HOUSE OF ASSEMBLY

Wednesday 7 December 1983

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PETITION: FINGER POINT SEWERAGE

A petition signed by 171 residents of South Australia praying that the House urge the Government to immediately restore the Finger Point sewerage project to the public works list, with a view to completion by 1986, was presented by the Hon. H. Allison.

Petition received.

QUESTION

The SPEAKER: I direct that the written answer to a question, as detailed in the schedule that I now table, be distributed and printed in *Hansard.*

SOUTH AUSTRALIAN TRAVEL CENTRE

In reply to **Mr MAYES** (15 November).

The Hon. G.F. KENEALLY: After having had the possibility of providing seats in the recessed area in front of the Travel Centre Building investigated, I would not support any move to have seats placed in that area. As I indicated previously, the building was designed with the display windows set back from the footpath to allow potential tourists to look at the window displays to see what South Australia has to offer. Seating in that space would keep prospective patrons away from the displays.

Most of the tours that depart from the Travel Centre Building do so during the hours the centre is open to the public, that is, Monday to Friday, 8.45 a.m. to 5 p.m.; Saturday, 9 a.m. to 11.30 a.m.; Sunday, 10 a.m. to 2 p.m.; and public holidays 9 a.m. to 2 p.m. Adequate seating is normally available in the waiting area of the Travel Centre to cater for travellers' needs during these times.

The parking area in front of the building is used by bus and coach operators and for a wide range of other tourism related operations. The area needs to be kept clear of fixed obstructions such as seats. I believe that there is already adequate seating available under normal circumstances and, although some travel operators pick up passengers in front of the building outside of the hours the centre is open, this would not warrant the inconvenience caused by having permanent seating provided.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following interim reports by the Parliamentary Standing Committee on Public Works:

Adelaide Remand Centre—Currie Street.

State Aquatic Centre.

Ordered that reports be printed.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Labour (Hon. J.D. Wright)—

Pursuant to Statute—

1. Industrial and Commercial Training Commission—Report, 1982-83.

MOTION FOR ADJOURNMENT: RAILWAY STATION REDEVELOPMENT

The SPEAKER: I have this day received the following letter from the Leader of the Opposition:

Dear Mr Speaker,

I desire to inform you that this day it is my intention to move:

That this House, at its rising, adjourn until 1 p.m. tomorrow, for the purpose of discussing a matter of urgency, namely:

That because this House adjourns tomorrow until 20 March and because, in the meantime, work will be getting under way on the Adelaide railway station redevelopment which will involve the use of taxpayers funds, the Premier must provide information to this House in relation to the following matters:

I have provided to all honourable members a copy of the letter detailing the various matters referred to. I call for those members who support the proposed discussion to rise in their places.

Opposition members having risen:

The SPEAKER: The necessary number of members having risen, the motion may be proceeded with.

Mr OLSEN (Leader of the Opposition): I move:

That this House, at its rising, adjourn until 1 p.m. tomorrow, for the purpose of discussing a matter of urgency, namely:

That because this House adjourns tomorrow until 20 March and because, in the meantime, work will be getting under way on the Adelaide railway station redevelopment which will involve the use of taxpayers' funds, the Premier must provide information to this House in relation to the following matters:

What legally binding agreements has the Government so far entered into with the joint venturers to allow work on the project to commence?

What plans have the joint venturers so far submitted to the State Government for its approval?

What are the outstanding matters which have so far prevented the Premier tabling the Principles of Agreement in this House, even though they have been presented to the Casino Supervising Authority?

Over what period and on what terms is the Government guaranteeing the loans for the project by Kumagai Gumi?

In giving its guarantees, what projections has the Government used for occupancy of the hotel, profitability of the hotel; and use of the convention centre?

Which party to the agreement the Premier has signed will be responsible for funding access roads to the project site, water, power, gas, sewer, and other services and, if it is the Government, what is the estimated cost of this work?

Which party to the agreement the Premier has signed will be responsible for funding work associated with changes to and reinstatement of rail and other service areas in the existing railway station, and what is the estimated cost of this work?

Has any decision been taken to establish public transport interchange facilities within the development and, if so, at what cost?

When is it expected that this project will be presented for the approval of the Foreign Investment Review Board?

Will the loan guarantees which the Premier has already said the Government will give for this project be referred to the Industries Development Committee of this Parliament and, if so, when?

Which party to the agreement the Premier has signed will be responsible for funding the establishment of access

facilities between the project site, the Festival Centre area, and the North Terrace and Parliament House precinct?

Has an ASER property trust been formed yet and, if so, has the Government approved the form and constitution of that body?

Has the Government issued the necessary title or titles of the development pursuant to the Real Property Act and, if so, under what terms and conditions?

Under what specific rental terms and conditions will the State Government sub-lease the proposed convention centre?

Under what specific rental terms will the State Government sub-lease the car park?

Who did the feasibility studies on the project and will details be released?

This motion is not about the desirability of redeveloping the Adelaide railway station site: it is about a Government that has persistently refused to provide basic information to Parliament about a project that will involve South Australian taxpayers' funds. I place on record at the outset that the Liberal Party supports any commercially viable redevelopment of the railway station site, provided that the project does not involve an unwarranted financial drain on taxpayers' funds.

In Government, the Liberal Party worked tirelessly to attract investment for the site, and at the time of the recent election that work was about to reap its rewards. The Premier acknowledged that point in this House on 18 October when he said:

In relation to the project itself I would certainly congratulate the previous Government on the initiatives it took in attempting to progress the project and the previous Minister of Transport for work he did on it, bearing in mind that this project has been in contemplation from about 1973-74 and detailed work has been done over a period of time.

It is gratifying that the Labor Government was able to continue with the plans and negotiations that had already taken place and finalise arrangements for the redevelopment.

Today, I have written or telexed key groups involved in the project, advising them of the reasons for seeking this debate and the Liberal Party's continued support for the railway station site redevelopment, and those messages to Kumagai Gumi in Sydney, the South Australian Superannuation Fund, and Pak-Poy Kneebone Pty Ltd, are substantially the same. I read to the House a copy of the telex that I have sent to those people, as follows:

I intend seeking debate in the South Australian House of Assembly today on the proposal to develop the Adelaide railway station site. I am taking this action because of the apparent reluctance of the State Government to provide adequate information to Parliament on this matter. The Liberal Party in South Australia did a great deal while in Government to help achieve the redevelopment of the station area, and will support any viable proposal. However, it is our right and responsibility to question the Government when the use of taxpayers' funds is involved, and we will continue to do so until sufficient details of the financial agreement are made available to this Parliament. In recent weeks, the State Opposition has asked a series of questions in Parliament on the proposal without receiving complete answers. The principles for agreement between the Government and the groups providing funds for the project have not been given to Parliament, although they have been presented as evidence to the Casino Advisory Authority.

It does appear from the details so far given that a considerable amount of taxpayers' money will be used to underwrite the project. Parliament adjourns tomorrow until 20 March next year, and in that period a significant amount of planning work and possibly some site works will be carried out on the railway station redevelopment. It is our wish that the station redevelopment proceeds, and we welcome the involvement of your organisation. At the same time, it is important to ensure that taxpayers' funds are safeguarded and it is, therefore, my intention to raise the matter in the Parliament today. My purpose in writing is to assure you of the Liberal Party's continuing support for a viable project. My criticism is with the Premier and the Government for denying information on the proposed use of taxpayers' funds to the Parliament.

It can be seen from that telex that the Liberal Party fully supports the viable commercial development of the railway station site. The telex should be enough to refute inevitable claims (because that is what we have seen in recent times from the Government benches) by the Premier that the Liberal Party for some reason wants the redevelopment to fail.

When questioned over the past two months the Premier has consistently resorted to this tactic of attempting to smear the Opposition, rather than answer the legitimate questions we have asked. He has treated this Parliament with contempt. The Premier is acting as if this project is somehow his personal property, and the financial and planning arrangements are no business of this Parliament or the poeple of South Australia. By refusing to answer fundamental questions about the project, the Premier is saying that he has no responsibility to tell the Parliament how taxpayers' money is being spent or put at risk.

I remind the Premier that this Parliament and the people of South Australia have an absolute right to know how their money is being spent. In underlining the need to have greater detail about the arrangements surrounding the railway station redevelopment, I turn to the debate in this House on the Hilton Hotel development in 1980. On 1 April 1980, the then Opposition Leader (now Premier) said:

I think we should have more details about just what those financial implications are for Government revenue, and also about the Government's concept of what is the future of this project. I think that the Government's view about its financial viability should be put before us firmly.

