LEGISLATIVE COUNCIL

Tuesday 10 November 1992

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Business Franchise (Petroleum Products) (Fees) Amendment

Equal Opportunity (Employment of Juniors) Amendment

Land Tax (Rates) Amendment

Local Government (City of Adelaide Wards) Amendment

Pay-roll Tax (Exemptions) Amendment

Police Superannuation (Miscellaneous) Amendment

Racing (Dividend Adjustment) Amendment

South Australian Country Arts Trust

Statutes Amendment (Commercial Licences)

Summary Offences (Road Blocks) Amendment

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to the following question, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* No 10.

WOMEN, MINISTRY

10. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage:

1. What is the estimated cost of establishing the new Ministry for the Status of Women?

2(a) What is the fate of the office of the Women's Adviser to the Premier?

(b) Is it to be renamed, restructured and relocated and if so, at what cost?

3. Will the women's advisers currently located in various departments be transferred so they are responsible to the Minister in her new role?

The Hon. ANNE LEVY: The replies are as follows:

1. It is anticipated that the Minister for the Status of Women will require the appointment of an officer whose function will be to liaise with women and women's organisations within the community as well as with the renamed Women's Information and Policy Unit (WIPU) and other Government agencies. The cost of such an officer will be in the normal range for officers with liaison duties and will be found by reallocation. No other costs are anticipated.

2(a) The office of the Women's Adviser (now WIPU) will remain in the Department of the Premier and Cabinet. The office will retain its important advisory and policy function within the central department.

The office will have a dual reporting role, advising the Minister on issues and providing support with background material and research. In order to reflect this dual reporting role, the previous Women's Adviser to the Premier is now known as the Women's Adviser to the Premier and Cabinet.

(b) The office of the Women's Adviser to the Premier and Cabinet has been renamed the Women's Information and Policy Unit. This name will convey a clearer description of its function to women in the community.

3. No.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 1991-92—

Attorney-General's Department

Correctional Services Advisory Council

Department of Correctional Services

Listening Devices Act 1972

South Australian Multicultural and Ethnic Affairs Commission and Office of Multicultural and Ethnic Affairs

Legal Practitioners Act 1981—Regulations—

Practising Certificate Fees.

Professional Indemnity Insurance Scheme Amendments.

By the Minister for the Arts and Cultural Heritage (Hon. Anne Levy)—

Reports, 1991-92—

HomeStart

Libraries Board of South Australia

Office of Tertiary Education

Parks Community Centre

West Beach Trust

Beverage Container Act 1975—Regulations—500ml Container.

ETHNIC AFFAIRS

The Hon. BARBARA WIESE (Minister of Transport Development): I seek leave to table a ministerial statement on behalf of my colleague the Minister assisting the Premier on Multicultural and Ethnic Affairs about the use of the term 'ethnic'. The statement is being delivered in another place.

Leave granted.

STATE BANK

The Hon. C.J. SUMNER (Attorney-General): I seek leave to table two ministerial statements that have been given in another place by the Treasurer, one on State Bank salaries and the other on State Bank of South Australia disclosure of customer information.

Leave granted.

QUESTIONS

PROSECUTION POLICY

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

Leave granted.

The Hon. K.T. GRIFFIN: An important prosecution issue has been drawn to my attention, and it arises in

relation to a particular case. It is not appropriate for me to name the person who is the defendant in the case, because the matter has not yet been to court, but the defendant is a well-known business person whose name I will give to the Attorney-General to enable him to follow up the issues that I raise. Earlier this year, several groups of people were picnicking in a public park. Several people in one group were throwing a frisbee which at one stage hit a woman in the other group on the back of the head. She was obviously distressed and her husband was understandably very angry and is alleged to have moved in a threatening manner towards the group from which the frisbee thrower came. Prior to this, a young woman in the group from which the frisbee thrower came, although she was not involved in the event, retrieved the frisbee and took it upon herself to apologise to the woman who was hit by the frisbee, and she returned to her group.

As the husband of the woman who was hit by the frisbee advanced towards the person whom he believed to be the frisbee thrower, the same young woman came between him and her group and tried to calm the man down, but she says he threw two punches at her, one to her face which connected, and one to her stomach which also connected and which winded her and caused her to fold up on the ground and as a result of that she suffered some bruising. The matter was reported subsequently to the police. They said they would not proceed unless they had a good case. They subsequently investigated the matter and did institute proceedings which I understand were to have been heard next month. Some 10 witnesses were to be called by the prosecution in that case.

I have been informed that the police have now decided not to proceed. One of the reasons is that the defendant proposes to call two Americans who were at the scene and who have since returned to the United States. The reason which the young woman has been given by police for deciding not to proceed is that if police are not successful in their prosecution they will have to pay the defendant's costs, which will include the costs of the two Americans. The defence also proposes to call three other witnesses. As I understand it, there is also concern by the police about the cost of running the case in court for five days and the consequent costs of that. A suggestion has also been made but not verified that another factor in the police decision is the identity of the person who is the defendant. The young woman and her family have contacted me and are very concerned about this turn of events, particularly because police have previously told them they have a very good case. My questions to the Attorney-General are:

1. Will he investigate the case to determine whether the case will not now proceed and whether that decision is based solely on a concern about payment of costs if the prosecution is unsuccessful, or is related to other matters? Will he arrange to have the decision not to proceed reviewed, in any event?

2. What is the policy in relation to prosecutions—will they not proceed if there is a possibility that higher than normal costs may be incurred or if the case will take longer than a normal time to deal with in court?

The Hon. C.J. SUMNER: I will not investigate the matter: it is prosecution policy that, obviously, the police have taken. However, I will refer the matter to the Director of Public Prosecutions and, if need be, to the Minister responsible for the police, to obtain a report.

The Hon. K.T. Griffin: I am happy with that.

The Hon. C.J. SUMNER: Almost certainly, the decision would not have been based on the identity of the person who was originally charged. As to the policy on prosecutions, the honourable member will be aware that at the time the Director of Public Prosecutions was appointed he issued publicly—and I tabled in this Parliament—guidelines for prosecutions which he would follow and which are basically the same as the guidelines which are applicable at Commonwealth level and which are used by other Directors of Public Prosecutions around Australia.

I assume that the South Australian Police Department will follow similar guidelines. Obviously, the most important thing to be taken into account in this area is the public interest and, undoubtedly, one of the factors that is weighed up in some circumstances is the public interest in pursuing a case as opposed to the cost that might be involved in it. If we have a relatively minor case that might take three or four months and involve massive costs to taxpayers, a discretion might, in some circumstances, be exercised not to proceed with the matter.

I am not saying that that is the case in the matter the honourable member has drawn to the attention of the Council. Nevertheless, guidelines are laid down for the prosecution of cases; they are publicly available; and I assume that the police will follow them. However, I will refer this matter to the Director of Public Prosecutions, initially, for a report on the matter and, if need be, will follow it up with the police.

GRAND PRIX

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Transport Development a question about Grand Prix bus schedules and fares.

Leave granted.

The Hon. DIANA LAIDLAW: This morning by priority mail I received two letters from residents of Valley View who want me to do something about what they describe as the debacle of STA transport last Saturday evening. The first letter, from a Mrs Thorgersen, reads as follows:

> On Saturday 7 November 1992, my husband, our neighbours and myself decided to attend the Grand Prix street party. Our next decision was what mode of transport to take: car, public transport or taxi. We all arrived at public transport, as it was such a pleasant evening, so off we trotted to the bus stop to catch the 7.35 p.m. bus. On arrival at Paradise interchange, we were advised by the driver we had to disembark from the bus and catch the next one that came along...The next scheduled bus arrived and was so full that conservatively 12 people embarked.
>
> In the meantime, the queue was getting longer and frustration were beginning to be heard. However, along came a bus and we all calmed a little. This bus, the 550, dropped off passengers and closed his doors as he was scheduled to turn around and link up with a bus from the city.

According to Mr and Mrs Harvey, my second correspondents, that bus sat at that stop for 15 minutes while the queue grew longer. The letter continues:

At this point, I would estimate that 150 passengers were waiting for public transport. I personally approached and spoke to the 550 driver and he advised me that he had spoken to the STA to advise them of the situation and was told 'Thank you very much' and hung up on. He was quite embarrassed by the happenings. The next bus to arrive was a 542. That was full, but the driver had the decency to let us know that am empty bus was on its way—hooray!

He said the bus arrived and people clambered aboard through exit doors as well as the correct entrance, just to get to their destination.

In describing this same incident, Mr and Mrs Harvey said:

Pandemonium broke out. Both rear doors were held open and people just scrambled on, many not paying and many in the queue did still not get on.

Mrs Thorgersen goes on to say:

The time—8.30 p.m.—so for approximately 45 minutes 100-150 people were left in limbo and yet the media, police and politicians are constantly telling the public 'Don't drink and drive' and 'Support public transport.'

I guess the irony of the story is that the cost for our neighbours and ourselves to travel this disgraceful journey was $10.80 and a taxi that would have picked up and delivered us to our destination without all the hassles would have totalled $13.

I know what mode of transport we will be taking in the future.

Of course that is not the STA bus service. I ask the Minister: will she undertake to speak to the STA to ensure that at the next Grand Prix the STA schedules more buses at all times, and particularly in the evenings, to cater for people who wish to travel to and from the event and the festivities? Will she ensure that the STA undertakes a promotional campaign prior to the Grand Prix to inform people of the extra STA vehicles operating for the duration of the Grand Prix? Indeed, another suggestion has been put to me in relation to the Grand Prix and the STA, and I would like to ask the Minister if she can advise if the STA has ever explored with the Grand Prix board the merits of including the price of STA travel to and from the Grand Prix in the price of a general admission ticket, and possibly the price of a silver or gold pass?

The Hon. BARBARA WIESE: As I indicated in response to a question asked of me last week about public transport during the Grand Prix weekend, it has been the practice of the State Transport Authority since the inception of the Grand Prix to schedule additional services wherever possible to encourage Adelaide residents to use public transport rather than take their cars into the city area over the course of the Grand Prix weekend. I did not have the details with me last week when I was asked about advertising of these additional services but have since been given some of the material that has been used to advertise the services that were available, particularly the late night services, during this past weekend. In fact, on the very day that the Hon. Mr Dunn asked me a question about such services there was almost a quarter-page advertisement placed in the Grand Prix special liftout in the *Advertiser* which advertised the availability of these services during the course of the weekend. Also, on the weekend before the Grand Prix the *Sunday Mail* included similar advertising material. Also, information was provided in other forms of the media encouraging people to use public transport.

It is always very difficult in circumstances like these for the STA to predict in advance just how many people will want to use public transport for such events as we have experienced during the past weekend, and it is also difficult, in making predictions about how many people might want to use services, to establish exactly which parts of the metropolitan area are more likely to require additional services than others. It is not surprising, then, that in some areas, as was apparently the case at Paradise on Saturday evening, there may be delays or holdups for people who wish to use public transport.

That is of considerable concern to me because I think it is highly desirable that we encourage people to use public transport or taxis for these events. I would like to see the STA get it right as often as it possibly can in putting together its rosters and schedules for such events.

For future weekends such as the Grand Prix I will want more information from the State Transport Authority as to how decisions are reached on the scheduling of services and on what basis it makes its predictions for the rostering of buses and staff so that I can be assured that the decisions that are made by its management are as good as they possibly can be, bearing in mind the constraints and uncertainties which I indicated will always be there—the fact that it is very difficult to predict just what the demand will be; that fact that it is affected by weather; and a whole range of things—and which determine how many people may wish to use services on any one day. With special events like these it is even more difficult to make such predictions.

As to the third question asked by the honourable member concerning the idea of including the price of public transport costs within a package of Grand Prix tickets, I am not sure whether that has been discussed previously by the STA with the Grand Prix office but, if such a package were feasible, it might very well give the STA more certainty in making the predictions it needs to make about the possible usage of public transport during events such as the Grand Prix. It is certainly a matter that I will refer to the STA management for investigation.

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: Yes, as the honourable member indicates, it could also promote the State Transport Authority in a more positive light, and anything that achieves that is certainly something very worthwhile pursuing and is one of the aims that I have as Minister of Transport Development. I will refer that matter to the State Transport Authority and ask management to investigate whether that is a feasible proposition.

MUSIC EDUCATION

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education a question about the Open Access instrumental music program.

Leave granted.

The Hon. R.I. LUCAS: My office has been contacted by several South-East parents who are incensed at the

Education Department's plans to axe musical instrumental tuition for around 200 students in isolated areas of the Upper and Lower South-East. Parents place great value in securing instrument tuition for their children, many of whom had not even seen a trombone or keyboard until the Open Access instrumental music program began about 18 months ago.

Many of the parents have spent up to $200 a year hiring instruments for their children, while other parents have given their own time assisting the lecturers as student supervisors at many of the isolated schools.

The music program was established in Naracoorte about 18 months ago, and it is staffed by one full-time and one half-time teacher. The full-time teacher provides tuition by the Education Department's DUCT system, a two-way system with microphone and mixer that enables up to 10 students at isolated schools to take part in music lessons through headsets and a conventional telephone line. Students who previously had no access to musical instruments in their schools have been able to learn brass and woodwind instruments through this system.

