon. M.J. ELLIOTT: I did some of those calculations myself, based upon information that I had got hold of.

The Hon. R.I. Lucas: You did the costings yourself?

The Hon. M.J. ELLIOTT: Based on figures I got from the E&WS in terms of how many consumers there are in the various categories, and so on. Mr Chair, I am not asking anyone to rely on my figures. The Hon. Ms Laidlaw has come up with a scheme, and I want to ask her whether she has done some sort of costing on it and, if so, what has she found? As she is not here to answer, I presume that one of her Liberal colleagues can answer, because I am sure that they would have thought very responsibly about such a thing before moving this amendment.

The Hon. J.F. STEFANI: The Opposition, in proposing this amendment, applied the principle of fairness and equity; that is, no-one in South Australia (and that included me) expected the new system to apply other than from 1 July. That means consumers, including the Hon. Mr Elliott, because he also recognises that everyone thought the system would apply from 1 July. So, the amendment seeks simply to address the principle of charging people who have used water under the old system with the existing laws that permitted the Government to charge consumers only at 80 cents. It addresses the requirement for the Government to charge consumers at that rate up to 30 June. That is the principle that parliamentary counsel was asked to address in the amendments, and that is what we felt was fair and equitable. People could not be charged under a new system when the law was not there to allow the E&WS Department to do so. Certainly, people did not expect to pay under the new system for water that they had previously consumed.

So, in asking parliamentary counsel to formulate the amendments, we felt it was only fair and equitable that it should follow that pattern. I believe that the difference between charging under the old system and the new system should be 5c a kilolitre. That is the principle. It may also be looking at the excess that is charged if consumers exceed quotas. We need to focus on the principle of the intention of this Parliament, and the clear intention of the mandate that it gave the Government to apply the new law and a new system. That is all we are saying, and parliamentary counsel was asked to address it in those terms. We believe that the amendment reflects that intention. The Hon. Mr Elliott should be able to ask the E&WS about the costings. It has the resources, the people and the computers; not the Opposition, which has bugger all (excuse the term). We do not have the computers or the staff. We have asked for this principle to be embodied in the amendment.

The Hon. PETER DUNN: The question was asked: 'How much would it cost to fix it?' Does it matter? If the court determined that it was illegal and sloppy in the first instance to charge, then it is. I do not get any compensation if I make a mistake in my business. Why should we ask the people to pick up the mistake that the Minister has made? The E&WS did not make the mistake; it was the Minister.

Members interjecting:

The CHAIRMAN: Order!

The Hon. PETER DUNN: The Minister introduced the legislation; the Minister made the mistake. If we want to be fair dinkum, we should use the old system up to 30 June.

Members interjecting:

The CHAIRMAN: Order!

The Hon. PETER DUNN: Surely it is not beyond the Minister to use the old system up to 30 June. All the accounts have been sent out. If the customers have paid too much, their account can be adjusted and they can be paid down the track. It is not beyond the wit and wisdom of the department or the Minister, but I do not think that the Minister can work it out. It is just too hard and she does not want to work it out.

However, I think that, with a little commonsense, it can be worked out. If it was anticipated that the customer was paying 80 cents per kilolitre and they had an allocation up to 30 June, which is the end of the water year, then surely

the Minister could charge up to that time. The court ruled that that could not be done. Why not charge up to that point at the old rate? If they used excess water the difference is only 5 cents a kilolitre anyway. If they did not use excess water, there is no charge to them.

I suggest that, in relation to all the accounts that have been sent out, it is not terribly difficult to put them back through the system. They are on tape or disk. That exercise is not beyond the wit or wisdom of the Minister or her department. I suggest that, in relation to the honourable member's query about costings, the cost would be roughly $1 per account at the maximum.

The Hon. ANNE LEVY: I am informed that in no way would it be anything as small as $1 per account and that every account would have to be looked at individually. One would need to take into account not only the water consumption but also whether there was any unused water allocation from the previous 12 months, and this figure would need to be included. It would not be difficult, but it would be a very tedious and lengthy procedure involving every single one of 450 000 different accounts. There is no doubt that, while it has not been accurately costed, probably because it is impossible to do so accurately, it would run into many millions of dollars.

The Hon. DIANA LAIDLAW: I understood that, when I was absent from the Chamber, the questions were posed of me in particular, but the Liberal Party in general, about costings and that specifically the Hon. Mr Elliott wanted our costings. I think that the Minister has indicated that not even the department with its resources has been able to estimate that cost at this stage, so I can assure members that we have—

The Hon. M.J. Elliott: How about a ballpark figure?

The Hon. DIANA LAIDLAW: We deliberately asked for assistance with this exercise and the department has not been able to produce the figure. The Minister has confirmed that statement. Does the Minister agree, as the determination of the court suggests, that people have been overcharged with this current system and, if they have been overcharged, that they deserve to be reimbursed?

The Hon. ANNE LEVY: No, they have not been overcharged.

The Hon. DIANA LAIDLAW: On what basis does the Minister state that no-one has been overcharged?