I remind the House that these statements were made after the former Liberal Government had introduced an indenture to allow the Hotel to proceed, but before any construction work had begun on site. The Hilton involved no Government guarantees. The indenture detailed the extent of Government concessions for tax remissions and land acquisition, but the Premier (as Opposition Leader) still sought more information from the Parliament.

His attitude to the railway station redevelopment is completely inconsistent with his approach to the Hilton Hotel indenture. He will not even say whether he proposes to place an Indenture before Parliament on the railway station project. Any development of the type envisaged at the railway station must involve Governments at all levels—Federal, State and local. It is common for these Governments to offer incentives or other assistance to encourage potential developers. Some limited support facilities may also be required, but it is not the role of Government to act as developer, manager, licensee, operator, or financier of such a scheme.

This is the basic responsibility of private firms which, in seeking profits, should be prepared to take some of the risks. It is now more than two months since the Premier first signed the principles for agreement for the railway station redevelopment project. Since then, despite persistent questioning by the Liberal Party in this House, the people of South Australia have been kept largely in the dark about the financial arrangements surrounding the project. Three times—on 18 October, 17 November, and 1 December—the Opposition has asked the Premier to table the principles for agreement, and on each occasion that request has been denied. Last week the Premier said in reply to the member for Davenport, who sought the principles for agreement:

At present the House is in possession of all the details that are necessary for an understanding of a project of this nature.

It is difficult to imagine a statement which holds Parliament in greater contempt than that statement. That statement, as well as the Premier's persistent refusal to supply details to

this House, has become even more scandalous following the erection of a sign at the railway station which says that work on the $140 million project has already started. In addition, it talks of the ASER property trust. Presumably this preliminary work is being carried out with taxpayers' funds, yet no reference has been made to this Parliament of that expenditure. The Premier has already told the House (on 20 October) that the work must start by July. He said:

> If for some reason a start cannot be made by July 1984 then the whole matter will be up for renegotiation.

Now we find, almost by accident, that site works have already begun, or else the sign does not reflect what is happening on site. This means that the details of a $140 million scheme involving substantial taxpayers' funds and guarantees have not once been scrutinised or debated by this Parliament. The plans and details have not been examined or approved by the Adelaide City Council, the City of Adelaide Planning Commission, the Foreign Investment Review Board or the Industries Development Committee.

Until the go-ahead is given by all these groups, including this Parliament, it is untenable for the Government to proceed with work on the scheme. Before the State Government guarantees any loans, the Treasurer is obliged to seek the authority of the I.D.C. Yet, he has not done so, although he has apparently signed an agreement saying that the State will guarantee loans of more than $140 million. The scant information so far given to this Parliament does not allow a proper assessment of the risks the Government may be taking with taxpayers' funds. This was admitted by the Premier in the House on 17 November. The previous day Adelaide developer, Mr Lawrie Curtis, released an assessment of the viability of the railway station redevelopment proposals. In answer to a question from the Deputy Leader, the Premier said:

> The fact is that the Deputy Leader chooses to quote Mr Curtis and imply that Mr Curtis has some inside or special knowledge that is superior to that of both the Government and the parties conducting the venture. That is absolute nonsense.

That statement by the Premier is tantamount to a confession that not only Mr Curtis but also this Parliament has insufficient information. I remind the Premier of his contemptuous statement made in this House last week, when he said:

> At present the House is in possession of all the details that are necessary for an understanding of a project of this nature.

Mr Ashenden: Open government.

Mr OLSEN: So much for open government! Closed government would be a more reliable description. Yet, the Premier admits that Mr Curtis does not have enough details to make an assessment of the project's viability. It is inconsistent and dishonest for the Premier to claim on the one hand that he has made enough detail available and, on the other, to say that a developer of Mr Curtis' experience does not have sufficient detail to make an assessment of the scheme.

The fact is that the Premier is deliberately withholding information from this Parliament which the Parliament has a right to study, examine and assess. Work has begun on a project without the approval of any of the recognised Parliamentary, civic or Government forums, as I have already listed. I remind the House of just some of the responses already given by the Government to Opposition questions. For example, on 27 October the member for Davenport asked the Premier what rental the Government would pay for the sublease of the convention centre and car park for a 40-year period, and whether the rental or the capitalised cost would be adjusted for c.p.i. increases each year.

The SPEAKER: Order! The Leader's time has expired. The honourable Premier.

The Hon. J.C. BANNON (Premier and Treasurer): A couple of hours ago I was over on the tenth floor of the T.A.A. building, that floor being leased by the Pak-Poy Kumagai Gumi consortium which is involved in the ASER project and signed the agreement setting out the principles under which that development would proceed. The principles of agreement impose certain obligations on those involved with the project and impose certain obligations on the Government. Incidentally, those obligations relate to matters that were canvassed and agreed by the former Government, although they have been varied in some respects, in most cases to the benefit of the Government in terms of reducing its exposure, and certainly to its financial benefit. Anyway, two hours ago I was in the T.A.A. building with the planning team, and there were maps, diagrams and designs there for perusal. Present were some leading civil engineers, architects, planners and others who have been involved in this project—a number of Adelaide's experts in this area. In answering some of the points made by the Leader of the Opposition in this carping criticism of the project, I point out that the Government itself is not exposed in terms of actual capital expenditure. The project is being constructed as a private sector project.

Mr LEWIS: On a point of order, Mr Speaker. I notice (and I am reminded of what I was told some years ago) that there is a bull at the right elbow of the Premier. I thought it was improper for displays of any kind whatever to be made in this place.

The SPEAKER: I uphold the point of order and I ask that the offending object be removed.

The Hon. J.C. BANNON: This is how importantly the Opposition treats this little exercise. The sterility of the Opposition and its inability to find questions have made it resort to this. Let me continue with my comments, despite the interruptions, although any more points of order are welcome, as members opposite know that I have limited time and that that will cut into it. Let me continue: there we were with the planning team. The main purpose of my being there was to introduce to the project, and for me to have discussions with, a top United States expert on convention centres who, in fact, has been hired as a consultant to advise on detailed planning for the international convention centre.

He is Mr Tom Liegler, who hails from Anaheim, in California. He mentioned that for 32 years he has been involved all over the world as a consultant on redevelopment projects, including projects in Australia. So, he has some knowledge of our scene. He was in New South Wales in about 1978 and in Victoria in 1980, and he was engaged on projects involving both Labor and Liberal Governments. He has been a consultant for the Louisiana Superdome; the Erie County Stadium, in New York; stadiums in Honolulu; Atlanta, Georgia; and Oakland, California; and so on. In fact, he was appointed as a consultant to advise on certain aspects of the project.

I was talking to Mr Liegler about the proposed development and about how he perceived it. I said, 'Drawing on your experience, what do you think about it?' Members will see him replying to such questions on the media today. In response to my question he replied, 'It is a very exciting project. It is one that has great potential.' He is going to draw up a detailed report and recommendations for those who have hired him as a consultant. I asked him whether he had any doubts or concerns about the project, to which he replied, 'Well, the convention and international market is expanding exponentially at the moment. Australia is increasingly being seen as being a desirable target in this area. I would say that you are moving on this project at the best possible time and that, indeed, you should be able to

catch the wave of interest and the wave of development in relation to it.'

I said, 'Yes, but are there any doubts? For instance, people in our community have been suggesting that this project will not become a reality, that there is not enough evidence to suggest that it is viable.' He said, 'Well, yes, there is a doubt in my mind. My doubt is that you have not been ambitious enough, that it is not big enough, having regard to the state of the market. You would be wrong to undersell yourself.' The whole thinking behind this motion of urgency, apart from trying to divert attention from the sterility of the Opposition in other areas, is to reflect that kind of attitude within our community—barely voiced; it has been bubbling on underneath the surface.

It has been fuelled periodically by the Opposition, from March right through, with the sort of questions asked—a feeling within the community that this project is a bit too big; it cannot really happen; no, not in Adelaide; it is illusory; it is not possible. The Opposition is very keen to lend itself to that sort of attitude and that kind of community feeling. The Leader of the Opposition seeks to cover himself, no doubt. He tables here a very long motion. He does not just want to put up the motion, the point that he is really trying to make, which is, 'We don't think this project is going ahead. We want to knock it, and if in the process we can undermine it that will be a good plus for the Opposition, because we can make the Government look a fool.' He does not put that in his motion; he covers that with three pages of absolute nonsense.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: And as a further cover to this he then proceeds to send a long telex to everyone he can think of, saying, 'Look, the Opposition in raising this is really fully supportive of this project. Oh dear, no, we are not attempting to undermine it; we are not attempting to create a feeling of no confidence about it. We are right behind it. We are just asking proper questions in Parliament.' Those questions and that approach are a hypocritical and scandalous way to try to undermine this project.