Parents say that, two weeks ago, they learnt that the department had decided to axe the full-time teaching position. From 1993 that teacher will return to the classroom at a Naracoorte school, and this will effectively close the DUCT program just 18 months after it began. Parents have said that it is ludicrous that a program which has been using technology to overcome the tyranny of distance and which has drawn praise from the former Minister of Education and attracted Federal Government funding for equipment is to be axed. They say the decision flies in the face of the department's so-called 'social justice principles', and its new three year plan which has as its focus better services to country schools. My questions to the Minister are:

1. Will the Minister explain why the department has decided to axe the Naracoorte DUCT open access instrument program just 18 months after it began?

2. Does the Minister concede that the axing of the DUCT program in the South-East would be regressive given the large number of students who would be inconvenienced and insensitive to the investment in time and money made by parents and teachers towards the program?

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

PRISONER, DRUGS

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Correctional Services, a question about allegations of a heroin drug ring in Yatala Labour Prison.

Leave granted.

The Hon. I. GILFILLAN: I have been informed that a major drug ring supplying heroin is operating within Yatala Labour Prison involving a senior Correctional Services officer and two prisoners. I am told by sources within Yatala that a Correctional Services officer has organised the drug ring, which smuggles large quantities of heroin into the prison to be distributed to other prisoners in exchange for payment to outside accounts. My sources have indicated to me that two prisoners are responsible for the distribution of the drugs within the gaol and receive payment of several hundred dollars a week from the ring leader. A Correctional Services Officer running the organisation is believed to receive several thousand dollars a week from the illicit trade.

The system operates by prisoners receiving a number or code when money has been deposited into an outside account, such as a TAB account. When they have sufficient credit built up in the account they can then purchase drugs from the organisation within the prison. The drugs are supplied via the two inmates operating as fronts for the Correctional Services ringleader. The outside accounts are then drawn upon by the Correctional Services officer, who uses them effectively to launder the money and avoid detection. The drug ring is well organised and takes active steps to discourage other groups from operating within the prison.

It has been alleged that inmates buying drugs from other prison sources are victimised by the use of official searches of their cells and personal effects involving the planting of drugs which, not surprisingly, are found during the searches. Current and previous moves for compulsory strip searches of visitors and restricting contact visits as means of reducing drug entry to our gaols would appear futile if these allegations of supply are correct. Incidentally, obviously these moves for strip searches and the restriction of visits is strongly resisted by inmates and their families, and if this allegation is correct they may be put to a lot of unnecessary stress and humiliation. The ring has allegedly been operating successfully inside Yatala for some time and is believed to supply drugs to approximately 100 inmates. My questions to the Minister are:

1. Can the Minister detail what methods are currently used to prevent drug supply and use within prisons in general but Yatala Labour Prison in particular?

2. How many cases of drug transfer and what quantities of drugs have been recovered as a result of prison visits in the past two years?

3. Will the Minister, as a matter of urgency, undertake an investigation to determine the operation of the alleged drug ring and bring back a report to Parliament?

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

STATE LIBRARY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about State Library opening hours.

Leave granted.

The Hon. L.H. DAVIS: Last week my colleague, the Hon. Diana Laidlaw, asked a question of the Minister about the reduction in the opening hours of the State Library of South Australia. I have received complaints from a small business operator and another member of the public, both of whom claim that the reduction in hours makes it much more difficult to access the library.

The number of hours that the State Library of South Australia is open each week has been slashed from 67 hours to 56.5 hours, that is, a 16 per cent reduction in the

number of hours. As from the end of September the library now closes at 6 p.m. on Tuesday, Wednesday and Thursday evenings instead of closing at 9.30 p.m. on each of those evenings, as was previously the case. This represents a loss of 10.5 hours. My inquiries reveal that the State Library of South Australia now opens far fewer hours than any other mainland State library. The New South Wales library is open for 74 hours (9 a.m. to 9 p.m. Monday to Friday; 9 a.m. to 5 p.m. Saturday; and 11 a.m. to 5 p.m. Sunday). The Western Australian library is open 62.25 hours, the Queensland library 61.5 hours, Victoria 59 hours and South Australia a miserable 56.5 hours. I understand that the library in Canberra is also open longer hours, although I have been unable to establish specific details.

The Mortlock Library is also only open 56.5 hours a week—dramatically fewer hours than its counterpart, the Mitchell Library in New South Wales, which is open 72 hours a week. The point made by my complainants is that, at a time of economic recession when information needs are greatest, library hours have been slashed. It is certainly at odds with the need for Australia to become a clever country if it is to compete successfully on world markets.

Increasingly, public libraries are offering vital information in planning and developing small business and in encouraging entrepreneurial activity. Many small businesses are working extraordinarily long hours to make ends meet during this grim and long economic recession. Not surprisingly, many business operators have been forced to use the library during the evening hours for valuable research. Quite clearly, library services need to be accessible if they are to be useful. There is simply no point in having the best collections and the best material if they cannot be seen by the very people whose needs are greatest.

The State Library of South Australia now offers many fewer hours of week night openings than any other mainland State. It is quite clearly a most unacceptable and unsatisfactory situation. My three questions of the Minister are:

1. Does the Minister accept the accuracy of the statement that the State Library of South Australia now trails all other mainland States in the number of hours that it is open each week?

2. Does she accept that this situation is satisfactory, particularly in view of the complaints of small business operators whose access to the library has been curtailed by the slash in the number of hours that it is open?

3. Does this reduction in the number of hours reflect the massive financial problem created in the State budget by the $3.1 billion loss of the State Bank of South Australia?

The Hon. ANNE LEVY: I thank the honourable member for his question, which enables me to add to the answer that I gave his colleague the Hon. Ms Laidlaw last week. He complains about the Mortlock Library hours being cut.

The Hon. L.H. Davis: I didn't say that the Mortlock Library hours were—

The Hon. ANNE LEVY: The Mortlock Library hours are now far greater than they were at this time last year or for many years when the Mortlock Library's hours were considerably less than those of the Bray Library—a fact about which the honourable member has complained in this place on numerous occasions. As from early this year (I am afraid that I cannot remember the date) the hours of the Mortlock were brought into line with those of the Bray Reference Library to give common hours for both parts of the State Library. When open a full service was available to visitors to the Mortlock unlike the previous situation where, although the doors may have been open, the specialist and research assistance was not available for users of the Mortlock at all of the times that it was open, reduced though those hours were.

We now have a situation where the Mortlock Library has exactly the same hours as the Bray Reference Library with a far greater service for users of the Mortlock Library than there was this time last year, despite the fact that the opening hours have been reduced since 28 September. I indicated the other day that, before making any decisions on opening times, the State Library undertook several surveys of users of the library and asked a number of questions of them. Over the past three years it has also undertaken regular head counts of the number of people in the library at various hours of the day to give it a very clear picture of usage. Certainly the usage pattern and the survey revealed that Friday evening was the evening of greatest demand although, as I said the other day, Tuesday evening came a fairly close second. Certainly of all the four evenings a week on which the library had previously been opened, Friday evening was the one of greatest importance.

Also very clearly from the survey was an indication of a preference for weekend openings as opposed to evening openings. The participants in the survey were asked whether they felt it was more important for the library to open during the evening or on the weekends—either Saturday, Sunday or both. An overwhelming majority indicated a preference for weekend openings. The same results obviously are clear from the head counts that have been done. A factor of 10 is evident in the difference in numbers—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —who were present in the library on the four evenings that it was open or the two days on the weekend that it was open. I am sure that the greatest needs of the South Australian community are being met by maintaining the weekend opening hours from 12 noon to 5 p.m. on both Saturdays and Sundays. Overwhelming support was evident for weekend openings in preference to evening openings in times of restriction.

The Hon. Ms Laidlaw suggested the other day that the library was unable to maintain the previous hours because its budget had been cut by $370 000. I have checked this statement and found it to be incorrect. The $370 000 is the sum that the library estimates it would need to maintain the opening of the library four evenings a week instead of one evening a week while maintaining weekend opening hours.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: If the honourable member would care to check the budget estimate papers he will see that the cut in the salary line for the State library was

only $190 000. In a total salary budget of over $6 million, this is a very small percentage indeed.

The deficiency arose mainly from the award restructuring which has occurred in the past 12 months at the State Library, as indeed in many other parts of the Public Service and throughout the community as a whole. So, it was not a cut in the budget which brought about the situation where the State Library felt it necessary to reduce its opening hours. As I indicated last week, the Libraries Board took the view that it was better to reduce the hours by cutting out some of the hours where there was least use of the library, as determined both by its head counts and its survey, rather than to cut the materials and acquisition budget, and that it was preferable to maintain the materials and acquisition budget so that the contents of the State Library would maintain the extremely high standard that it has always had and that the materials available would continue to meet the needs of the South Australian community as they have done so well in the past.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: Finally—and I think *Hansard* will show that my answer is not as long as the question—the honourable member spoke of the business information service

Members interjecting:

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

The Hon. ANNE LEVY: The honourable member mentioned the requirements of the business community. For quite some time the library has been offering a special information service for the business community where it will undertake a considerable amount of research and evaluation on request from members of the business community. That has been available for quite some time and is certainly still available for anyone in the business community who wishes to avail themselves of that service.

WOOLSTORE SITE

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about the State Bank's subsidiary, Beneficial Finance Corporation.

Leave granted.

The Hon. J.F. STEFANI: After the woolstore fire in Sydney in July this year, I raised the concerns expressed to me by many of my constituents about the security held by Beneficial Finance over a $35 million loan advanced to Himbleton Pty Ltd and the Essington group of companies. Through its solicitors, I have been informed by the State Bank that the loan was secured over the value of the site itself and that the first mortgage and securities were held over the store and land. We now know that the store has been demolished by fire. I have been further advised that a third party collateral guarantee was held by Beneficial Finance over the original loan. The first mortgage held by Beneficial Finance was registered on the property on 21 June 1989. Through the Valuer-General's office in New South Wales, I have established that the value of the site as at 1 July 1988 was $5.85 million. The current value for rating purposes for the period 1 July 1992 to 30 June 1993 remains unchanged at $5.85 million. Given that the State Bank believes it has a security for a $35 million loan over the land at the woolstore site, which is now valued at $6 million, my questions are:

1. Will the Treasurer advise what steps have been taken to recover the debt owing on the property?

2. What is the form of the third party collateral guarantee held by the State Bank and what actions have been taken to recover the debt from the third party?

3. What is anticipated loss, if any, that will be incurred by the State Bank?

The Hon. C.J. SUMNER: I will refer those questions to the Treasurer and bring back a reply.

OIL SPILL

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Primary Industries a question about testing of marine samples.

Leave granted.

The Hon. M.J. ELLIOTT: Several weeks ago some fishermen from the Port Pirie area sent samples of crabs to the Fisheries Department in Adelaide for testing. When found, the crabs appeared to have an oily coating and had holes burnt through the shell of their backs. I understand that dozens of crabs with similar problems have been found four to five kilometres east of the spread of the 30 August Port Bonython oil spill within the range of the dispersant spray. The fishermen have also sent a snapper to Adelaide which, when caught, was alive but so emaciated that its bones were visible through its skin. No results of testing on either the crabs or the snapper have yet been made available. The fishermen are concerned also that there appear to be no garfish at all in the region when they normally would be at this stage. Either they have all left the area or they are all dead. Garfish normally feed in the top three metres of water, and the fishermen are concerned that they, along with the crabs and the snapper, have been affected by the chemical dispersant sprayed to contain the 300-tonne oil spill. Concern has been expressed to me that the dispersant may be even more dangerous to wildlife than the oil. Nobody has been able to find out what are the chemical components of the dispersants. My questions to the Minister are:

1. What testing has been carried out on the samples sent to the department by the fishermen in Port Pirie?

2. What are the results of testing and what conclusions have been drawn from the results?

3. What are the ingredients of the dispersant used, and what work has been done to determine the effects of the chemicals on marine life?

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

SHIPPING SLIPS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Transport Development a question about coastal shipping slips.

Leave granted.

The Hon. PETER DUNN: Several local governments have brought to my attention that Marine and Harbors want the councils to take over the slips now used to raise ships of up to 80 tonnes from the sea. In the South-East this is done for a couple of reasons: one is maintenance and painting and the other is safety during the winter period when the seas are extremely rough. Port Macdonnell Marine and Harbors has been told to restrict the size of its vessels and/or sign an indemnity clause to protect Marine and Harbors should an accident occur. In the meantime, the Port Macdonnell local council has been asked to purchase the slip. Similarly, Streaky Bay has been asked to take over its slip, but the slip there needs over $80 000 maintenance to upgrade it. Marine and Harbors has said 'No' to spending the $80 000, but will not give an answer to the future of the Streaky Bay slip. In fact, it said it would drop it. Therefore, my questions are:

1. What are the Marine and Harbors plans for the retention and maintenance of slips in the fishing ports of South Australia?