The Hon. ANNE LEVY: Because the legislation allows for the consumption year to be taken into account.

The Hon. M.J. ELLIOTT: As I indicated during the second reading debate, I had contemplated various models including one similar to the one put forward by the Opposition. I recognise the difficulty of providing accurate figures, but I would have thought that at least an attempt would have been made to guess what it would cost. Clearly, it will not be cheap. The Opposition was faced with two options: first, to give everyone some relief so that everyone's bill at least would not go up but many would come down, which would be a very expensive operation or, secondly, to make some pay more while others pay less. Those who have already paid their bills and who would be asked to pay more would not be grateful to the Opposition for that suggestion. While that suggestion would be cost neutral in terms of returns in relation to individual bills, there would still be the cost of processing.

The Hon. Peter Dunn interjecting:

The Hon. M.J. ELLIOTT: The Hon. Mr Dunn rather glibly says, 'A dollar a shot'. Even at that level, we are talking about a third of a million dollars. I think that probably was a bit glib, and it is likely to be considerably more than that. A number of complications will be involved, particularly with respect to the large numbers of people who have shifted residence, and that would be in the order of thousands or tens of thousands. They will not be a dollar each; they will be a considerable sum. We will not be talking in small dollar terms. We have to balance that against the real harm that was done.

I have often heard the Liberals complain about the fact that a bill for five cents can be sent to someone covered by a 43 cent stamp. If we were to spend more money to rectify a small problem just to prove a point, that would not be a terribly bright thing to do. The Opposition is proposing something along those lines: we would probably spend far more money to fix up a problem of smaller proportion.

If I believed that the Opposition's proposition would work, I would have supported it or moved an amendment of my own. If this system is to be cost neutral, as far as both the Government and the ratepayers are concerned, it would be a good thing to do, and it should be done. I would have had an amendment on the table myself, as it was the first thing I looked at, but I could not find a way that it would work without creating more problems. Frankly, the option that the Opposition has put forward still has problems. I think we would be putting the whole community to greater cost than the benefit we are trying to give them. If I believed it was the other way around I would have supported the amendment.

The Hon. J.F. STEFANI: It seems that this Chamber is prepared to pursue an incorrect principle on the basis of cost. The Hon. Mr Elliott is suggesting that, because it will cost money, whether or not the law permits it, we will ask people to pay more. That is exactly what has happened.

The Hon. M.J. Elliott interjecting:

The Hon. J.F. STEFANI: Of course it is, because those people, who were being asked to pay more under a law that did not exist, from a retrospective point of view when the new law was supposed to have been applied—

The Hon. M.J. Elliott: If I owed you five cents, would you post an account to me?

The Hon. J.F. STEFANI: It is not a question of five cents; it is more than five cents, and the honourable member knows that.

The Hon. M.J. Elliott: The relative amount is the point.

The Hon. J.F.STEFANI: It is not the relative amount; I am talking about the principle of any Government charging the people of South Australia for something that is illegal. It is illegal to charge people an amount that has not been approved by Parliament. The law has not been approved by this place; yet, we have said tonight that, because it would cost money to rectify that problem, we should let the people pay whatever they have to pay because it will cost more to fix it. That argument is totally unacceptable. I must make the point publicly on record that I will never accept it on the basis of cost, because the law is the law and it must be applied in an appropriate way.

The Hon. ANNE LEVY: I reject completely what the Hon. Mr Stefani has just said. It is not illegal, and if he likes I will read out the section which has been passed by this Parliament and which makes it legal. Section 65 *(a)* (2) provides:

> For the purpose of determining the amount of water rate payable in respect of land for a financial year, the quantity of water supplied to the land in that financial year will be taken to be the quantity of water supplied to the land in the consumption year that ends in that financial year.

It is not illegal.

The Hon. Peter Dunn: What did the judge say?

The Hon. ANNE LEVY: It is not illegal.

The Committee divided on the amendment:

Ayes (8)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, J.C. Irwin, Diana Laidlaw (teller), R.I. Lucas, R.J. Ritson and J.F. Stefani.

Noes (9)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts and G. Weatherill.

Pairs—Ayes—The Hons K.T. Griffin and Bernice Pfitzner. Noes—The Hons C.J. Sumner and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 4 and title passed.

The Hon. ANNE LEVY: I move:

That this Bill be now read a third time.

The Council divided on the third reading.

Ayes (9)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts and G. Weatherill.

Noes (8)—The Hons. J.C. Burdett, L.H. Davis, Peter Dunn, J.C. Irwin, Diana Laidlaw (teller), R.I. Lucas, R.J. Ritson and J.F. Stefani.

Pairs—Ayes—The Hons C.J. Sumner and Barbara Wiese. Noes—The Hons K.T. Griffin and Bernice Pfitzner.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

GOODS SECURITIES (HIGHWAYS FUND) AMENDMENT BILL

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

WRONGS (PARENTS' LIABILITY) AMENDMENT BILL

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

ADJOURNMENT

At 11.52 p.m. the Council adjourned until Thursday 21 November at 11 a.m.