All the substantive details on the financial arrangements and the way in which we envisage this project proceeding have been put before this House. I would have thought, incidentally, that members of the previous Government who claimed some credit for this project would have some idea of the sorts of terms and conditions, anyway, and realised what sort of qualifications have been made to those terms. But, no, they choose not to on this occasion.

Let me say, incidentally, on that that this project was on the point of collapsing; it was on the point of foundering at the expiry date early in March, and the Opposition somewhat gleefully was asking questions to that effect. I must admit that I found it hard to work out the way in which I should respond to that. My feeling was one of great anger earlier this year, I recall, when, among others, I think it was the member for Torrens who raised carping questions in areas which he knew had commercial sensitivity and which could well destroy some confidence in this project. Despite the fact that he had carriage of it and some responsibility on behalf of South Australia to see it advance, he raised questions like that. I got very angry on that occasion and I have been angry subsequently in this place. I have seen the way in which the Opposition has attempted to undermine and sow doubts about that. I think I have got through that stage, because I really think that the Opposition today has exposed its whole basic attitude to the project.

The financial details and the exposure of the Government in terms of capital outlay have been detailed to this House. At this stage, we are not able to say what is the actual expenditure or guarantee that may be involved, but we are able to lay out the parameters. The Leader says 'Ah' as though he has just heard something for the first time. If he goes back to October and reads my statement he will see that very point spelt out and the parameters laid out. So, there is no point in saying 'Ah' about that: it is there in the statement. I suspect that the Leader has not even bothered to read it in formulating these questions, because most of them are answered. As to some of the other questions of detail, I have said—

Members interjecting:

The SPEAKER: Order! I have allowed this motion because I thought it was being seriously put abroad as a matter of great public importance and urgency, but the performance that I and others are witnessing is something like a repeat of the Marx Brothers. The honourable Premier.

The Hon. J.C. BANNON: I said as long ago as October that it may be that some form of indenture is necessary, but it is unlikely. The precedent for this rests in the 1980 Hilton Hotel legislation, to which the Leader of the Opposition referred. I just remind the Opposition that the Leader quoted me as saying the House needed more information, and so on. That is indeed the case, and I think the House is entitled to information on these projects; indeed, as it becomes appropriate so the House will get the full information. I ask members to cast their minds back to the occasion on which I made that statement. That was the occasion on which a Bill to secure a project was introduced and we were asked to pass it in one day. Did we filibuster and delay and carry on in the way that this Opposition has been doing in the past few weeks? No, we said that that project was in the interests of South Australia and, although we did not have the full information, we had—

The Hon. E.R. Goldsworthy: Which project is that?

The Hon. J.C. BANNON: The Hilton Hotel. We had it just dumped in our laps, but nonetheless we believed that in the interests of South Australia we should not have recourse to all our rights and filibuster and drag out the debate: we supported it. I wish that we could get similar action on this.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I hope the honourable Deputy Leader will show some restraint.

The Hon. J.C. BANNON: It is well to remember the difference in approach to that 1980 Bill and the paucity of information at that time which could well be demonstrated, but we passed it through. On this occasion, I readily concede that the House requires, and will have open to it, all the information necessary to make any decisions that this Parliament has to make—no question of that. But I would have thought that such is the nature of the project, such is its importance, that we would have been able to get on with the planning and preparatory work which involves the Adelaide City Council and the City of Adelaide Planning Commission; which involves the Foreign Investment Review Board (and there have been preliminary discussions with them, and they have given us an indication of their attitude); which involves a number of international hoteliers who are bidding for the project.

Incidentally, the member for Light asked whether it was true that a leading international hotel had withdrawn from the project, the implication being that there must be something wrong about it, and he was going to broadcast that to the world in the hope that the other three or four interested hotels would withdraw. That is nonsense, as I said to the next member who wanted to throw doubts in that area, the supposed representative for the Opposition in tourism; good heavens, one boggles at the thought at the way in which she is joining this campaign to undermine the project. She asked, 'What is there about the hotel? Is it true there is difficulty in getting a hotel?' The difficulty is in selecting.

not in getting, and that will be done. This project is an exciting project, as Mr Tom Liegler said today. This is a very exciting project, and one which is very timely. There is no question about the interest and involvement. There will be no question about the details as appropriate being put before this Parliament at the appropriate time.

The Opposition, which suggests that it knows about business (and there are not too many business men amongst them when you look at them, certainly not business men who have dealt with projects of this size and scale; their minds cannot quite encompass it) and which professes to know a bit about business, is also intent on trying to expose the commercial negotiations involving Government and private enterprise. Members opposite know the consequence of that, they know that there are appropriate times at which various matters will be put before the House, and they know very well that a number of these questions have already been answered and that a number of them will be answered at the appropriate time, and now is not the appropriate time.

I would suggest that the time has come for them to let us get on with this project. They have decided that they are not going to participate in it and support it. All right; that is a decision the Opposition has taken, but it is about time that it remained silent and let us get on with the job. The fact is that we have a very exciting development project on the point of being constructed in the city and everything the Government and community can do should be done to support it. If we are going to put up with the little minds and the comment that is going on, we are in trouble.

The Hon. MICHAEL WILSON (Torrens): A few moments ago you, Sir, said to this House that you regarded this matter as a grave matter of public importance and urgency, and so it is and that is why the Opposition has introduced today what I suggest is one of the most comprehensively worded motions ever put before this Parliament. What sort of response have we had from the Premier? This motion details 16 questions about this project, 16 questions to which this Parliament deserves an answer, 16 questions to which the public of this State deserves an answer and how many did the Premier answer?

Opposition members: Not one!

The SPEAKER: Order! The honourable member for Torrens.

Members interjecting:

The SPEAKER: Order! Order! The honourable member for Torrens does not need 16 echoes every time he speaks. The honourable member for Torrens.

The Hon. MICHAEL WILSON: As I say, not one did he answer; and, furthermore, he called it absolute nonsense. 'Absolute nonsense' is the way the Premier described the 16 questions, questions asking what binding arrangements exist between the parties, what are the financial details of the project, has any decision been made to establish public transport facilities—no answers, no answers!

The Hon. J.C. Bannon: It's in *Hansard.*

The Hon. MICHAEL WILSON: They have not been answered before. Since I have been in this House I have sat here with four Premiers, and not one of them in my time here has provided so little information to this House on any question, let alone this one. Trying to get information out of this Premier is like a dentist trying to draw an impacted wisdom tooth. The Premier's answer to the Leader was an absolute disgrace—not one positive thought did he give to the whole project, and not one positive answer did he give to the detailed questions posed by the Leader.

Let us look at what information (or non-information) the Premier has already given the House on this vitally important matter to South Australia. The Premier's answers are a litany of non-information. On 27 October, as the Leader mentioned when he wound up his remarks, the member for Davenport asked the Premier what rental the Government would pay for the sublease of the convention centre and car park for a 40-year period, and whether the rental or the capitalised cost would be adjusted for c.p.i. increases each year—a reasonable question involving the Government's use of taxpayers' funds. The Premier replied:

> As I do not have that detail in front of me, I will try to obtain that information for the honourable member.

I dare say that that is a reasonable reply if the Premier did not have the information in front of him, but what has happened since? No reply has been received: no further response.

On 29 November, the member for Light asked the Local Government Minister whether the Adelaide City Council had been consulted about plans to redevelop the station site and whether the council had agreed to forgo rates. The Minister's reply was this:

> No, I cannot advise the member for Light but will have a detailed report sent to him within the next two or three days.

Yesterday, when no reply had been received (some seven days later), the member for Light again sought an answer, and he was told:

> If the member for Light wants a hastily prepared report I will give it to him, but if he wants a detailed report he will get one, and he will get it as soon as it is ready.

Soon after noon today a letter was received from the Minister confirming that discussions had taken place on the development between the ASER project co-ordinating committee and the Lord Mayor. The letter stated:

> Discussions had also taken place at officer level with the council concerning municipal rating. No agreement has been negotiated, however.

All that shows is that not only do we have non-information coming from the Premier, but we have absolute incompetence from the Minister of Local Government, who could not even answer whether he had had discussions with the Lord Mayor on this project. He could not even tell this House that, and no doubt, since he gave that answer to the member for Light, he has scuttled across the Square and had an urgent appointment with the Lord Mayor so that he could say in this letter that he had now had discussions; that obviously is what has happened.

I understand that, in the agreement signed by the Premier in Tokyo, a clause specifies that the developers will not have to pay any rates or taxes for five years after the opening of the hotel. If this is the case (and I believe it is), then the Premier is not only holding the Parliament in contempt but is also holding the City Council and the ratepayers of Adelaide in contempt. On 29 November, the litany continues. The member for Coles sought an assurance from the Premier that an operator for the international hotel would be chosen before construction began. The Premier replied:

> I think a better expression is 'has not yet been chosen'. The matter has been canvassed previously in this place. I am not directly involved in those negotiations—that is the task of the consortium—but a number of hotel chains are interested in taking up the project. A final decision has not yet been made.