2. Will it upgrade the slips and sell them or give them to local government or individual fishing groups?

3. In particular, will it make a more definitive decision with regard to the Streaky Bay, Port Macdonnell and Beachport slips?

The Hon. BARBARA WIESE: I believe that this matter is currently being reviewed by the Department of Marine and Harbors and I know that in the Port Macdonnell area the department's intentions to cease operating have caused some considerable local concern. I guess that the problems arising with these facilities are among the sorts of problems that are emerging in various parts of the public sector as we increasingly require our public sectors to rationalise and to operate more efficiently and more cheaply. These circumstances require a certain rationalisation of facilities to take place. I will need to seek an up-to-date report from the Department of Marine and Harbors about its latest plans for the areas to which the honourable member referred, and I will bring back a report as soon as I am able.

CREDIT CARDS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about credit card interest rates.

Leave granted.

The Hon. J.C. BURDETT: This matter has been in the media for some time, and yesterday's *Advertiser* reported the following:

> The Treasurer, Mr Dawkins, said yesterday he was sick of waiting for the States who had tried unsuccessfully for six years to develop uniform legislation to free up the credit card market...Since January, 1990, official cash rates have fallen from 18 per cent to 5.75 per cent while bankcard rates dipped only marginally from 25 per cent to 20 per cent.

Mr Dawkins is quoted as saying:

> 'I think the States have got to the point where they can't agree on what should happen in this credit card area... Everyone agrees that uniformity is essential and therefore if the States can't agree, obviously the Commonwealth must act'.

It is also reported that a spokeswoman for the Minister of Consumer Affairs (Hon. Ms Levy) said that uniform legislation between the States was the preferable option. She said:

> State Consumer Affairs Ministers were expected to meet as early as December to discuss the changes needed to allow banks to introduce upfront fees. The Ministers should be given the opportunity to discuss a Prices Surveillance Authority report on the issue before making a decision.

My questions to the Minister are:

1. Does she agree that the States have tried unsuccessfully for six years to resolve this problem?

2. Does she agree that the States have reached the point where they cannot agree?

3. Will the Standing Committee of Consumer Affairs Ministers (SCOCAM) meet in December on this matter?

4. Does the Minister agree, as her spokesperson implied, that the State Ministers should be given the opportunity to deal with the matter?

The Hon. ANNE LEVY: I can only agree that this matter of uniform credit legislation has been looked at for the past six years. Obviously, I have not been Minister for that time, but I understand from previous Ministers that the first discussions on uniform credit legislation throughout Australia were raised six years ago.

Uniform credit legislation covers many topics other than that of credit cards, which is just one aspect that has been discussed. I understand that at the last meeting of SCOCAM agreement was reached on a very large range of measures proposed for the Uniform Credit Act but that there remain two or three issues on which there are still differences between the Ministers. I should also indicate that SCOCAM does not consist just of State Ministers of Consumer Affairs; it includes the Commonwealth Minister, and the question of whether there should or should not be upfront fees for credit cards was a question on which the Commonwealth changed its mind a couple of years ago, having previously held a completely contrary view.

The Commonwealth Minister, of course, is present at SCOCAM meetings. As I recall my predecessor in this portfolio announcing to this Chamber, the last SCOCAM meeting agreed that the States would support a moderate upfront fee for credit cards provided that there was a substantial drop in interest rates charged on credit card balances but, whilst agreeing with that principle, the Ministers wanted information on the matter from the Prices Surveillance Authority.

They requested the Commonwealth Treasurer to make such a request of the PSA, and the PSA provided its report on this matter only a fortnight ago. Obviously, there has not been sufficient time for the Ministers to meet to discuss the implications of the PSA report since that time, but I hope that the Ministers will be able to get together soon in order to do so. Whilst the next regular meeting of SCOCAM is not scheduled until July of next year, I have spoken to the New South Wales Minister (the current Chair of SCOCAM) and suggested that a

SCOCAM meeting to discuss the PSA report would be highly desirable.

Whether and when such a meeting is called is at the discretion of the New South Wales Minister, and I await information from her as to whether there will be such a meeting. I understand that, through the media, she has suggested February, but if there is to be a meeting I would expect to be given official notification of it and not to need to rely on media reports as to the calling of a meeting of Ministers from around the country.

My position is that it would be highly desirable to have the interest rates on credit card balances reduced in the interests of consumers of this State. As I have indicated previously, this Government would be prepared to support moderate upfront fees for credit cards, provided that there was a substantial drop in the interest rates on outstanding balances of credit card accounts.

AMBULANCE SERVICES BILL

Adjourned debate on second reading.

(Continued from 27 October. Page 571.)

The Hon. DIANA LAIDLAW: This Bill is the culmination of many years of controversy that has plagued the St John Ambulance Service in South Australia, and I must admit that I address the Bill with a heavy heart and with some disgust, because the Bill formally ends the role of the volunteers in the delivery of St John Ambulance services in the metropolitan area of the State. Over a number of years I have observed the determined and often ugly push by many members, but not all members, of the paid employees' Ambulance Employees Association to get rid of the volunteer service providers. I actually recall asking questions on this matter back in March 1989 when I held the shadow portfolio of community welfare, and I was concerned at that time about the status of volunteering in this country, when one observed the ugly and harassing incidents from the paid employees that had to be endured from time to time by the volunteers. It had been my expectation that all of them were in the caring profession and that from such a profession one would not anticipate some of the ugly harassing tactics that volunteers had to endure. Not only did they have to endure such tactics but they appear to have been condoned by the Government, because we found in 1989 a decision by the then Minister of Health and Community Welfare, the Hon. John Cornwall, to get rid of volunteers from the metropolitan area in respect of the ambulance services.

I have taken an interest in this issue since at least March 1989 when I had the shadow community welfare portfolio and so it is with some feeling that I address this measure today. It is fair to say that what has unfolded in the St John Ambulance Service in recent years reflects the decline in individual and community values over the past decade. It is true that in terms of individual service, and particularly voluntary service, this mode of work should be encouraged, lauded and supported as a noble community endeavour. It should not be denigrated and then wiped out, as has been the case with volunteers serving St John in the metropolitan area. I have met with many volunteers in the metropolitan area and in the country areas over a number of years, and I would say without qualification that all the people I have met have served this State loyally and well for many years. It is also my belief that their devoted efforts have seen St John embraced throughout the State as an exemplary service organisation.

Its fund raising endeavours in the metropolitan area have been well supported over many years, because people have such respect for voluntary activities, and in particular the voluntary activities relating to ambulance services. One of my earliest memories of St John is at the Adelaide Oval when I used to attend the football finals, in particular to see Sturt, in the 1960s. At that time I always envied the young St John Ambulance volunteers who were allowed onto the oval, over the other side of the pickets, where as a spectator I was not allowed to go, because it meant that they were not only allowed to walk on that great ground but also able to be closer to the football action. But my envy did not get me far. I recall being told by my parents that the privileged position of those young ambulance volunteers from the brigade was small reward for the time and energy that they devoted to community service, and that if I devoted myself to such service as well I was likely to get closer to the footballers and football action. Community service was certainly impressed upon me from the earliest age.

In 1989, following a campaign of pressure by paid staff to get rid of St John Ambulance volunteers in the metropolitan area, the Australian section of the Grand Priory of the Most Venerable Order of the Hospital of St John of Jerusalem resolved to withdraw the St John Brigade volunteers from the ambulance service and to separate the ambulance service from all other St John activities. The Government then resolved, through the actions of the former Minister of Health and Community Welfare, Dr Cornwall, as I noted earlier, that the ambulance service be fully staffed by paid employees in the metropolitan area by 1993. Also it was decided that ambulance services with paid staff and volunteers in larger country centres would become fully paid services, but that a further 64 country services would continue to be operated wholly by volunteers. So today we have in the country some eight services that are staffed by fully paid officers and a further 64 wholly operated by volunteers.

This series of moves initiated by Dr Cornwall in 1989 has come about at enormous cost to taxpayers, at great cost to clients requiring ambulance services and at a great cost in terms of damaged public image and goodwill towards not only volunteering in general but in particular St John's. Today, multi millions of extra dollars are required for the delivery of ambulance services. I understand that the figure has increased from $15 million to $30 million, simply to operate the same style of service but with paid workers, not a mixture of paid and volunteer workers. We have also seen a decline in the quality and number of services that are operated. In fact, many would argue that the decline is a tragedy, when one considers the greater cost of operating these services. It should be noted by all honourable members that about five years ago fees for ambulance carriers were $120 a call plus mileage. Then, on 1 December 1990 new ambulance charging arrangements came into effect as

follows. For an elective carry the call out fee in the country was $82.60, with a kilometre rate of $2.20. In the city the call out fee was $110, plus $2.20 per kilometre. For an emergency call out in the country the fee was $82.60 with $2.20 per kilometre. It has been the emergency call out fee in the city area that has jumped so dramatically over the past few years, however. In five years the fee has jumped from $120 to $300. That is not the worst of the situation by any means, though. We now have circumstances where the call out fee is $385, having jumped from $300 in just a few months.

It will be worse in the near future because, from 1 July 1993, an emergency call-out fee for an ambulance will be $450. We have seen, in the space of three short years since Dr Cornwall, representing the Labor Government in this State in the field of health, decided to get rid of volunteers in the ambulance service, the call-out fee for emergency services State-wide jump from $120 plus kilometres to $450 as at 1 July 1993.

Some people might say that that is progress; I certainly do not believe so. I am pleased that I have not needed to call an ambulance in an emergency situation and that, if I need to call one, I have enough money to pay for insurance or for the emergency fee. However, I know that many people in the community do not have the means at their disposal to pay the cost of an ambulance today if they need one, especially in an emergency situation.

Most members in this place, all of whom have families, would know that one is most vulnerable in an emergency situation. One does not spend a lot of time thinking about the cost of the service: one simply calls an ambulance to make sure that one's loved one is taken to hospital as quickly as possible and attended to. It is only later that one realises that in the metropolitan area that service is provided by fully-paid staff and the cost is now $450, not $120, as it was prior to this change of arrangement.

I believe that what has happened over recent years is pretty devastating in terms of health care in this State. As a continuation of this sorry saga, we have this Bill, which I find equally as objectionable as the processes we have seen transpire in ambulance services in recent times. Not only have paid ambulance officers taken over the service in the metropolitan area and have forced us to pay more for less service but also they are seeking to entrench their monopoly as a service provider. I think that that is an absolutely odious move at a time when they are requiring vulnerable people in our community to pay more for their service when seeking to entrench their monopoly as a service provider.

The Hon. R.J. Ritson: They got there using fairly disgusting work practices, too.

The Hon. DIANA LAIDLAW: I am not as familiar as is Dr Ritson with respect to the work practices. I understand that he will be making a contribution to this debate, and I know that his contribution will be a learned one because he has had first-hand experience in this field. I am only speaking as a person who has been required to call an ambulance or see members of my family carried by ambulance in distressing circumstances. All I was keen to do at that time was make sure they got to hospital as quickly as possible. It was only later that we realised the cost of—

The Hon. G. Weatherill interjecting:

The Hon. DIANA LAIDLAW: It was supposed to be; that's right.

The Hon. G. Weatherill interjecting:

The Hon. DIANA LAIDLAW: In country areas, where there is a paid service, the Hon. Mr Weatherill will find that it is a worse service. I understand that in Mount Gambier there used to be two ambulances on duty, day and evening, and that now has been reduced to one ambulance because of the cost of the service. Therefore, people in that area do not have choice or quality—and if you do not have choice I would argue that you do not have quality of service; you just hope that there is not a major accident at the time or that one is not required to call on that service when somebody else is already occupying the ambulance.

I understand that the same situation applies in Murray Bridge (and these are two of the major centres where there are now fully-paid operations). I know that there have been dramas in the metropolitan area with respect to simultaneous calls for services at Noarlunga and McLaren Vale and that there have been considerable delays in the operation of this service.

I think that if the Hon. Mr Weatherill, who is a good man and who would genuinely wish to believe that there was an improvement in service, looks more closely he would find that that has not proven to be the case and that the people who have put this argument—the Ambulance Employees Association—have actually misled members opposite in relation to quality in having a fully-paid service.

I would be very pleased if the honourable member looked at the argument further because an increase from $120 a couple of years ago to $450 per call-out today—and that is not taking the kilometres into account—would lead one to believe that there would be a fantastic service today, a gilt-edged service perhaps, and one would also hope it would be a service that people could afford. I think that today on both counts it is highly questionable, and I would argue very strongly that what we have is a service for which we are being asked to pay more but for which we are receiving less care, attention, frequency and availability of service than was the case in the metropolitan area and in the eight country areas which now have fully-paid services and which are not as good as when we had a mixture of volunteers and fully-paid officers.

There are a number of matters that I would like to address with respect to the Bill, the first being the definition of 'ambulance', which is as follows:

> …a vehicle that has been modified and equipped and is staffed to provide medical treatment to patients being transported in the vehicle

I was interested to note in the other place reassurances by the Minister of Health that such a definition does not include hospital clinic cars or those operated by the St John Ambulance. This is important because it means that the definition of 'ambulance' is to be more confined than would appear at first reading. Certainly, it is to be more confined than that which appeared in the Bill introduced by the former Minister about a year ago.

So, the Government has tightened up on the wording of the definition, and the interpretation of the definition is to be further tightened following comments made by the Minister in the other place. What we have now with respect to the definition of 'ambulance' or a vehicle that

can be licensed as an ambulance is a vehicle that must clearly meet the standards for which it has been modified, equipped and staffed to provide medical treatment.

Any one of those qualifications is not sufficient to qualify the vehicle to be an ambulance and to be licensed as such: the vehicle must meet all those standards—modification, equipment and staffing—in order to provide medical treatment for patients being transported in the vehicle.

That definition, as explained by the Minister in the other place, will no doubt save hospitals in this State many tens of thousands, if not hundreds of thousands, of dollars, because they will not have to license their clinic cars, and the clinic car services will certainly be able to be put out to competitive tender. For cash strapped hospitals, that will be a subject for some rejoicing.

In respect of clause 6 and the issue of licences, the Government has a further explanation to provide on what it means by the words 'a high standard' in clause 6(1)(a), which provides:

> The person has the capacity to provide ambulance services of a high standard and is a suitable person to hold a licence in all other respects.

The people who have spoken to me in respect of this licensing arrangement have questioned who is to define the standards and how they will determine what is a high standard; they are indeed anxious about this matter.

I intimate that I will move amendments to delete clause 6 (1) *(b)*, which seeks to entrench the current monopoly on the provision of ambulance services held by St John. It is our very strong view that monopoly operations, whether they be in the private or public sector, are unacceptable in terms of providing quality of service and value for money. I certainly believe that, as we now see the escalating price for emergency call-out fees to be $450 by 1 July 1993, competition is one way in which we can start challenging that price, which is getting beyond the reach of almost everybody in the community other than the exceptionally wealthy. The Opposition will therefore move to remove that monopoly provision, and I hope that we will have the support of the majority of members in this place for such action.

It is actually quite unacceptable, when one looks at a number of measures in this Bill, to see that the Minister is prepared even to suggest that a licence would not be granted if it was 'likely to have a detrimental effect on the ability (including the financial ability) of an existing licence-holder to provide ambulance services of a high standard'. Of course, competition will affect the financial ability of any company, but that does not mean that it is not a healthy step in the interests of service standards and those of consumers. It is also of interest to me that this monopoly provision is acceptable to the Minister of Health and to the Government when the Minister and the Government are partners in the provision of a service that the Minister is going to licence. That quite blatant conflict of interest which is provided in this Bill should be opposed by members in this place.

The governing body of the association is outlined in clause 12. I commend the member for Adelaide in another place, Dr Armitage, for his work in relation to negotiating this Bill and also in persuading the Government in the other place to include in this legislation reference to a governing body and, in clause 13, reference to an advisory committee. However, I am seeking to further amend the membership of this governing body. The Bill currently reads:

> *(a)* three members nominated by the Minister one of whom will be nominated by the Minister to be the presiding officer of the body;
>
> *(b)* four members nominated by the Priory one of whom is a serving volunteer ambulance officer and one of whom is serving as a volunteer in the administration of the provision of ambulance services;
>
> *(c)* a member of the Ambulance Employees Association nominated by that association;
>
> *(d)* a member nominated by the United Trades and Labour Council;
>
> and
>
> *(e)* a person nominated by the Minister and the Priory who has knowledge of, and experience in, voluntary work in the community.

The amendment that I will move would reduce from four to two the number of members nominated by the priory and would also seek to ensure that the serving volunteer ambulance officer, who would be a member of this committee, was actually elected by serving volunteer ambulance officers and that the member who was to serve as a representative of volunteers in the administration of the provision of ambulance services would actually be elected by persons who were serving as volunteers in the administration of the provision of ambulance services.

I have distinguished between the two members nominated by the priory and the other two measures in respect of volunteer ambulance officers and volunteers in the administration of the provision of ambulance services because I believe it is unacceptable that every other group that can appoint a member is able to do so by nominating their own representative but, when it came to the volunteers, they were to have no say, and it was the priory that was to nominate those volunteers. That is unacceptable, and the volunteers who are operating those services in country areas should be entitled to elect their representatives.

I understand that in the regulations under the current Act there is provision for the election of a volunteer ambulance officer to the current advisory committee and that that election is conducted by the Electoral Commissioner. Each person who is on the nominal roll as a volunteer ambulance officer is able to vote for whom they would wish to be their representative on the advisory committee. It is possible that in the regulations under this new Act that same system of election could be followed. It is also possible that at each branch level the volunteer ambulance officers could elect their representative to the regional council and there are 10 regional councils in this State and that at the regional council level they would then elect one person to represent that region; then the 10 volunteers elected from each region would meet and vote for their one representative to serve on this governing body of the association.

Likewise, there is every reason to believe that the person who is serving as a volunteer in the administration of the provision of ambulance services would be elected by means of branch AGMs through to the regional bodies, with people at the regional body level or beyond electing their one representative. Maybe it would not be as democratic as having an open ballot of all volunteers, either serving as ambulance officers or in the administration area, but certainly it would be less costly

than a full plebiscite; those matters could be determined by the Government in negotiation with those two volunteer bodies.

I do not accept by any means that the volunteers in charge of the operation of ambulance services in country areas should be placed in the invidious position of being unable to elect their own members to serve on this governing body and that they are simply at the whim of the Priory which will, as suggested in the Bill, be nominating a volunteer ambulance officer or a volunteer serving the administration of the provision of ambulance services. That area needs to be cleaned up. Nevertheless, I commend the shadow Minister of Health, the member for Adelaide, for at least gaining Government support in having reference to the governing body inserted in the Bill.

It is unusual, when one sees a governing body, as outlined in the Bill, followed by none of the usual provisions about length or term of office, remuneration, duties, dismissal or other provisions usually standard in similar Bills on statutory authorities. I have been assured that this rather lean reference to the governing body of the association follows from the fact that this new governing body is to be incorporated under the Associations Incorporation Act and therefore it will be the constitution that addresses all matters traditionally addressed in any Act of Parliament for a governing body.

The clause 13 amendment relates to the advisory committee and was addressed by the member for Adelaide and accepted by the Government in another place. On behalf of the Liberal Party in this place, and arising from further representation from volunteers in country areas, I will seek to move the amendment to clause 13. We wish to see this advisory committee comprise members of both volunteer ambulance officers and volunteers associated with or involved in the administration of the provision of ambulance services. They are quite distinct groups within country areas in terms of the operation of ambulance services and both should be noted as having representation on this advisory committee.

Certainly that is so when we see in the clause above, in terms of the governing body, that provision exists for both volunteer ambulance officers and volunteers serving the administration of the provision of ambulance services to be represented on the governing body and it is highly appropriate and most important that both are represented on the advisory committee. I will also be moving an amendment to clarify this in respect of the advisory committee, so that it will simply address volunteer ambulance services in country regions and not all ambulance services in country areas. The distinction is important because we do not believe that volunteer ambulance officers or those volunteers associated with the administration should be addressing the issues of the fully paid ambulance services operating in country areas.

My last amendment relates to the schedule, in which I will be seeking to leave out the words 'for 12 months after repeal of the Act' and insert the words 'until surrendered by the holder of the licence'. We have eight services in country areas experiencing considerable anxiety about moves after 12 months to repeal the licences of those operations. The Minister in another place said that that would not automatically happen—it would only be if they did not meet certain standards. We believe, however, that it is important to clarify this matter and that the licences should not be repealed until surrendered by the holder of the licence. That gives some confidence to the providers of those services and provision certainly exists in clauses 7 and 8 of the Bill in terms of conditions and revocation of licences to give the Minister ample opportunity to revoke those licences if they were not meeting high standards as set out in the Bill and to be further established by regulation.

With all the rumour, innuendo and ugliness that has pervaded the ambulance services in this State for some time, we should be looking at clarifying the status of these licences currently operating for ambulance services in country areas. I have little more to add at this time and simply repeat that it has been distressing to witness the lead-up to the changing nature of ambulance services in this State to a fully paid service in the metropolitan area. It has been distressing to see the consequences of it in terms of the withdrawal of services in many areas and the skyrocketing costs of all services since fully paid officers took over the delivery of services in the metropolitan area. With a heavy heart and considerable misgiving I indicate that the Liberal Party supports the second reading of the Bill and signal that we will be moving amendments to improve the Bill.

The Hon. BERNICE PFITZNER: My short contribution will emphasise the volunteer group. This Bill will provide for a new entity—the South Australian St John Ambulance Services Incorporated—to operate ambulance services previously under the Priory in Australia—the Grand Priory of the Most Venerable Order of the Hospital of St John of Jerusalem. As a previous medical practitioner, one is always aware that ambulance services are essential to a good health system. St John in Australia is synonymous with a good ambulance service. It is sad that a large part of the volunteer section has been abolished and that the salaried workers have largely taken their place.

The Bill calls for an appropriate balance between the St John Ambulance Brigade volunteer ambulance officers and salaried ambulance officers. It now appears that the appropriate balance is that the metropolitan area will be fully manned by salaried staff and that the country component will have volunteer staff, except perhaps in the larger country centres where the salaried ambulance officers will again be in control. In all areas of the health service I have noticed that, whenever volunteers have contributed, the service has been of a high standard but, more particularly, the attitude of volunteer workers has always been wholehearted and positive and they do the little extra that takes the service from being just good to being excellent. I am concerned for the well-being of the volunteers now that they are relegated to the country areas and, what is more, in possibly smaller and more remote country community centres where, perhaps, the salaried staff are reluctant to go—a bit like the rural doctors, I could say.

I do feel that we have to give our volunteer staff encouragement and acknowledgment. Volunteers perform their service because they like the type of work and because they want to contribute to the community. Remuneration has no part in their consideration.

Therefore, it is with some relief that an advisory committee of the volunteer country ambulance officers has been accepted. It would be better to have the volunteer administrative officers as well, and my colleague has indicated that she will move some amendments to put this into effect. Further, there is some concern that this committee has only an advisory status to the governing body, which in my opinion is weighted in numbers more to the salaried staff. I hope that, in spite of their small numbers having only a minor representation on the governing body, this advisory committee will have some teeth to raise and pursue country issues effectively.

The other area of concern is the power that the entity will have against other new licensed applicants if it so chooses. This potential monopoly for the new entity is of concern. Of course, there will be a tendency to be prejudiced towards one's own current licensee. This potential should not be allowed. The general principle of this Bill is to be supportive, but one must be assured that the country volunteers will not just be an adjunct to the salaried staff and the volunteers not be given inferior facilities, conditions and functions. The volunteers should be equal partners with the salaried staff in all ways. Connected to volunteer staff is the name of St John. As such, this name should always be included in the description of this new ambulance service. The community will be more likely to support an ambulance service that is identified and linked with St John than it will a solely State entity. Indeed, at present, the community is unlikely to provide donations to a fully State-run service, be it a bank or be it an ambulance service.

It is to be acknowledged that the country volunteers have provided substantial funds to the central country capital reserve and, I understand, to the amount of hundreds of thousands of dollars. This is done through donations because of the good name of St John and not because the ambulance service is run by the State through its salaried staff. Because of this goodwill, I believe that the name of St John should always be attached to this new entity. With these concerns identified, I support the general trend of this Bill in its second reading.

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

STATUTES AMENDMENT (RIGHT OF REPLY) BILL

Adjourned debate on second reading.

(Continued from 21 October. Page 522.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. For quite some years there has been some controversy about when an accused person should have the right of reply, and some rather complicated rules have developed over the years which provide, generally speaking, that, if the defendant does not call evidence other than evidence of character and give evidence on his or her own behalf, the defendant has the right to address the court last, following the prosecutor but, if the defendant calls other witnesses, the prosecution has the right to address the court last, following the defendant. In his second reading report the Attorney-General indicated that there was a very strong view at the criminal bar that the right of reply of the defence is a fundamental right. They argue it is as fundamental as the presumption of innocence and the privilege against self-incrimination. There may well be some debate about that.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: As I said, there may well be some debate about that, but that is certainly what the Attorney-General indicated was the belief of the criminal bar. Some 20 years ago the Mitchell committee addressed the issue and recommended that the accused have the right of reply, whether or not the accused calls evidence. It also recommended that, where the accused, although unrepresented, indicates that he or she intends to address the jury, the Crown should address the jury at the close of any evidence for the defence. The Mitchell committee argued in its proposition that, if the evidence brought or proposed to be brought by the defence was material, nevertheless a decision may be taken by the defence not to call that evidence because it was assessed that the right of reply was more important than calling the material evidence. The Mitchell committee expressed the view that the right of reply should not be determined by the fortuitous calling of evidence or otherwise. It states:

> What we are most concerned with is that the court should not be deprived of the opportunity to hear material evidence merely because the calling of it would deprive counsel for the accused of the right of reply. In so far as the accused has, at present, the supposed advantage of the final address by counsel we find no reason to deprive him of it. We believe therefore that the right to the final address should be extended to trials in which the accused calls evidence.