On that occasion the Premier did not even address the member's question. Only yesterday the Premier again evaded a fundamental question involving taxpayers' funds from me, when I asked him:

> Can the Premier say over what period has Kumagai Gumi agreed to loan $58.5 million for the Adelaide railway station redevelopment? Further, has a final agreement for that loan been signed by all parties involved and, if so, will the Premier table that agreement in the House?

It is important to realise that those questions had not been asked before in this Parliament and the Premier knew it. Yet this is what the Premier said:

A repetitious question, Mr Speaker . . . I do not have the details before me, but I would refer the member to my statement made on this matter wherein I set out the substance of the financial agreement that had been undertaken . . .

But reference to that statement underlines the attempted deception of the Premier. He did not even address the question, and so the litany of non-information continues. In the 27 October statement, the Premier said:

Under the terms of the agreement between the Government, SASFIT and Kumagai Gumi and Co. Ltd, the Government has agreed to—

and referring to section 4—

guarantee all moneys provided by the project by Kumagai.

No reference was made to the length of the loan, and I had every right to seek that information. How is the public of South Australia to judge the viability of this project if the Premier will not give even the most basic and elementary information to this House? How dare the Premier accuse this Opposition of grandstanding and, as he said in his speech, not wanting the project, and wanting to knock the project, when it is one of the most prime responsibilities of any Opposition to seek information on projects such as this and, indeed, any matter pertaining to Government—a prime responsibility, one of the most important responsibilities that any Opposition has. Yet, as has happened so often in the past two months, the Premier again today has chosen to avoid the questions asked about vital information which could have a direct effect on the revenue of this State, the use of taxpayers' funds, and possibly the level of taxation paid by people in this State.

I now want to address another matter with which the Premier dealt in his statement earlier and in answer to questions. Of course, he drew a comparison between what the former Liberal Government was going to guarantee on this project and what his own Government has done. Indeed, he said that the $2.65 million a year to be paid by the State Government compared favourably with the $3 million a year to be paid by the former Government. I need to address that question, because it must go on the record. I begin by quoting the recommendations of a Cabinet submission approved by the Tonkin Government as follows:

1. Reconfirm support for the redevelopment of the Adelaide station and environs site.

It was to support the project. The submission continues:

2. Authorise the Pak-Poy & Kneebone consortium to advise potential developers that the Government will financially support the project through the inclusion of a bus station/interchange and a convention centre in the redevelopment, or by alternative arrangements to the same financial level.

3. Agree in principle to lease up to 50 per cent of the accommodation available in the office block, if necessary for the success of the project.

The date of that Cabinet submission and approval was 4 October 1982. To give more detail from the same submission, the leasing cost to the State Transport Authority for the central bus station interchange was $1.25 million per annum; the leasing of the convention centre at an annual cost to the Tourism Department or some other agency was $1.25 million per annum; and, agreeing to take up half of the office accommodation available (22 000 square metres) was about $600 000 per annum which, in practice, reduces to about $100 000 per annum, given that rental space would have to be found elsewhere.

When we study what the Premier said, we get an indication of how he likes to substantially bend the facts in this place. The Premier drew a comparison between the $2.65 million that it would cost the present Government and the $3 million that the former Government would have had to pay. He also said, on 18 October in answer to a question from the Leader:

Equally, I might add, I was a little surprised as State Treasurer to find some of the concessions being offered by the previous Government. I can assure the House that the extent of exposure by the State Government and State Treasury with the arrangements which have made on this occasion does not go to anywhere like the same extent as the exposure that the previous Government had agreed. That is worth bearing in mind.

They were the Premier's words. In fact, we find that in comparing those figures, the Premier neglected to mention that this Government had given no commitment to leasing the office space (which was a considerable part of the rental in the previous Government's proposal), nor had it given any commitment on the bus interchange at the State Transport Authority headquarters.

He has compared the two figures and has not yet given answers to those questions. There is no question at all that the Premier is deliberately drawing a veil of secrecy over this project, and we want to know why. We want to know why he is giving misinformation to this House; why he is refusing to let the people of South Australia know the details of this project; and why, as he believes so much in this project, he does little more in answer to the Leader's questions than harangue us on what he believes are the motives of the Opposition. To dispel our doubts the Premier has only to provide us with answers to the 16 questions that the Opposition has put to this House under this motion.

The SPEAKER: Order! The honourable member's time has expired.

The Hon. G.F. KENEALLY (Minister of Tourism): As Minister of Tourism in South Australia responsible to a Government that is committed to the expansion of the tourist potential of this State, I am appalled at the consistent and determined efforts of members of the Opposition to denigrate a project that has the potential to provide for South Australia an economic generator and to be a provider of jobs—

Members interjecting:

The Hon. G.F. KENEALLY: It seems to me that the Opposition is determined to deny the people of South Australia an advantage that could well and truly be ours if the arrangements now proceeding are allowed to go ahead without the interference of people such as those who are facing me at the moment. It is quite obvious that this is an example of a person's getting sulky and taking his ball home. Members opposite are unable to have their signatures on the document, so they intend to do their best to ensure that no other signatures appear on it. The Opposition in its continued efforts to denigrate the project is doing South Australia a great disservice.

Members interjecting:

The Hon. G.F. KENEALLY: On numerous occasions members opposite have told us that they have a special relationship with industry; that they are the ones who know about commerce and industry; the ones who are adept at negotiating with consortia; and that they are the ones who know about the terms of contracts, etc. I do not accept that, but should anyone do so—

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: Should one accept that, one would also have to accept that the Opposition knows how to destabilise a project before it becomes a fact of life. That is what the Opposition is on about. Members opposite know that their continued arguing, questioning, and disputing the ASER project must have a destabilising effect on those people who are interested in investing many millions of dollars in the future of South Australia. The Opposition is doing this deliberately. There has been no clearer example of this than the question asked by the member for Light wherein he wanted to point out to the House and anyone within the industry throughout the world that there is a possibility that a major international hotel consortia had

withdrawn from negotiations with the ASER project in South Australia. What was the reason for his asking such a question in the Parliament of South Australia? It was asked only for the purpose of casting doubts upon the project and within the minds of South Australians and of those people internationally who are a vital part of this project.

Members interjecting:

The Hon. G.F. KENEALLY: Members opposite say that they understand big business, that they have a special relationship with it, that they understand tourism and the fragile nature of tourism development. Yet they have deliberately set about undermining a most exciting project proposed for South Australia that will generate economic activity and provide thousands of jobs. However, week after week, almost day after day, we have to keep on convincing members of the Opposition that this is a project that they should be getting behind. We have had no example yet of members opposite getting behind the project.

Members interjecting:

The SPEAKER: Order! This is like a second-rate Perry Mason movie. About 16 members are shouting 'Answer the question', and it is becoming a disgrace. The Chief Secretary.

The Hon. G.F. KENEALLY: Thank you, Mr Speaker. Members opposite have said that when the Liberal Government left office the project was almost at the signing stage, that the whole project was in place, and that they were ready to sign. What information did members of the former Government provide to this House? I have been here for 13 years, and I cannot recall any concrete information concerning the negotiations with consortia interested in commercial undertakings that the Government might now be involved with having been provided to the House. I am referring to the commercial undertakings of people who are interested in providing funds to build an international hotel and a convention centre as part of the ASER project.

These are the people who want to tell us that they have this special understanding of commercial activities. If they do, then what they should be doing is looking at their own record. I repeat, what has happened here is that we have a sulky Opposition that has not been able to sign the document, so it is envious of the possibility that somebody else will be able to do that. How important to tourism in South Australia and to the viability of that industry is the ASER project?

The total tourism industry in South Australia is united in its desire to see this project get off the ground, so that we are able to provide, amongst the first in Australia (and if we get the encouragement of all those who should have an interest) a convention centre that could tap into the 1986 to 1988 convention boom in this country, which is what this State needs now.

The Hon. Jennifer Adamson: Why can't you provide—

The Hon. G.F. KENEALLY: The shadow Minister of Tourism is becoming hysterical. I would have thought that she, above all others, would have supported this project. Since I have been talking about the value to tourism of this project in South Australia, I have been subjected to an incessant stream of interjections from the shadow Minister of Tourism, who ought to know, if no other person in this House ought to know, the value of that project to this State.