So, while this Bill provides a relatively straightforward amendment, nevertheless it does make a significant change to the rights of an accused person and provides that in all cases the accused shall have the right to address the court after the prosecution. One must remember that, following that, will be the summing up by the trial judge to the jury, and I suggest that that is the most important of the three addresses. It may be that the jury is persuaded by defence counsel or by prosecuting counsel but, generally, it does rely heavily upon the final summing up by the trial judge. So, there is an ultimate protection there against any form of misrepresentation of the evidence in the final addresses, whether by the Crown or by the accused.

The Attorney-General states that the issue did arise during discussions on the courts' restructuring package and that it was deemed appropriate to deal with it separately. I suspect that it arose in the context of dealing with the committal proceedings, which were to be somewhat abridged as a result of the package. However it arose, I think it important that it be dealt with in the way that is now before us.

There was some suggestion from some of the criminal bar with whom I had discussions that this was an issue that went back as far as the issue of the abolition of the unworn statement, and that this was really the final cog in that wheel. Whether or not that is the case, I am not sure. Certainly, I have some recollection of the issue being raised at the time.

There is only one other matter to which I would like the Attorney-General to give some response, and that is the attitude of the Director of public prosecutions. The

Attorney-General indicates in his second reading explanation that the Bill has been the subject of considerable consultation, including consultation with the Director of Public Prosecutions. If he will give some indication as to the view of the Director of Public Prosecutions, I would appreciate that. Notwithstanding the view of the Director of Public Prosecutions, the Liberal Party has decided that the amendment has merit and ought to be supported, and I am therefore pleased to be able to do so.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member and the Opposition for their support for this Bill. The present and so far only Director of Public Prosecutions supports the Pill. However, it is true to say that an earlier Crown Prosecutor was opposed to the defence having the right of reply in all cases, and the police have also expressed their opposition to it. The specific answer to the honourable member's question is that the current Director of Public Prosecutions supports it.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Substitution of section 288.'

The Hon. K.T. GRIFFIN: In his reply the Attorney-General said that there was opposition to this proposal from the police and from an earlier Crown Prosecutor. Is the Attorney in a position to indicate the reasons why both the police and the former Crown Prosecutor were opposed to the amendments?

The Hon. C.J. SUMNER: There was earlier discussion about this in 1985, following the decision by Parliament to abolish the unworn statement and, during the ensuing consultation, the Crown Prosecutor, the Commissioner of Police and the Corporate Affairs Commission counsel were firmly opposed to the measure, whilst the Legal Services Commission, the Law Society, the Chief Justice, Chief Judge, Chief Magistrate and most, but not all, of the criminal bar were in favour of it.

The basis of the objection from those opposed to it was that it gave an unreasonable advantage to the accused person. In fact, at that time the views of the Solicitor-General were sought, and he concluded as follows:

> Generally, the right to address last is advantageous. In a trial the prosecution will usually have the advantage of greater resources but, in my opinion, the advantage is not as great as it used to be, now that legal aid is more extensively available. The defence has the fundamental advantage of the presumption of innocence and the requirement of proof beyond reasonable doubt. It also usually has the advantage of a committal. Weighing up these respective advantages and the traditional role of the prosecutor as to one who must preserve the balance, should the defence be given one further advantage or should the gaining of that advantage be left to be determined by the question of whether or not witnesses other than the accused are called. In short, while I am not persuaded that the present practice represents the demonstrably right procedure, nor am I persuaded that there is a case for change.

I suppose that could best be described as sitting on the fence. However, following that, no further action was taken to pursue this reform. The honourable member is correct in saying that when we altered a number of provisions relating to criminal procedure in the courts package, including the committal procedure, it was felt that, given that the unworn statement had been abolished and that the right of the accused to cross-examine on committal proceedings had been reduced by the courts package; that given that balance of advantage to which the Solicitor-General referred—and it should be noted that he did refer to the committal proceeding as being one balance of advantage to the accused which had now been to some extent modified—the Government felt that, in light of that, it was reasonable to proceed with this reform, particularly given that the DPP now supported it.

I should say that I was perhaps misrepresenting the most recent position of the police, to some extent. In a minute from the Police Commissioner referring to the Cabinet submission, which discussed the proposal at length (and most of the arguments have been canvassed already in this debate) the Police Commissioner states:

> It should be noted, however, that the commentary deals only with the effects in the superior courts. The advantages and disadvantages experienced in that jurisdiction may well differ in the lower jurisdictions. The powers of persuasion of advocates before juries should not have the same power before a magistrate who is expected to have the ability to try issues of fact. However, this is not always the case before Justices of the Peace. There are concerns that, as the recommendation stands, the ability of the prosecutor to correct misquotation of evidence or interpretation of precedent will be removed.
>
> It is argued that the prosecutor, police or legal practitioner are officers of the court and, therefore, have the responsibility and right to correct inaccuracies. Any change to the law should reflect this.

He then goes on:

> I am unable to mount any reasonable argument based on sound legal or common sense grounds to oppose these legislative changes.

So it looks as though the police also have changed their opinion. He continues:

> However, I consider that a third recommendation be made, enshrining the practice of making proper objection to inaccuracies in addresses.

When Cabinet considered the matter it did ask that consideration be given to that issue during the drafting stages. I am advised by the officers involved in this exercise that that issue was considered and that people who were consulted about the Bill did not think there was any problem at the moment with counsel getting objections to inaccuracies in addresses and that the prosecution counsel would have that right after the address of defence counsel in the normal way, and that it was not a problem. Therefore there was nothing relating to that included in the Bill.

I do not see the problem relating to justices of the peace as being a major one and therefore have not given great weight to those comments. However, it does seem now that the prevailing view, from almost everyone at least, is that the Bill should pass. The fact of the matter is that the previous system was quite anomalous. There was no real basis for it, and at least now, once this Bill has passed, there will be a clear-cut rule.

Clause passed.

Clause 5 and title passed.

Bill read a third time and passed.

SUPPORTED RESIDENTIAL FACILITIES BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 556.)

The Hon. R.J. RITSON: The Liberal Party supports the second reading of this Bill and supports the principles which are both behind the Bill and expressed in the Bill. There is agreement that there is an increasing need to assure the standard of personal care in residential institutions. The effect of this Bill is to prohibit the rendering of such care, either for charitable reasons or for profit, by persons other than persons licensed pursuant to the Bill, in premises so licensed. As I say, the Liberal Party has no objection to this. The curious thing about the Bill which I would like a Government response to is that the licensing authority is extraordinarily diffuse.

Local government has this authority, by and large, and local government has resources, such as health inspectors and building inspectors, and particularly it has the knowledge on the ground as to what is happening or what should be happening in various retirement villages, nursing homes, hostels, boarding houses etc. But as one reads the Bill one finds that the licensing authority is (a) the council, (b) anyone to whom authority is delegated by the council, (c) the Minister, (d) the advisory board or (e) anyone to whom the Minister delegates the power. I realise that this may be designed to give a lot of flexibility, because indeed some local government areas may have a lot more facilities in their region to inspect and against whom to enforce provisions of this Act. I do not know of any actual residential care facilities that are out of hundreds, which does not have a local government authority. However, obviously this was designed to be flexible, and I am just curious to know why it did not make one single licensing authority, such as the Minister, and then have the Minister delegate that authority where appropriate to local government.

I have some questions concerning the advisory board that is created. The Minister indeed has a perfectly good Health Commission with staff that already have the knowledge to advise the Minister—medical, social work and legal people—and yet a statutory authority of 12 people is created, and its composition displays the dilemma that the Government is in as to whether to have an advisory board that is compact and composed of experts to advise, or that is large enough to be a board of representation of sectional interests. So instead of having geriatricians and social workers, and those sorts of people, half a dozen such professions represented on the advisory board, including of course the inevitable lawyer, it is a very expansive board, with no place for a medical practitioner but a place for representation from the Trades and Labor Council.

The Opposition is not going to make too much of this, let alone try to amend it, because that means trying to amend something with resource implications. However, in her reply will the Minister state why such a board was conceived to advise the Minister in the exercise of her or his powers? Were there competing forces that wanted to be on such a board? Are there industrial reasons why the Trades and Labor Council needs to be on the board? What will the board cost? In the budget debate I asked the Hon. Ms Wiese questions about the funding, because in my preliminary consultation I found that there had been extensive consultation with interested parties, including the Local Government Association, for over more than a year. The LGA was quite happy that it had been properly consulted. Whether that means all its members are happy or not, it is impossible to discover. But they asked about the funding. There will be enormous differences, as I said, between one local government and another, and it may be that for some councils it will require taking on several different new staff members, several full-time equivalents, while in other local government areas it may that that will not be required.

I was asked how the Government would compensate councils for the cost implications where expenses were generated in this way. I was also curious as to whether the central cost—the remuneration of the members of the advisory board—would be borne by the Government or would be charged in any way to the council. If the Minister can bring those answers into the Chamber, as I asked last week, it will save asking for the officers to be present to allay the council's fear about funding.

I will be moving one amendment. It is not the sort of amendment which has resource implications or which runs contrary to the intention of the legislation: it is the sort of amendment which I believe will better fulfil the intention of the Bill. In this respect, I refer to clause 3, the definition clause, of the Bill. It has a series of exclusions and sets of circumstances to which the Act does not apply. The definition of 'personal care services' excludes the following circumstances:

> the provision of services to a person on a short-term basis while arrangements are being made to provide personal care services in an alternative premises;
>
> the provision of services to a person on a short-term basis in response to an accident or some unanticipated or exceptional circumstance;

Clearly the intention is that if someone becomes ill and requires personal care the proprietor should not say, 'No. I refuse. You will have to go. I am not licensed.' I am sure that that was not intended, and I am sure that these exclusions intended that the proprietor could provide personal care without being immediately in breach of the Act.

However, what happens out there in the wide world is that everybody's health deteriorates eventually, and it is not unexpected or unintended. Otherwise, no proprietor would ever rent a lodging room to an asthmatic or diabetic. People could be discriminated against or refused a place at an unlicensed premises because one could anticipate, by looking at the calendar, from the age of the person, that health problems would arise. Barring being run over by the traditional bus, we are all on this progress through a system which may start with independent living on your own at home, proceed to assisted but largely independent living with the assistance of Meals on Wheels, and then progress to the rest home, where one does not need personal care but where, if one should need it, it is available.

The next step in the chain is the nursing home and then the hospital, and after that we all have our theories. There is a bottleneck at the top, and quite a large number of people who are in nursing homes are receiving benefits for a higher rebate because they are receiving the type of care that should be given in a hospital but there is no place in hospital because of waiting lists.

A review by the Health Commission some years ago found that 16 per cent of people in rest homes should be in nursing homes. In fact, rest homes are peppered with people who have Commonwealth approval for a place in

a nursing home but no place can be found, and that place can be months away.

So you have the situation where people who entered lodgings capable of independent living become in need of personal care. That is quite predictable and not extraordinary: they are just wearing out—they are diabetic, their vision is fading, they cannot see to measure their insulin or cannot remember how many times a day to take their tablets. When the doctor comes and prescribes the tablets and says to the proprietor, 'You make sure she takes three a day,' that is supervised medication, and straightaway is in breach of the Act. Yet, it is not anything short term, unanticipated or extraordinary; it is something that is inevitable, although it may take months to place the person.

One of the problems the rest homes have is, for example, that a patient may leave the rest home, be admitted to hospital and then be sent back whence they came, but in a condition in which they now require nursing care. I propose to add a new paragraph which in essence provides that, along with these other lists of exceptions under which a person is not in breach of the Act, a person will not be in breach of the Act if personal care is required by virtue of deterioration of their health and that that proprietor has notified the licensing authority of the fact that the person is in need of personal care and that that proprietor has taken reasonable steps to place the patient in licensed premises.

I am speaking to that amendment now because I think it is devoid of politics, and there is merit in understanding that the exception as worded here does not quite deal with the situation. It is well intended, and it is the sort of thing that the Government often accepts if the Minister in this place is given an opportunity to clear it with his colleague in the other place.

The Hon. T.G. Roberts: Particularly when it comes from you.

The Hon. R.J. RITSON: The point is that I am not going to try to turn the advisory board on its head and rave against the Trades and Labour Council. I know what your reaction would be to that. I know it has no chance of being accepted on fundamental political division grounds, so I am not going to bother to do it. But this I believe is right for both of us to do, and I would ask the Minister to clear it with his counterpart in another place and give it genuine consideration. It is a question of its being quite inappropriate to talk about short-term extraordinary circumstances when this slow deterioration of people's health is happening all the time and it takes quite a while to place them in a nursing home.

Having said that, I indicate that the Liberal Party will expedite the passage of this legislation during the week. I commend the second reading to the Council.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 605.)