Members interjecting:

The Hon. G.F. KENEALLY: The rules have changed, because members opposite are in Opposition. I was interested to hear the member for Torrens read from a letter sent to the member for Light signed by the Minister of Local Government. He failed to read it all. Of course, after the question was asked of the Minister about rates, and so on, the honourable member scuttled across the road to speak to the Lord Mayor. I point out to the honourable member and anyone else who wishes to listen and read the letter that is now in his possession that the working group to which the Minister referred was established a long time before the member for Light asked a question in this House.

Members interjecting:

The Hon. G.F. KENEALLY: That was one of the matters he addressed, because the honourable member asked for a detailed reply, which he got.

Members interjecting:

The Hon. G.F. KENEALLY: It is rather humorous that, if one gives a ready reply to the Opposition, if it is not detailed, one is criticised for that. If one gives a detailed reply and not a ready reply, one is criticised. It seems to me that members opposite are clearly not trying to ascertain information, but to continue to cast doubts upon the viability of the project. I want one Opposition member to be prepared to stand up and say that their incessant campaign has not or will not have a dampening effect upon the investment of people who will provide millions of dollars for South Australia.

It was total hypocrisy for the Leader of the Opposition to say that he was raising this matter because it was a question of great public interest; that he had sent telegrams to all the bodies concerned; and that neither raising the matter as an urgency motion in a House of Parliament in South Australia or sending those telegrams to all the people involved in this development could not cast doubt in the minds of people in South Australia, and in those that we are hoping will invest in this project. If he says that would not cast doubts in the minds of those people, he is being fallacious. Opposition members know very well what they are doing: they are participating in a determined and sustained effort to deny South Australia a project that I, as Minister of Tourism, know that overwhelmingly the citizens of South Australia support.

We need to get into the convention business quickly. As Mr Tom Liegler, the expert who is here from the United States to advise on a convention centre, has told us, the convention industry is growing at an enormous rate, and if we miss the bus we miss it forever, and we cannot afford to do that. This Government has no intention, despite the efforts of the Opposition, of missing the bus. This is the greatest growth industry in the world.

There is no other industry in the world that we would aspire to in Australia that has the growth potential of tourism and the convention industry. There is one other that is growing at a considerable rate, and that is the manufacture of armaments, but I do not believe that South Australia or Australia is interested in getting into that business. The growth industry is tourism, and an essential part of that growth industry is the provision of convention facilities.

The Hon. D.C. Wotton: What about the marketing of the convention centre?

The Hon. G.F. KENEALLY: The Government in South Australia increased the marketing budget for tourism in South Australia by 57 per cent, and the effect of that will be readily available.

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order! I call the member for Murray to order.

The Hon. G.F. KENEALLY: The marketing of conventions will take place when we have the management in place and when we have the A.C.B. and the Department of Tourism co-operating with the management of the convention centre. We would need to work with those people who would be the manager, the financiers, and the owners of the project across the road. It would be absolutely ridiculous for the Department of Tourism to be rushing out now promoting conventions when we do not have the management in place that the convention people can talk to.

Mr Becker: It takes about three years to organise.

The Hon. G.F. KENEALLY: It will not take three years to organise: it will take a short time, given the support of all those people who are responsible and supportive. Initially, I thought that would have included members of the Opposition, but I have been proven wrong. That management will be in place soon, and then the promotion of the convention centre for the 1986, 1987, and 1988 convention period will begin. That promotion will be given total support and, no doubt, will receive financial contribution from the State Government either directly or through the A.C.B. The member for Torrens has already pointed out, and I repeat, that you, Mr Speaker, said earlier today that you believed this matter was a debate of great public interest and of urgency.

If that is the case, I would like to know how, in such a short time, the Opposition can run up a list of 16 questions that ought to be Questions on Notice and demand that they be answered in a short debate, bearing in mind that when it was in Government it provided little, if any, information to this House about negotiations that were taking place—when things are different they are not the same. The Opposition is demanding that this Government provides information to the House that in Government it was not prepared to provide.

I believe that this is an example of absolute total hypocrisy. I do not mind the Leader of the Opposition carrying on in his normal way or his Deputy Leader had he been asked to speak (and I thought he would have been), but the member for Torrens and the member for Coles are two people for whom up to this time I have had some respect in matters of this kind. Their support for the effort to denigrate South Australia's tourist potential has brought me to the conclusion that they have never been supportive, and that they are out for political point scoring. It is obvious that they do not like a few home truths.

Members interjecting:

The Hon. G.F. KENEALLY: It is unfortunate that the response I am getting now clearly indicates that what I was saying is getting home to where it hurts.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): We have been told absolutely nothing in this debate by the Premier or his Minister of Tourism, and if the Premier and his Minister believe that the Opposition and the public of this State do not have the right to this information, in my view they are being completely and clearly irresponsible.

Every major project negotiated by the previous Liberal Government was the subject of an indenture that came before this House and was scrutinised in detail by the Opposition. In the case of Stony Point, a billion-dollar project, we were criticised for going too quickly, but nonetheless it came before this Parliament, and the Opposition, now the Government, had every opportunity to examine its financial arrangements in detail. Likewise with the Roxby Downs uranium mine, which had the most detailed indenture ever presented to this Parliament.

To suggest that we do not have a legitimate right on behalf of the taxpayers of this State to seek information in relation to what the Premier says is the biggest building project ever undertaken by Government in this State indicates to me a strange view of the responsibility of a Government and the Treasurer to the people who will pick up the tab. During the Premier's remarks he said that the Government is really not involved. Not half it is not involved, not half the taxpayers are not involved! The Superannuation Fund is putting up most of the funds for this project. The Superannuation Act refers to contributions by the Government and, of course, the Government is the taxpayer. Any funds the Government has are yours and mine and those of every Joe Blow of this State who pays his taxes, and yet the Premier says that the Government is not involved. By jingo, that is a new slant! Section 66 of the Superannuation Act provides:

(1) In respect of each payment of pension or other payment from the fund—

like this—

the Government shall make such contribution to the fund calculated in the prescribed manner.

(2) The regulations may from time to time vary the contributions to be made by the Government.

(3) Payments by the Government to the fund for the purposes of this Act shall be made out of the General Revenue of the State which is hereby and to the necessary extent appropriated accordingly.

Yet, the Government says it is not involved. If the project does not turn out as well as the Premier hopes, taxpayers will pick up the tab. All the Premier has told us about this is that the Government may guarantee the hotel, and I would be surprised if any taxpayer does not have questions about that. We know the record of what is happening with the Hilton. We know the occupancy rate and there are legitimate questions to be asked about what that involves. Have we guaranteed the hotel or have we not? The Government does not even know that, but taxpayers are involved.

The Premier thinks that the Government has taken the head lease on the convention centre, but he is not sure of any of the details. The Government is embarking on this project, as the member for Torrens says, in an air of complete secrecy in terms of any financial dealings. I think that the public of this State have every reason to suspect the financial competence of this Labor Government, judging by its track record during the 1970s. If the Premier was the managing director, as he thinks he is of the finances of this State, of a large company and he gave the shareholders at an annual general meeting the sort of information that is being presented to this House and to the people of South Australia, he would be given his marching orders. Shareholders in this case are the taxpayers of this State.

We have had the story before. I believe that the Liberal Government would not have pursued this project if we did not think it had real possibilities. We made no firm commitments at all, and that Cabinet submission, which the member for Torrens read in part to the House, indicated how far we were prepared to go. There is no basis for comparison between what was proposed and what the Premier is proposing. There is no mention of a transport interchange terminal in the proposal put forward by the Premier, but that is part of the package we were thinking about. The financial exposure in the case of the decision of the Liberal Government was quite minimal.

It is plainly dishonest of the Premier in trying to sell this project not to give any detail but to make the bland and plainly dishonest statement that the exposure is less than the Liberal Government was prepared to make. For one thing, the Premier does not know what public exposure is in the case of his proposition, or what the guarantees will be; all he knows is that he may have to give them.

We are legitimately seeking answers to legitimate questions. The Premier rubbished those questions and said that they were nonsense. Now, that increases our concern. If he does not believe that each one of those 16 questions needs to be addressed, along with many other questions and details—and answered before the first sod is turned on that site—he is a bigger fool than I thought he was.

The track record of the Labor Party is abysmal in the business undertakings it sought to enact for South Australia's development in the 1970s. There is a list of them. It set up the Land Commission because there was money to be made in dealing in land—a land bank for the public—cheap blocks. That cost the taxpayers of this State literally tens of millions

of dollars. The Premier can laugh. The Labor Party then went on the Monarto excursion—we were going to have a new town.

Mr Ferguson: Tell us about Roxby.

The Hon. E.R. GOLDSWORTHY: I will tell the honourable member about Roxby.

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: Mr Speaker—

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: Monarto—

The SPEAKER: Order! The Deputy Leader will not defy the Chair and he will not tell the House about Roxby Downs; it has nothing to do with this motion.