The Hon. J.F. STEFANI: The Liberal Party generally has no difficulty with the proposed amendments that the Government is putting forth. However, there are a number of areas that we wish to amend, and these concern the definitions of 'foreman' and 'construction work' and the application of such definitions as they apply to the metal industry and the electrical trades.

We also object to the board coming under the control and direction of the Minister. Before I address those amendments, I would like to focus on the purpose of the Act. The Act was introduced to cover itinerant workers in the construction industry. This was a way of ensuring that workers who worked in the construction industry and who change their jobs because of the nature of the industry are covered by the provision of long service leave. Of course, this has enabled many construction workers to be covered by long service leave provisions and to be able to take their long service leave on accrued service to the industry rather than to employers. We strongly support that position, because we know that the construction industry is very much subject to the conditions of the economy; there are many variances, and workers are subject to continuous change of employment through these circumstances.

The Bill seeks to make the working of the Long Service Leave Act more flexible. It is noted that the 13 weeks long service leave entitlement which normally accrues over 10 years will now be taken in three separate periods which are not less than two weeks and over a period of three years. These provisions are very sound. They create more flexibility. They benefit both workers and employers, and they provide employees with a means of taking leave, even when the industry's activities are on a downturn.

We note that the Bill seeks to cover foremen. Whilst I have no difficulty in ensuring that foremen are covered, I feel that the definition of 'foreman' should be clearly defined in terms of the employment of such persons. We seek to define 'foreman' as an individual who has worked in the industry as a tradesman beforehand, certainly 12 months prior to the engagement of his or her services as a foreman, and to clarify that such engagement obviously is on site in the supervision of other workers doing construction work.

We have noted with some interest that the provision for prosecutions for offences committed under the Act is now extended to six years, subject to the authorisation of the Attorney-General. The provisions are clearly spelt out, and employers who are in breach of the Act can be prosecuted and fined. These provisions are further strengthened by action being taken through the courts, and the board will now be able to pursue this line of action.

Whilst 'nil' returns may now be submitted, I have some reservations about the unnecessary paperwork that is created by such a proposal. Nonetheless, the board needs to know whether the employer has ceased to employ any individuals so, the 'nil' return is an administrative requirement that is now imposed on employers. I trust that, if an employer has no employees on his payroll, when he submits the 'nil' return—and it might be a little late—there will be some flexibility in the administration of the procedure.

We are mindful of the provisions that the Bill seeks to make in terms of the actuarial assessment of the sufficiency of the fund. We support that actuarial assessments should be readily made available to the board on a 12-monthly basis. Such assessments will give an indication of the sufficiency of the fund to meet its obligations to employees who are due to take long service leave at a later date. I am conscious of the good work that the board has done in the past to ensure that the funds are properly invested and that return on investments is maximised. I understand that the board has worked very well. It is represented by employers and employees alike and it has achieved a good rate of return on its investment.

I commend the board on the way in which it presents its annual reports, which are factual, without glossy photographs and without the expense of money from the fund to produce such glossy reports. The annual reports give us the figures, the projected liabilities and the sufficiency of the funds, and I commend the board for taking that approach. Only too often do we see enormous amounts of money expended on glossy returns with pretty pictures, and one wonders how much money is spent to produce them. This is not the case of the Construction Industry Long Service Leave Board, which I again commend for it.

Initially, when the board was appointed, the appointments occurred through the Minister, and the Liberal Party has no difficulty with that approach. We understand that the Minister is able, through recommendations from employers and employees, to make appointments to the board, and that approach undoubtedly would continue under a Liberal Government. We note that the Construction Industry Long Service Leave Board was established on the basis that the Government agreed that it would be self-governing, so to speak, without interference from the Minister. The proposal to make the board subject to the control and direction of the Minister does contradict the earlier undertaking given by the Government in terms of the establishment of the board.

The Liberal Party maintains that the board should be able to function under the provisions of the Act but without the direct control and direction of the Minister. With those few comments, we seek to clarify some of the provisions and trust that members will see the merit of our proposals. I seek members' support in ensuring that this legislation is passed and is more attuned to the requirements of the industry.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. J.F. STEFANI: I move:

Page 2, after line 2—Insert new paragraph as follows:

(ca) by striking out from subsection (1) the definition of 'electrical or metal trades work' and substituting the following definition:

'electrical or metal trades work' means on site work that involves—

(a) electrical or metal work associated with—

(i) the construction or erection of a building or structure that is to be fixed to the ground and wholly or partially constructed on site; or

(ii) the alteration or demolition of any building or structure;

(b) the construction, erection, installation, extension, alteration or dismantling of—

(i) a transmission line, or any plant, plant facility of equipment of a major kind used in connection with the supply of electricity;

(ii) a lift or escalator;

or

(iii) any air-conditioning, ventilation or refrigeration system or equipment of a major kind;

or

(c) electrical or metal work associated with other engineering projects (whether or not within the ambit of a preceding paragraph):.

This amendment seeks to define more clearly construction work. Difficulties have been encountered in the electrical and metal industries and have been reflected in somewhat peculiar circumstances whereby construction work has encountered such work as servicing of an electrical switch in an outer building or something of that nature. I have sought to define 'construction work' so that the board has a definite basis on which to make decisions and pursue matters relating to payments of levies. I therefore wish to insert the definition of 'construction work' and trust that members will support it.

The Hon. C.J. SUMNER: The amendment is acceptable to the Government.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Application of this Act.'

The Hon. J.F. STEFANI: I move:

Page 4, line 5—Leave out 'as a foreman' and substitute 'on site as a foreman and within 12 months before commencing work as a foreman the person worked in some other capacity as a construction worker under an award referred to in the first schedule for the regulations'.

I have sought to define the function of the foreman without unnecessarily jeopardising the work of a worker in the industry. I have sought to ensure that workers who have worked in the industry and been promoted to foreman status and who are not covered specifically under an award as such can be defined as people who have worked in the industry and are covered by an award for 12 months prior to their promotion to a position of foreman. This clearly defines the position and the foreman will need to spend at least 50 per cent of his working time on the site to supervise other workers. This will overcome the difficulty of the definition that now exists without the provision of ensuring that the construction worker promoted to foreman status was already registered in the industry and continues on that basis.

The Hon. C.J. SUMNER: The amendment is acceptable to the Government.

Amendment carried.

The Hon. J.F. STEFANI: I move:

Page 4, line 15—Leave out 'the employment' and substitute 'in the case of a foreman, the on-site employment'.

Again I have tried to clearly define the function of a foreman on site by saying that the foreman is to be employed on site in the supervision of other workers. That really reflects the position of the foreman as such and I trust that members will support the amendment.

The Hon. C.J. SUMNER: It is acceptable.

Amendment carried; clause as amended passed.

Clause 6—'The board.'

The Hon. J.F. STEFANI: The Opposition opposes this clause. I hope that it does not present a hurdle for the Government, although it may. The board has done an extremely good job of the work it has undertaken. The Minister has the opportunity to appoint the members, who are very responsible people and who have taken their job seriously. They now have the added protection of actuary assessments being conducted on a 12 month basis. This will ensure the sufficiency of the fund and provide some advice to the investment procedures they can follow. The Minister was probably somewhat annoyed that on the last assessment by the actuary it was suggested that the fund lower its levy. Having asked the question not so long ago in this place, I know that that was probably the right decision to make.

However, the board correctly sought a more current opinion from an actuary so that if it did make the decision to lower the levy to employers it would be based on a second opinion more current in terms of the fund's position. That opinion was sought—I read it in the report. I trust that the willingness of the board to follow prudent procedures without ministerial direction or control is a sign of the board's capacity to undertake its work diligently without the direct control of the Minister.

The Hon. C.J. SUMNER: I am sorry to introduce a jarring note to this otherwise amicable discussion, but I am afraid that the Government cannot support the amendment. In saying that I cast no reflection on the board and the manner in which it has carried out its duties, but the Government believes that the board, dealing as it does with significant amounts of money, should be subject to the control and direction of the Minister. This is no doubt a debate we will have on another occasion—probably sooner rather than later—but the accountability of statutory authorities must be looked at. I thought that this was an issue of concern to the Opposition also and, given concern about ultimate accountability being reflected back through a Minister to parliament, the Government believes that this board, like others, should be subject to the control and direction of the Minister.

Other statutory authorities that are in this category where this formulation is used are the Electricity Trust of South Australia, bodies covered by the Housing Cooperatives Act, the State Government Insurance Commission and the MFP Board. Under the Racing Act, the TAB is subject to the general control and direction of the Minister, as is the South Australian Multicultural and Ethnic Affairs Commission. So, for those general reasons of ensuring ultimate accountability through the Minister to parliament, the Government cannot support the amendment, which would delete the proposal that the board be subject to the control and direction of the Minister.

The Hon. I. GILFILLAN: I was listening to what the Attorney-General was reading out; it was a list of other statutory authorities; did he mention WorkCover? Is that on the list?

The Hon. C.J. SUMNER: No; that is not an extensive list and WorkCover is not on it. There is some provision in WorkCover but I do not know what it is exactly, without checking it. However, we can check.

The Hon. I. GILFILLAN: The control and direction of the Minister is, as the Attorney has rightly said, part and parcel of quite a lot of legislation, but again, I would ask the question—

The Hon. K.T. Griffin: This is essentially a trust fund.

The Hon. I. GILFILLAN: Yes. I think the question that is relevant is: where does the Government see the direction and control of the Minister applying in this case? If I can just reflect back on WorkCover, one of the features at the time that Act was originally drafted was that the fund was expressly determined to be conducted to the best result for accumulating and benefiting the financial position of WorkCover. Specifically, it was not to be directed to invest in certain specific areas or certain specific purposes. As I recall, one was for the better growth and development of South Australia, or words to that effect. I was concerned then and I am still concerned that funds given in a public sense for a specific purpose might then be manipulated for other purposes which on the face of it may appear quite beneficial.

So, I think this amendment poses interesting questions: first, the proper role of the responsible Minister in the power to direct and control (to an extent) an independent authority is already in place in the cases that the Attorney listed, where there is a relatively complicated and broad responsibility for this statutory authority to fulfil. However, I am particularly nervous where the direction and control is specifically directed at a fund or the administration and use of the funds that are in the hands of this body—in this case, the board.

The Hon. C.J. Sumner: So, your argument is similar to the one used to give the State Bank basically an independent charter?

The Hon. I. GILFILLAN: That is correct, and I think it is worth pondering this, because it is not just a question of a Minister of the Government taking an active and constructive role in ensuring that a department or, to an extent, an essential statutory authority, does administer its job to the benefit of the people of South Australia. I see that as an acceptable area for a Government to have a direct hands-on involvement. However, as I previously said, I have serious concerns where, at least on the face of it, the direction and control appears to be specifically for the handling, management and potential investment of a fund. I would like the Attorney to elaborate on where he sees the Minister's control and direction in this board being other than specifically over how the funds that are in the control of the board are invested or administered. Where else does the Attorney see that the Minister's direction and control would apply?

The Hon. C.J. SUMNER: The control and direction the Minister would exercise would be over the powers of the board. So, the Minister would be able to exercise control and direction over whatever powers the board has. Although I do not think it is exclusively what the board does, if it is only limited to investment decisions and that is all it does, that would be what the Minister would have control and direction over. To answer the honourable member's question about WorkCover, section 14 of that Act provides that the corporation is to undertake, subject to the general direction and control of the Minister, the administration and enforcement of the Act. So, that is

another example of where control and direction is used, but in the case of WorkCover, its general direction and control—

The Hon. K.T. Griffin: The Superannuation Fund is not subject to direction and control of the Minister.

The Hon. C.J. SUMNER: I do not think so. However, these are issues that the Parliament will have to grapple with on this occasion and on others, as no doubt we will have to make decisions about the State Bank at some time in the future. When the State Bank was created, the philosophy was that it should be at arm's length, that there should not be any power to direct it, and now the argument is that perhaps there should have been power to direct and, if the Government or the Minister had had the power to direct, greater steps might have been taken to supervise the activities of the bank. Philosophies change in relation to these matters, but my understanding was that there was a movement towards greater accountability, not less. The problem is that, if this board did not perform well, who would get the blame? That is the question we have to ask if we are dealing with these issues, and perhaps the Hon. Mr Gilfillan might like to address his mind to that. If this board did not perform well, who would be blamed for that?

The Hon. I. Gilfillan: The board.

The Hon. C.J. SUMNER: That is not right; the board would not be blamed at all, because that is in the nature of things. Boards never get blamed for anything; it is the Government that gets blamed, whether or not it had anything to do with it.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: Okay, I am exaggerating what I say, but the fact is that, even though you might be able to say that if something went wrong with the fund the board was to blame, almost certainly, the responsibility would attach to the Government. The more modem argument, as a result of experience in the 1980s, is that if the Government ultimately must take the responsibility for the actions of statutory authorities, then the Government must have some power to direct those statutory authorities. The argument simply is about accountability, and I do not think I can take it any further.

The Hon. J.F. STEFANI: I noted in my second reading contribution that the industry itself, when setting up the fund, made quite clear in its condition of consensus and the approach to setting it up as a fund that it was to be controlled by the industry and by unions together for the benefit of employees. That was the thrust of the industry's agreeing on a method of providing funds for long service leave payments and accruals. It was the Government of the day that said—and I have this in writing from the Master Builders Association—that it had agreed on this approach. I find, therefore, the proposal to make the board subject to the direction and control of the Minister somewhat different from that position.

I respect the Attorney-General's comment that things change. However, I do draw members' attention to the Act, section 21 of which provides that:

> The board may invest money that is not immediately required for the purposes of the funds in such manner as the Treasurer may from time to time approve.

So, there is some control for the board to invest funds as the Treasurer may approve. It also provides:

> An approval of the Treasurer for the purposes of subsection (1) may be given in relation to a particular investment or dealing or in relation to investments or dealings of a particular kind.

Section 22 provides:

> The board may, with the approval of the Minister and the Treasurer, lend money from the funds to an industrial organisation for the purpose of establishing or operating a group training scheme ...

and so on. So, the Act contains sections that cover the investment of the fund so that there is maximum return. We have the control of auditors and the actuary, who are now providing advice and direction, and I see no problem. The safeguards that we have within that board, whose members are acting as trustees of the fund, are very well spelled out already in the Act.

I agree with the Hon. Mr Gilfillan's question as to what more control the Minister will enforce on this board in terms of other decisions, and that is the question we need answered by the Government. Will the Government be dictating to the board, for instance, that it should lower or increase its levy? These are the questions we really need answered.

The Hon. C.J. SUMNER: Quite simply, the answer is that the Minister would exercise his powers on any matter for which the board had responsibility, which may involve the levy and which may not. It would be the Minister who would need to take that decision as he saw fit. Obviously, in the normal day-to-day running of the board the Government would not intervene, but the provision that the board be subject to the control and direction of the Minister is there so that, if problems of any kind arise, the Government has the authority to control and direct the board. As I said, in the formulation that is in the Bill, that covers all activities of the board. That is the answer to the question, but I cannot take the argument any further.

The Hon. K.T. GRIFFIN: I agree with the Attorney-General that at some stage we must come to grips with the issue of accountability, but one must question whether this is the proper vehicle by which to do that. This Bill deals with what is, in effect, a trust fund and, as my colleague the Hon. Mr Stefani has already indicated, there are some controls over the independence of the board to act, particularly in relation to investments and the application of the funds, as well as the periodic actuarial review and the tabling of annual reports.

It may be that some other provision ought to be included to deal with the question of accountability. It may be accountability through periodic reviews of this fund's operation by the Economic and Finance Committee of the Parliament. I suggest that the Minister's having the general power of control and direction will not necessarily make the board any more accountable. Certainly, it will mean that it is a Minister who is then in the firing line if something goes wrong, but the granting of that power may allow a Minister to interfere in the management to the detriment and not just to the advantage of the operation of the fund.

As the Hon. Mr Stefani has indicated, there are already a number of safeguards against independent action by the board, which I suggest acts more in the nature of a trustee than anything else, and the terms of the trust are fairly explicitly set forth in the Act. Of course, the other problem one has is that, the moment a direction is given, it removes the responsibility from the members of the

board—although, perhaps, that is appropriate—but I would put this at a different level from, say, the State Bank, SGIC or, even, the Electricity Trust board, where there are issues of public policy and where it is not a matter of administering funds by way of trust.

I interjected that the superannuation fund, for example, is not subject to ministerial control and direction, because the trustees are acting as trustees and have responsibilities under the Superannuation Act for the administration of the trust and of the fund. With respect to the Superannuation Act, if the Minister were to have power of control and direction there might be some concern about that as to the way in which a Minister could—although I am not saying that a Minister would—give directions and, thus, compromise the general administration of the Act as well as enhancing it, if that were the reason why the Minister gave a particular direction.

I agree that it is an important issue and one that needs to be addressed. I do not think that this is the Bill in which that broader issue ought to be canvassed, because this Act has some peculiarities which, as I said earlier, identify it more as the operation of a trust than as the operation of a statutory authority either carrying on a business or undertaking other activities by way of public service for the Government and the community.

The Hon. J.F. STEFANI: I do not want to prolong the debate, but certainly what I said applies in terms of the intention of the employer and the employee organisations working together to establish this board to provide benefits for employees who are entitled to long service leave payments. In normal circumstances, an employer is duty bound by an award to pay those entitlements. I see that there is no place for a Minister to be involved in the provision of these payments, because the two parties who are concerned about these matters are correctly identified as the employee representatives, in this case the unions on the board, and the employers' representatives. They are nominated by the organisations involved, they are approved by the Minister and they are subject to the scrutiny of the auditor. The control of the board is overseen by the Auditor-General. We have actuaries who are advising the board on what course of action to take.

I think it is quite proper to allow that board to exist and function as it has in the past, and very well, without the direction and control of the Minister. We have the board that is an independent body set out for the purposes for which it was intended and quite substantially it should be outside the control and direction of the Minister. Quite frankly, the Minister does not involve himself or herself in other payments of long service leave entitlements, and I think this follows. It is a question of following that process and ensuring that it functions properly. We seem to have that combination working well at the moment, so why interfere with it?

The Hon. I. GILFILLAN: I am not persuaded that the Minister should have control and direction. The justification in the second reading explanation is:

> In keeping with this Government's commitment to the increased accountability of public authorities, a provision has been included in the Bill whereby the board will become subject to the control and direction of the Minister.

I do not believe that we should have a blanket acceptance that everything which comes before this place should then automatically be linked in as being part of the Government's commitment that we ought to support, just on the face of it, and I certainly do not see any argument to support it in this particular case.

Clause negatived.

Remaining clauses (7 to 19) and title passed.

Bill read a third time and passed.

MOTOR VEHICLES (CONFIDENTIALITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 614.)

The Hon. DIANA LAIDLAW: This small Bill seeks to amend the Motor Vehicles Act to insert confidentiality provisions in respect of the registers maintained by the Registrar of Motor Vehicles. The Registrar maintains two registers, the first in relation to motor vehicles and the second in relation to licensed drivers. Both registers contain confidential and sensitive information about individuals in respect of addresses, dates of birth, medical details and secured information about motor vehicles with respect to engine numbers and vehicle identification numbers. There is concern that the Act may be construed to infer that the registers are public documents and that anyone who pays a search fee is entitled to peruse them.

Certainly we have discussed these same matters in respect of the Adelaide City Council electoral role and the electoral rolls maintained by the Electoral Commissioner, when it comes to the confidentiality of information, because in those instances we were concerned about the unfortunate consequences that could arise when a person could find the address of an estranged spouse, and there were consequences for domestic violence and the like. So I understand the need for maintenance of confidentiality in respect of the register. I understand also that there have been some concerns that from time to time information has been provided which could assist in the trade of stolen vehicles. The Minister says in her second reading explanation:

> In practice, the registers exist only in the electronic form and are not available for public searches...The guidelines for the release of information are stringent and conform with the requirements of the South Australian information privacy principles.

Colleagues on this side of the Council are interested to see the guidelines for the release of information. We are keen to know how stringent they are. I have spoken to the Minister on this matter and she has indicated that she is prepared to provide us with a copy of those guidelines. As we have run out of time for this today and as she will do this tomorrow, I regret that this Bill will be deferred with respect to the Committee stage. But there is concern on this side of the Council that we may be tightening the register in ways that will make things most difficult in a number of instances. For instance, members have mentioned to me the fact that there may be accidents that involve another person's vehicle and the driver of the vehicle may be keen to investigate and pursue the matter with the driver of the other vehicle but may not wish to go through the police or the insurance companies. They may wish to keep the matter in their own hands. I

understand that for people in such circumstances the register has been available.

Certainly those purposes would seem to be related to the purpose for which information was given in the first place, to both those registers for motor vehicles and licensed drivers. Nevertheless, I am of the view that this should be kept quite tightly controlled, because of those other factors in terms of access, in terms of people who may wish to keep their address hidden from someone who may want to pursue them, with unfortunate consequences. From general discussions that I have had on this Bill, I understand that the register would continue to be available to police and that in fact the police would have unrestricted access to the register for all business matters, irrespective of criminal activity; it could even range to police making inquiries about a distressed animal locked in a car in a car park in the heat of summer, in order to find the owner of the vehicle and to do something about it.

I understand that Commonwealth departments, under their Acts, would be able to have access to the register. The Federal police, Crown-Solicitor, Australian Taxation Office and Customs will probably also have access, but it would be interesting to learn from the Minister whether that is so. Locally, fisheries have tended to use the register to trace people who are engaged in illegal fishing activities: likewise, this applies to the National Parks and Wildlife Service and even the Metropolitan Fire Service. I know that councils and hospitals which police traffic regulations have made contact with the Registrar from time to time to seek information from the registers.

As I indicated, I understand the reason for the amendment. However, clarification is sought by the Liberal Party about the extent to which we will be tightening up confidentiality or privacy practices, and I appreciate the Minister's confirmation that she is prepared to provide such information to me tomorrow if that is convenient.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

WATERWORKS (RESIDENTIAL RATING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 November. Page 697.)

The Hon. L.H. DAVIS: The Liberal Party supports this Bill. However, I put on the record straight away that it is yet another example of legislation which has been introduced because the Government failed to heed the warnings of the Liberal Party with respect to the waterworks amendment legislation of early 1991. This is history repeating itself. A Labor Government, aided and abetted by the Australian Democrats, rushing in to—

The Hon. I. Gilfillan interjecting:

The Hon. L.H. DAVIS: You weren't the speaker; it was the Hon. Michael Elliott. But, you went along with him, passively though it may have been.

The Hon. I. Gilfillan: Was I inappropriately led?

The Hon. L.H. DAVIS: I think you were probably inappropriately led. I think that if the waterworks amendment legislation of 1991 had been in the Hon. Ian Gilfillan's hands, the Government's Bill may well have fallen. But that is not to be. He serves the same Party as the Hon. Michael Elliott and, as with workers compensation and land valuation, we have seen many legislative measures pass through this Council ill-researched, inappropriate, discriminatory and inequitable, aided and abetted by the Australian Democrats.

It is worth remembering that when we debated this legislation 20 months ago it was claimed that it was all about social justice and equity; that it was designed to seek a level of cost recovery consistent with economic considerations. We all remember, in that extraordinary legislation of early 1991, that there were two elements. First, there was an access rate based on the value of the property. Initially, any house with a value of $110 000 or more would pay an excess of 76c per $1 000 above that $111 000. Secondly (and this is much more consistent with what had previously seen bipartisan support), it was based on a user-pays system.

We had a situation where the Government claimed that only 16 per cent would pay more, 62 per cent would pay the same and 22 per cent would pay less. It sounded wonderful. Of course, that is the problem with the Labor Party: it always sounds wonderful. However, more often than not, it does not work. At the time, the Valuer-General advised that 26 per cent of residential properties would be above the threshold of $111 000, and this meant that those people were likely to pay more.

We had a situation immediately which had nothing to do with social justice or equity: we had a large number of people, I suspect largely in the south-eastern and eastern suburbs, who could best be described as asset rich and income poor. We had a house, for instance, in the north-eastern suburbs, that might be valued at only $90 000 where both husband and wife were working with perhaps a combined income of $60 000 or $70 000 and who did not receive any more—

An honourable member interjecting:

The Hon. L.H. DAVIS: Admittedly, this is two years ago. It would probably be much harder to name them with the economic recession which we had to have and the one from which South Australia is suffering more than any other State. Those people were not touched by this so-called measure that was designed to bring equity and social justice to the South Australian community so far as water rates were concerned. But, those who were affected were people on fixed incomes in the eastern suburbs.

We therefore had the ludicrous situation of someone who, with a house of $120 000 and consuming 250 kilolitres (which perhaps is a little above average), would be paying an extra $5 a year in rates under the scheme as proposed in early 1991.

Where a house was valued at $160 000 and the consumption was 350 kilolitres, they were paying an extra $37. However, if the value of the house went to $230 000, with a consumption of 350 kilolitres per annum, we see them paying $16 less. If the house was valued at $330 000—or roughly three times the State average—and 350 kilolitres was being used they were actually paying $108 less. That is Robin Hood in reverse.

That is social justice. That is equity, Labor Government style. Quite bizarre. Quite untenable. Quite outrageous.

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: I tried to get in there but it was closed.

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: Well, don't do that. The Labor Party and the Australian Democrats absorbed all these arguments and copped all this punishment in the debate that took place in March 1991 but it was water off a duck's back. They soldiered on; they knew what was best for the people of South Australia; and so it came to pass. Susan Lenehan's legislative reform swept through the House and into the community at large. It was, as I said, an extraordinary situation which severely disadvantaged people on fixed incomes, particularly in the eastern suburbs. This was a scheme which had been based on the recommendations of a former Deputy Premier of South' Australia, a Labor party member, Hugh Hudson. Of course, tens of thousands of dollars was spent on that consultancy.

On top of that, the Government of the day had to cop the flak not only in the Legislative Council but also at large in the community. They engaged a leading public relations firm, spending $60 000 to tell people that really it was a matter of social justice and equity and that it would be all right in the end and not to worry about it.