The Hon. E.R. GOLDSWORTHY: Well, stop them interjecting, Sir.

Members interjecting:

The SPEAKER: Order! I warn the honourable Deputy Leader, and that is the last warning that he will get. The Deputy Leader.

The Hon. E.R. GOLDSWORTHY: And it is the first, Sir. Monarto cost the taxpayers of this State tens of millions of dollars. Then there was frozen food—cheap food for hospitals: millions of dollars of taxpayers' money was wasted. The only other area which the Minister of Tourism said was a possibility was clothing. The Government has already been there. We have to fund the State Clothing Corporation every month to keep it going. That was another excursion of the Labor Party.

The questions raised are entirely legitimate. The Government is trying to dodge bringing in an indenture to this House. It is quite clear from what the Premier said in answer to this debate that he does not want to bring the details to Parliament. 'I do not think that an indenture is necessary,' he said. He hopes that it is not. He is advancing this project in complete secrecy. This is quite typical—not untypical—of the Labor Party: launch into the thing; do not think of the consequences; let the next generation pick up the tab. Let us make it quite clear: the Opposition will support this project, or we would not have embarked on it in Opposition. However, we will not take a step in the dark based on the airy-fairy statements of the Premier that it is 'very exciting; it is the biggest project ever launched in South Australia'. Nor will we go along with the airy-fairy non-statements of the Chief Secretary—that we are trying to knock tourism because, he suggests, we are not in favour of the project. All that we are doing (I repeat, and will repeat *ad nauseam*) is seeking legitimate information to be put before this Parliament and the public so that they know what the financial tab is. If the Government is not prepared to do that, it is clearly in breach of its responsibilities to the public of this State.

At 3.15 p.m., the time having expired, the motion was withdrawn.

PERSONAL EXPLANATION: MEMBER'S REMARKS

The Hon. MICHAEL WILSON (Torrens): I seek leave to make a personal explanation.

Leave granted.

The Hon. MICHAEL WILSON: In a reply that the Minister of Tourism gave to this House a while ago, he accused me of selectively quoting, and I wish to put the record straight. The Minister has stated that when I was referring to a question directed by the member for Light to the Minister of Local Government, asking whether he had had consultations on the ASER project with the Lord Mayor, I said that the Minister of Local Government had given an indication that he would answer within two or three days, and that I then said that at noon today the member for Light had received a letter from the Minister of Local Government in answer to that question which was asked seven days ago.

The Minister of Tourism said that I had accused the Minister of Local Government of scuttling across the square to see the Lord Mayor actually in response to the member for Light's question. The Minister of Tourism then went on to say that I was misquoting from that letter, that a working group was formed by the Minister of Local Government long ago (I think were his words) to negotiate on this ASER project and the effects that it will have on the city. I quote from that letter (dated today and delivered to the member for Light) the last paragraph, which is the paragraph that the Minister of Tourism quoted to this House. It states:

> A working group is being formed—

not 'was being formed'—

> consisting of representatives from the Adelaide City Council, the Department of State Development, the Department of Tourism, the State Transport Authority and the ASER Property Trust to ensure that full co-operation and co-ordination is achieved.

EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Clause 4, page 1—Leave out the clause.

No. 2. Clause 5, page 1—Leave out the clause.

No. 3. Page 2, line 9 (clause 6)—Leave out 'by the prescribed fee' and insert 'by a fee of one hundred dollars'.

No. 4. Page 3 (clause 9)—After line 33 insert new subsection as follows:

(2a) The Board shall, in a notice referred to in subsection (2), state its reasons for making its decision.

No. 5. Clause 12, page 4—Leave out the clause.

No. 6. Clause 13, page 4—Leave out the clause.

Consideration in Committee.

Amendments Nos 1 and 2:

The Hon. LYNN ARNOLD: I move:

That the Legislative Council's amendments Nos 1 and 2 be disagreed to.

Amendments 1 and 2 refer to clause 4, which in the original Bill was the proposition that there be a change to the membership of the board, such that there be an equality of Government and non-government members with a casting vote power for the Chairman of the board. Another place has rejected that aspect of the Bill by its amendments, and the consequence of that is to maintain the *status quo* that exists presently within the Act. We cannot accept that: we believe that we should move, at the very least, to an equality of membership between the two. This in itself is a modification of the original proposition moved by the then Opposition in 1980 when we suggested that non-government membership on the board should be in the minority.

I remind members that every other State in Australia has a situation where the non-government sector is in the minority. We are not proposing that: we are proposing that they be in equality in numbers with those of the Ministerial nominees. Amendment No. 2 refers to the quorum provisions. It was not necessarily consequential upon clause 4, but the Upper House chose to read it as such and, therefore, it wants the quorum to remain as is in the Act. We believe firmly that the board must be increased in size, and consequently we believe that the quorum provision must remain as it is in the Bill, rather than in the Act.

The Hon. MICHAEL WILSON: The Opposition opposes the motion. Once again, it is not necessary to canvass the whole debate in detail, but the Opposition takes the view that what happens in other States is not necessarily applicable to South Australia. The non-government school sector and the Government school sector in South Australia co-exist extremely well, and I believe that there is no relevance in the argument about what happens in other States. The Opposition has maintained and will continue to maintain that the Non-Government Schools Registration Board works extremely well with its present complement. There has been no criticism of the operations of the board, the Chairman or its members, who are all held in high regard. The Opposition opposes the motion.

The Committee divided on the motion:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold (teller), Bannon, Crafter, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson (teller), and Wotton.

Pair—Aye—Mr Duncan. No—Mr P.B. Arnold.

Majority of 2 for the Ayes.

Motion thus carried.

Amendments Nos 3 and 4:

The Hon. LYNN ARNOLD: I move:

That the Legislative Council's amendments Nos 3 and 4 be agreed to.

Amendment No. 3 relates to the provision of the fee level. In the Bill as introduced in this House, the fee was not set at any particular amount. However, it was introduced as a concept after having been knocked out of the legislation in 1981. The situation now is that another place has inserted that there be an actual stipulation on the fee of $100, and the Hon. Mr Milne in another place referred to the situation that there should be a set amount that requires an Act of Parliament to actually amend. The principal purpose of this original part of the Bill was to build in the concept that there should be a fee.

The Government is not particularly upset about the actual stipulation of an amount because we had suggested ourselves that it should have some relationship to the actual costs of an inspection for a registration. I estimated at the time that it might cost in the order of $200. We are not fussed one way or the other, but the concept of the fee is what we do believe is important and we are pleased to see that another place accepts the concept. Therefore, we are quite happy to accept the amendment moved by another place in that regard.

The other matter provides that, when an application for registration has been rejected, the board should state its reasons for making its decision. In fact, the practice of the board has been just that and, reading the Act as it presently is, one could read that those powers presently exist within the legislation. However, in as much as the principle espoused in that amendment is certainly a sound one, we believe that no harm is done by repeating it, even though we believe that the provision was already built into the legislation and certainly had been adopted in practice by the board. However, we have no objection to the principle involved.

The Hon. MICHAEL WILSON: The Opposition, of course, would prefer that no fees be charged at all, because that was the substance of the Opposition's amendments in this Chamber when the matter was being discussed earlier. However, the Opposition now takes the view that this is a reasonable compromise (not an ideal one but a reasonable one), so the Opposition is prepared to support the motion that the prescribed fee be replaced by a fee of $100. As to amendment No. 4, I have to join with the Minister: I believe that it is an eminently sensible amendment, and I congratulate whoever was responsible for moving this amendment in another place (I believe that it was the Hon. Mr Milne), because it is one at which no board making important decisions like this could caviel.

Motion carried.

Amendment No. 5:

The Hon. LYNN ARNOLD: I move:

That the Legislative Council's amendment No. 5 be disagreed to.

Amendment No. 5 sees the removal from the Bill of the provision that the inspection process of non-government schools applying to the board be separate from the board itself: in other words, as I pointed out in the second reading explanation, that the inspection and adjudication processes be separated. Another place has rejected that and, by so doing, put to this Chamber that the Act as it now stands should be maintained. We argue that the proposition we put of the separation of inspection from adjudication is an appropriate separation without in any way reflecting upon the people who have acted on the board either as board members adjudicating on applications or as members of inspection panels. We are quite confident that they have acted appropriately and professionally over that time.

We are conscious, however, that there could be situations in future where schools that have been rejected in their application for registration could appeal on the grounds that the inspection process was so closely tied in with the adjudication process. We think it is not unreasonable to separate the two. I was rather surprised to read in this morning's paper a report on this Bill and I hoped that I might be able to take a copy of the *Advertiser* across to Government House and have it proclaimed before the *Hansard* proofs came out. It would have saved considerable trouble. However, I do not believe that Standing Orders provide for that.

The Hon. MICHAEL WILSON: The Opposition opposes the motion. Once again, this is not the time or place to go through a Committee debate. The Opposition takes the view and has always held the view, since this amendment was first floated by the Minister several months ago, that the inspection panels are working extremely well at the moment and that there is no reason to change their complement. The question of arms length that the Minister addresses is easily covered by the parent Act which allows for right of appeal of an aggrieved school, and we therefore believe there is no necessity to bring about the amendment which the Minister is trying to bring about.

The Committee divided on the motion:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold (teller), Bannon, Crafter, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson (teller), and Wotton.

Pair—Aye—Mr Duncan. No—Mr P.B. Arnold.

Majority of 2 for the Ayes.

Motion thus carried.

Amendment No. 6:

The Hon. LYNN ARNOLD: I move:

That the Legislative Council's amendment No. 6 be agreed to.

It is consequential upon the prescribing of the fee. If we do not accept it, we will have an illogicality in the legislation. This Government and this Parliament would not tolerate

such a situation. Accordingly, I move this as a machinery amendment.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos 1, 2 and 5 was adopted:

Because the amendments are not in accordance with the principles of the Bill.

KLEMZIG PIONEER CEMETERY (VESTING) BILL

The Legislative Council transmitted a Bill for an Act to vest certain land in the Corporation of the City of Enfield, and for other related purposes. The Legislative Council drew to the attention of the House of Assembly clause 4, printed in erased type, which clause being a money clause cannot originate in the Legislative Council but which is deemed necessary to the Bill.

Bill read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It has been prepared at the request of the Lutheran Church and the Corporation of the City of Enfield. It concerns land presently owned by the church at Klemzig, which is to be transferred to the council. It is common knowledge that the area now comprising the suburb of Klemzig was as early as 1838 settled by Lutheran immigrants of German extraction who came to South Australia to escape religious persecution. The land that is to be transferred by virtue of this Bill was the original cemetery of these pioneer people.

Over the years, the land ceased to be used as a cemetery and was developed by the church into a memorial garden and park. The church has always considered the land to be a significant part of its South Australian heritage and its historical importance, to both the church and the State of South Australia, is now marked by a granite monument and gateway pillars situated on the land. The land is situated at Second Avenue, Klemzig. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The church and the council have agreed upon a proposal under which the land is to be transferred to the council. The church considers that it is now appropriate that the council hold and manage the land. The council equally acknowledges that the land is an important acquisition and has undertaken to maintain the land as a park and garden commemorating the pioneers at Klemzig. Furthermore, the significance of the land to the sesquicentenary celebrations is obvious.

The church does, however, wish to retain some interest in the land and so the Bill provides that the church may make recommendations about the maintenance of the land to the council and shall be consulted before any development occurs. The church is also to have an express right to conduct one religious ceremony on the land each year. Clauses 1 and 2 are formal. Clause 3 contains the interpretation provisions.

Clause 4 provides that the land is to vest in the council, freed from any trust or encumbrance. The Registrar-General is directed to take appropriate action in relation to the title to the land. Clause 5 relates to the management and use of the land. The clause provides that the land must be kept as a place of public interest and a garden. The council shall consider any recommendations of the church about its maintenance. Development must be consistent with the status of the land and shall not occur without prior consultation with the church. The church shall be able to conduct an annual commemorative ceremony on the land. This Bill has been considered and approved by a Select Committee in another place.

The Hon. B.C. EASTICK secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with amendments.

WATERWORKS ACT AMENDMENT BILL

The Hon. J.W. SLATER (Minister of Water Resources) obtained leave and introduced a Bill for an Act to amend the Waterworks Act, 1932. Read a first time.

The Hon. J.W. SLATER: I move:

That this Bill be now read a second time.

A number of changes are necessary to the Waterworks Act, 1932, to overcome various problems associated with deficiencies in that Act. The Waterworks Act does not allow for the proper recovery of costs of installing the larger water supply connections. Section 35 of the Waterworks Act requires that a standard fee be charged for all water services supplied. It is impractical to set a standard fee for water services larger than 50 mm because of the variability in the costs of components, the engineering problems encountered, installation techniques, and the circumstances of each individual case. In order to allow proper recovery of costs it is necessary to amend the Act so that installation charges may be made based on a firm quotation at estimated cost.

Proper fittings and installation standards are necessary for the safe and efficient working of the water supply system. To ensure safe and efficient working of the water supply system, directions are required which set installation standards and which require appropriate procedures and fittings to be used, similar to the Sanitary Plumbing and Drainage Directions (parts 1 to 8) issued under the Sewerage Act. There is no provision specifically given in the Waterworks Act for the issue of such directions and hence the power in the Act for the Minister to make and issue these directions is now required.

Problems are being experienced in the installation of hot water services, which do not comply with accepted standards throughout Australia, both in the equipment used and the method of installation. There have been several instances where the hot water service tanks have exploded due to substandard workmanship, and extensive damage has been caused to houses and property as a result. This has occurred, in particular, outside of sewered areas where installation by qualified persons is not required.

To further emphasise the need for improved installation standards, as recently as 19 November this year a water heater became displaced and caused the death of a householder in this State. This unfortunate incident emphasises the need for steps to be taken to avoid a repetition, and as a starting point changes to the Act to authorise the issue of plumbing and installation directions are now urgently required.

All fittings and apparatus used in connection with water supplies are required to be approved. The present Act requires a stamping procedure for certain approvals which is costly and inefficient for both industry and the water authority and which is incompatible with modern production methods and technology. The major water supply and sew-

erage authorities in Australia are parties to an agreement on the evaluation, type testing, testing and stamping (or marking) of pipes, fittings, fixtures and apparatus used in sanitary plumbing and drainage and/or hot and cold water installations that are connected to the public water supply and sewerage systems under their statutory control.

These arrangements are necessary to ensure that substandard materials, fittings, fixtures and apparatus, that could result in contamination of the water supply, water wastage or public health problems, are not used in conjunction with the public water supply and sewerage systems.

Changes to the Waterworks Act are now required so that:

1. The Engineering and Water Supply Department can participate in amended procedures and practices under the reciprocity agreement between all major water supply and sewerage authorities in Australia for the examination, testing and approval of plumbing fittings, fixtures and apparatus.

2. South Australian manufacturers of plumbing products will not be disadvantaged in both local and interstate markets.

The Waterworks Act does not adequately cover the precautions and practices necessary to prevent serious contamination of water supplies from bacterial hazards and from weedicides, pesticides, fertilisers and other potential contaminants. A recent practice has been developed of injecting fertiliser (and in some cases, pesticides) into drip irrigation systems. This practice could readily lead to the contamination of water supplies. The Department of Agriculture has encouraged this method as a desirable technique to efficiently replace leached nutrients. The use of drip irrigation is expanding rapidly throughout the State due to water economies and other advantages. To avoid the use of high cost tanks and pumps and to minimise the cost to the farmer it is proposed to overcome the potential contamination problem by the use of backflow prevention devices.

There has also been a proliferation in recent years of devices for fertiliser, weedicide and pesticide dispensers which are connected to garden hoses. Most do not incorporate satisfactory backflow protection and these present a very real and serious threat to public health. Contamination of water supplies can also originate from appliances and fixtures, such as hospital, industrial and domestic washing machines and cisterns connected to sewerage systems, where adequate backflow protection is not provided. There is currently no power in the Waterworks Act for regulations to be made covering the installation and use of backflow prevention devices and to prevent water contamination in certain circumstances.

The present penalties for breaches of the Waterworks Act are unrealistically low and totally inadequate when considering present day monetary values. Hence they fail to act as a deterrent which is their main function. The present maximum penalty for breach of the Waterworks Act is $200. For comparison, penalties in other Acts are: New South Wales Metropolitan Water, Sewerage and Drainage Act, 1924—$10 000 maximum for a corporation and $1 000 maximum for others; Melbourne and Metropolitan Board of Works (by-law 163)—$5 000 maximum and $2 000 per day for continued offence. Increases in penalties are necessary.

The term 'by-law' is used in certain sections of the Act. 'By-law' should now be changed to 'regulation' in accordance with a previous amendment to the Act in 1974. A minor change to the Act is required to clarify the conditions for exemption from rates for land acquired for charitable purposes. Service rents are applied to those additional services which are provided to properties, in excess of the one service normally allowed. It is required that the fee for service rent be set by notice in the *Government Gazette*, in the same manner as water rates are declared, instead of being set in regulation 7 which is currently the requirement. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 4 of the principal Act. The removal of the passage from the definition of 'fittings' by paragraph *(a)* will widen the meaning of the term. New subsection (2) inserted by paragraph *(d)* makes clear the meaning of connection to and disconnection from the waterworks.