Where are we now, 20 months after the legislation was introduced? Twenty months of madness. Twenty months of outrage. We had the Bannon Government embarrassed by the Supreme Court finding that consumers with properties valued at more than $117 000 (then the threshold value) were being forced to pay a wealth tax. It was described in those terms by the Supreme Court of South Australia. The Government of the day was embarrassed. It was so embarrassed by the illegality, injustice and inequity of its action that we now have before us a reversal of that legislation.

This Government's water policy has clearly been found to be absolutely wet; dripping with impracticality; but they persisted in piddling into a stiff breeze of public opinion. Of course, the Government has been embarrassed by the Supreme Court action and the continued hostility of the community. It has been forced finally to turn off the tap labelled 'stupid', and we now have this legislation which seeks to bring some sense into the great water debate of South Australia.

The Hon. T.G. Roberts: The tap is still running.

The Hon. L.H. DAVIS: The tap is not still running but certainly the clock is ticking on this Labor Government. The Waterworks (Residential Rating) Amendment Bill of 1992, the subject of this debate, sees the Government introducing a residential rating system which is more equitable and which reintroduces what had previously been a bipartisan approach of gradually moving towards a user-pay principle. However, again we see a Government in tatters—a Government which is not prepared to lay everything on the table. There has been no reference whatsoever in this Bill to the financial implications of this legislation.

As I have said, the Liberal party has indicated support for this measure, which seeks to levy water rates on two levels, the first of which is on the basis of water supply availability, described as a supply charge. There is a common fee per rateable property of $120. Presumably that fee covers the costs of the delivery of water—the general infrastructure—which totals some $10 million from the E&WS Department. So, there is that flat amount which will be $120 for each rateable property in 1993-94; that will cover the first 136 kilolitres of consumption.

After that there is a water rate based on consumption itself. That consumption charge will apply only to water consumed above the allowance of 136 kilolitres, and that rate in 1993-94 will be 88c per kilolitre. In other words, the Government has turned off the tap called 'stupid' and gone back to a sensible and more equitable rating system. It has taken the Government 20 months to do it; it has taken extraordinary costs, extraordinary time and inconvenience, and it has caused a considerable amount of stress in many households in Adelaide.

I visited a woman in her 80s in the eastern suburbs who was so concerned about the additional cost being levied on her house, which had a very high rateable value (I would have guessed in excess of $250 000) that she was actually bucketing out the water from her bath to use in the garden. That was a considerable strain for a woman in her 80s. That was quite a ludicrous situation, but that is the sort of equity and social justice which this Labor Government brought to the suburbs of South Australia. I am pleased to see that at least it has had the decency to admit its error and introduce amendments to the waterworks Bill.

There are these two basic elements: first, the supply charge of $120 for the first 136 kilolitres, and that will operate in the next financial year, 1993-94. Then, there is a consumption charge above 136 kilolitres at the rate of 88c per kilolitre. In other words, the more water you use the more you will pay for it. In addition to that, the Government is proposing to introduce a penalty for consumption above 700 kilolitres, which is well in excess of the average consumption. There is to be a 20c levy per kilolitre on consumption above 700 kilolitres, and that will be introduced effective from the 1994-95 financial year. Seven hundred kilolitres represents three times the average residential consumption.

It is interesting to note that water usage in South Australia has dropped by some 17 per cent over the last couple of years, from 230 gigalitres to 190 gigalitres. I think there is an argument to say that there has been quite an effective campaign in the community generally to make people recognise that South Australia is a State in which water is precious and that we all have a responsibility to conserve water. I have no objection at all to the system which the Government is proposing where a special penalty applies to people who use an excessive amount of water.

The Hon. M.J. Elliott interjecting:

The Hon. L.H. DAVIS: The Australian Democrats are unbelievable. Having led themselves to this extraordinary, inequitable, unjust system 20 months ago, which has run the gamut of the courts, has fallen foul of the courts, has fallen foul of the community and has seen a total backdown by this Government, the Democrats are now saying, 'Well, this is what we were wanting to do, anyway.' Certainly I have read what the Hon. Mr Elliott said in the second reading debate in March 1991. He supported this legislation as proposed in 1991. We opposed the legislation. We gave examples of the

inequity which the Democrats ignored and which this Government ignored. We expressed concerns about the legality of the situation. My colleague, the Hon. Julian Stefani was particularly vocal. My colleague the Hon. Diana Laidlaw also made a stinging attack on it, as did my colleague the Hon. Peter Dunn. It is all very well for the Hon. Michael Elliott to point his finger in this direction, but he would be better pointing the finger at the mirror.

It was interesting earlier today in the debate when the Hon. Ian Gilfillan appeared chastened that this measure was coming back because the Democrats had supported it 20 months ago. Quite clearly, he has regret and second thoughts about it. He was saddened that he was not leading the debate for the Democrats when this matter was before the House in March 1991. I hope the honourable member makes a contribution and publicly apologises for backing Michael Elliott without realising the consequences of his action 18 to 20 months ago.

I do not want to bucket the Democrats too much—they are knee deep in their own problems as it is. We have another example next week when we will debate workers compensation—a matter that would not be the mess that it is today if the Australia Democrats had listened to the Liberal Party and employer groups when the legislation was first introduced in 1986-87. So, the Hon. Michael Elliott may well be vocal, but history, the facts, the courts and the community are on our side on the matter of water rates and the Democrats have drowned in the waterworks debate.

Members interjecting:

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

The Hon. L.H. DAVIS: Thank you, Mr President, for your protection. This brief piece of legislation seeks to correct the gross anomalies and inequities that were a feature of the Lenehan Bill of 20 months ago.

I wish to pursue two matters in Committee and give the Minister notice now: first, what are the financial consequences of this legislation and, secondly, exactly how many people were worse off under the system that we had in operation since last year? It was said that only 16 per cent would pay more, 22 per cent would pay less and 62 per cent would pay the same. I would be interested to know the figures for 1991-92 and 1992-93. I would be interested to see whether the projections at the time we debated the measure last March came to pass.

Secondly, I would like to know the financial implications of the legislation we are now debating. Thirdly, I am particularly interested in the provisions of clause 3 relating to the rating of residential land. The second reading makes the point that vacant land previously excluded from residential rating as *prima facie* deemed a vacant block was not a residence. Clause 3 provides:

(3) The Minister may, on the Minister's own initiative or on application in writing...determine that vacant land is residential land if satisfied-

(a)

that the land is situated in a predominantly residential locality and—

(i) is 0.1 ha or less in area;

or

(ii) is similar in area to other allotments of residential land in the locality;

or

(b) that—

(i) a person is in the process of constructing, or planning the construction of, a residential building on the land;

(ii) the land will be used primarily for residential purposes;

and

(iii) the land will not, before being used for residential purposes, be subject to division under Part XIXAB of the Real Property Act 1886.

On my reading of that clause the Minister has two options: first, if the land is of a certain size or the Minister determines that a person is in the process of constructing or is planning construction of a residential building or that it is to be used primarily for residential purposes, the land can be deemed to be residential for rating purposes. The Bill gives that power. My advice is that this will be cheaper for blocks of land in excess of a value of $62 000, but it would be helpful in making a determination on this measure to know how many blocks of land are to be affected and what will be the implications of the measure.

I indicate with some pleasure that the Liberal Party's judgment of 20 months ago has come to pass in this amended legislation that we are now debating. I support the second reading.

The Hon. M.J. ELLIOTT: I support the Bill. In making something of an attempt to rewrite history, the Hon. Mr Davis—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: I will put a few things straight here and now. Anyone who cares to look back to the last debate will recall that at the time the legislation passed it was only passed on a clear undertaking of the Government that there would be further review.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will come to order.

The Hon. M.J. ELLIOTT: If the Hon. Mr Davis knew how to tell the truth—he claims to have read the speeches and if he had read my speech and that of the Minister he would find clearly—

The Hon. L.H. Davis: I read them two hours ago.

The PRESIDENT: Order! The Hon. Mr Davis has had his opportunity. He will come to order.

The Hon. L.H. Davis: 100 per cent.

The PRESIDENT: Order! The Hon. Mr Davis will come to order.

The Hon. M.J. ELLIOTT: There was a clear understanding at the time that there would be a further review and it was made quite clear publicly at the time of the passage of the previous legislation. That is the first point. The second point on which the Hon. Mr Davis played with the truth related to the courts. At no stage did the courts find that the previous legislation was illegal. The courts found that an administrative measure in relation to dates and the implementation of the application of rates was incorrect. If the Hon. Mr Davis was up with the facts instead of messing around with words, he would know that the courts at no stage found

that the legislation was in any way illegal and did not make any such judgment. That point should be put straight here and now, as it is the case.

The Hon. Mr Davis dares to stand over there and say that he supports the idea of a stepped rating system, which he voted. against when I moved an amendment to insert stepped rating into the legislation. He voted against it, so who is being inconsistent?

The Hon. L.H. Davis: We voted against the whole Bill.

The PRESIDENT: Order! The Council will come to order. There is too much audible exchange.

The Hon. M.J. ELLIOTT: It is true also that he voted against the amendment. The two questions relate to, first, the Bill as a whole and, secondly, to individual amendments which members opposite opposed. Yet members stand up bare faced and say that it is a good idea. So much for that!

The next piece of deception by the Liberal party with regard to the water rating system was in relation to the system as it applied under the new Bill that we passed some 20 months ago and the one in place before. Both the existing and the new legislation contained a property component that related to valuation. The Liberal party carried on like a pork chop in trying to suggest that it was something new in the legislations it was not. The previous legislation contained a property component. To that extent the new legislation did not change it. No doubt the Liberal party opposed the idea of a property component, but my point is that it was not new. That is not the way that members opposite tried to present the argument to the public. Once again members opposite do not have much trouble playing with the truth. Now we have touched on at least four such cases.

I am pleased that we have a stepped rating system that is now going to be used. Stepped rating was incorporated into the legislation; the Government accepted it at the time I moved the amendment but said that it had no intention of using it at this stage, although it saw that it might have been of some value in one place, Streaky Bay. As I understand it, the very threat of stepped rating was sufficient for the water usage patterns at Streaky Bay to change very rapidly, and at this stage they have not actually needed to apply the system.

It is clear that we need a system that does set about encouraging conservation of water. It is clear that we need a system that penalises the very heavy users of water. On average, only 65 per cent of the water used in Adelaide comes from the Mount Lofty Ranges catchment. The rest of the water comes from the Murray River, and that water is far more expensive for us to use. It is expensive, obviously, because we have the pumping costs, but also because it increases the need for copper sulphate, filtration and chlorination and because the water is far more saline and therefore it decreases the life of our hot water tanks and industrial equipment generally. So, for all those reasons, water coming from the Murray River is far more expensive for us to be using.

It seems only reasonable then that there should be a penalty against those who use excessive amounts of water and increase the need for the use of that water. As far as is practicable, we should be seeking to be reliant upon the Mount Lofty Ranges catchment itself, and those people who choose to use water heavily should pay heavily, as well. I understand at this stage that the penalty in relation to the highest step will not be as great as I would prefer it, but I would hope that over time the highest increment will be charged progressively more and more.

There is no doubt that some people, particularly in higher income brackets, are in a position to use water quite happily, and under the old system they would have got their water for the same amount per kilolitre as for the first kilolitre they used. That is not acceptable; they are putting a cost penalty onto all water consumers because of their excessive water habits. On that basis they must be discouraged, and I think we should make it a little harder for those who can afford to use extra water by putting in that stepped penalty, and we may need to introduce an additional step, with a very high penalty, to encourage conservation.

I had no problems, and I still have no problems, with the concept that part of the rate could have been linked to property values, particularly where they were very high.

Members interjecting:

The Hon. M.J. ELLIOT: I said I had no problem: I have no problem. At the time of the debate of the legislation previously, I did express concern about the level at which it cut in and, once again, the Government increased that level for property valuations by (off the top of my head) $20 000 or so on my insistence. If they had not done that, once again, the legislation would not have gone through. I have no problems with people with very high property values paying extra water rates. So, I am a little disappointed that the Bill—

The Hon. L.H. Davis: Under the system you voted for last time, they were paying less.

The Hon. M.J. ELLIOTT: No; what you are missing is that I have no problems at all with a property component. I also have no problems with (and I am very pleased to see) the stepped rating system not only being in there but also being in force. So, as I said, the only difficulty I had with the previous legislation was the point at which the property values cut in. That was the only problem I had with it, and I had a concern that the Government did not actually intend to use stepped rating. The position we are in now is that the Government has decided it does not want to use the property component. That is its decision, but it has decided that it will use the stepped rating system, which to me is far more important in any case, and it was the reason why I introduced it. So, as I see things, we had one minor problem with the previous legislation but, on balance, I would argue that this legislation is better, because the stepped rating system will now be used. The Democrats support the Bill.

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

ADJOURNMENT

At 6.1 p.m. the Council adjourned until Wednesday 11 November at 2 p.m.