Clause 4 amends section 10 of the principal Act which provides for the making of regulations. The introductory words of the section are replaced with a passage in the modern style giving the Governor a general power to make regulations for the purposes of the principal Act. New paragraph V will enable the fixing of fees and charges by regulation or by the Minister. New paragraph VIII makes it clear that regulations may be made dealing with the quality of plumbing materials and procedures for installation and inspection. New paragraph XVI will facilitate the control of the sale and use of pipes, fittings, appliances and equipment connected to the waterworks. New subsection (2) of section 10 inserted by this clause will enable the Minister to authorise the sale and use of pipes, fittings or equipment subject to such conditions as he thinks fit and will allow regulations to refer to specifications prescribed from time to time by the Minister or other authorities. Subsection (2a) will allow the Minister, in turn, when prescribing specifications, to make reference to specifications published by another authority. Subsections (2b) and (2c) make provision for penalties.

Clause 5 increases the penalty prescribed by section 18 of the principal Act. Clause 6 amends section 35 of the principal Act. Paragraph *(a)* removes the reference to 'prescribed fee' in subsection (1). In future the power to fix fees under this subsection will come from new paragraph V of section 10 (1) of the principal Act. The two new subsections inserted by paragraph *(b)* provide for the connection of additional services and the fixing of annual charges in respect of additional services. Clause 7 increases the penalty prescribed by section 38 of the principal Act. Clause 8 amends section 38 of the principal Act so that its terminology will be consistent with amendments to earlier provisions of the principal Act.

Clause 9 amends section 42 of the principal Act. This section allows the Minister to estimate the amount of water supplied to land through a defective meter. The purpose of the amendment is to ensure that an estimation can be made where the meter is not situated on the land concerned. Clause 10 amends section 43 of the principal Act for consistency of expression and to increase the penalty prescribed by the section. Clause 11 increases the penalty prescribed by section 45.

Clause 12 amends section 46 of the principal Act. Paragraph *(a)* achieves consistency of expression and also removes a reference to 'by-law'. Paragraph *(b)* increases the penalty imposed by the section. Clause 13 amends section 47 of the principal Act for consistency of expression. Clauses 14 to 20 make amendments to various sections of the principal Act increasing penalties or to achieve consistency of expression. Clause 21 increases the penalty prescribed by section 57 and removes the continuing penalty which is not appropriate in relation to the offence. Clauses 22 and 23 increase penalties prescribed by sections 58 and 59 of the principal Act.

Clause 24 increases the initial penalty for the offence referred to in section 60 of the principal Act. The continuing

penalty is removed because it is not appropriate. Clauses 25 to 28 of the principal Act amend sections 62, 63, 65 and 87 of the principal Act to increase penalties and, in the case of section 87, to remove a reference to 'by-law'. Clause 29 amends section 88 of the principal Act to bring that provision into line with section 65 of the Sewerage Act, 1929. Clauses 30 to 33 remove references to 'by-law' from various sections of the principal Act.

The Hon. B.C. EASTICK secured the adjournment of the debate.

SEWERAGE ACT AMENDMENT BILL

The Hon. J.W. SLATER (Minister of Water Resources) obtained leave and introduced a Bill for an Act to amend the Sewerage Act, 1929. Read a first time.

The Hon. J.W. SLATER: I move:

That this Bill be now read a second time.

There are a number of changes necessary to the Sewerage Act, 1929, to overcome various problems associated with deficiencies in that Act. Proper fittings, sizing, and installation standards and procedures are necessary for plumbing and drainage systems in order to ensure proper functioning of those systems and for the protection of public health and safety. Regulation 16 under the Sewerage Act gives the Minister power to make and issue directions, which is exercised on technical matters and culminates in the issue of sanitary plumbing and drainage directions (parts 1 to 8).

These plumbing and drainage directions, which have been issued for many years, are used for the proper sizing and installation of sanitary plumbing and draining systems, and cover the basic standards for all plumbing and drainage installations. These directions are vital in the control of good and uniform standards, and they play an important role as a text for the training of apprentices and tradespersons. As a matter of interest the original plumbing directions were incorporated in the Adelaide Sewers Act of 1878, 105 years ago.

A Crown Law opinion has been expressed that the Sewerage Act does not authorise the issue and use of such directions, and hence changes are required to the Act to overcome that deficiency. The application of certain recognised and approved technical standards and codes of practice similar to the present Specifications and Codes of Practice of the Standards Association of Australia is necessary to prevent substandard fittings, materials, fixtures, and apparatus being used in plumbing and drainage systems. This matter relates to the technical standards which the materials, fixtures, fittings, and apparatus must meet in order for them to be approved in terms of the Act and regulations. It also relates to the standards of workmanship and the installations codes of practice applicable to the installation of those items. However, there is no provision in the Act for the Minister to approve such standards or codes of practice, and so it is recommended that the Act be amended to ensure that such action is within his power.

All fittings, fixtures, and apparatus used in connection with the sewerage system are required to be approved in accordance with section 13 of the Act and regulation 8.5. The present procedures, however, are costly and inefficient for both industry and the Engineering and Water Supply Department, and they are incompatible with modern production methods and technology and, hence, changes to the system must be made.

The major water supply and sewerage authorities in Australia are parties to an agreement on the evaluation, type testing, testing and stamping (or marking) of pipes, fittings, fixtures, and apparatus used in sanitary plumbing and drainage, and/or hot and cold water installations that are connected to the public water supply and sewerage systems under their statutory control.

These arrangements are necessary to ensure that substandard materials, fittings, fixtures, and apparatus, that could result in contamination of the water supply, water wastage or public health problems, are not used in conjunction with the public water supply and sewerage systems. Changes to the Sewerage Act are now required so that:

1. The Engineering and Water Supply Department can participate in amended procedures and practices under the reciprocity agreement between all major water supply and sewerage authorities in Australia for the examination, testing, and approval of plumbing fittings, fixtures, and apparatus, and
2. South Australian manufacturers of plumbing products will not be disadvantaged in both local and interstate markets.

Changes are necessary to the Sewerage Act to prevent harmful and illegal discharges to the sewerage systems. These changes are necessary: for the safety of sewerage maintenance and operating personnel; to prevent costly damage to the sewerage drainage system; to prevent the malfunction of sewerage treatment works; to ensure that the environment is not adversely affected by polluted effluent and sludge discharged from the treatment works; and to protect public health.

Compared with alternative waste disposal procedures, the discharge of wastes to municipal sewers offers many advantages to commerce and industry. However, industrial wastes can also create quite serious and potential problems for the safe and effective operation of the sewerage system, and it is therefore necessary to have reasonable control of potentially harmful trade wastes at their source.

Although regulation 10 under the Sewerage Act prohibits certain discharges and specifies conditions for the discharge of trade wastes, there is little reference in the Act itself to trade waste matters, and this is an area where continued and persistent abuse occurs. With sewer replacement costs at such prohibitive levels it is imperative that the corrosive discharges be adequately controlled at their source.

To provide an effective means of control of toxic trade waste, and to be consistent with practices in other States and overseas, maximum limits of toxic substances need to be imposed on discharges. So, in order to effectively prevent harmful illegal discharges to the sewerage system, a number of broad changes to the Act and regulations are required:

1. Clarification in the Act is required in regard to trade waste matters.
2. Maximum limits for the discharge of toxic substances need to be imposed.
3. Power is required for the Minister to disconnect premises from the sewer where blatant and persistent non-compliance is involved.
4. Trade waste officers of the department must have the authority to enter and examine works and take samples at any reasonable time.

The present Sewerage Act penalties are unrealistically and totally inadequate and date back to monetary values prevailing in 1929, when the Act was first proclaimed. There is a need to update those penalties to realistic levels so that they will act as a deterrent. The maximum penalty for infringement of the Sewerage Act is $100. This is compared with $10 000 and $5 000 for the equivalent Acts in New South Wales and Victoria, respectively.

Section 78 of the Sewerage Act provides the power to rate properties following gazettal that a sewer main is available for connection. In practice, however, the department levies sewerage rates from the quarter following the gazettal of the main, or the connection to the main, whichever occurs first.

For a variety of reasons, a sewer main may be laid but not gazetted as available for connection until some time later. In the interests of public relations, and for practical reasons, connections to these mains are made, where required, as soon as possible and often prior to gazettal.

The practice of rating following connection is of doubtful legality, and it is therefore desirable that this anomaly should be corrected by the inclusion in the Act of a new section 78a, which allows charges to be made in relation to services provided by means of sewer before notice of it has been published in the *Gazette*.

Section 73 (6) of the Sewerage Act provides a rate in the dollar ceiling for sewerage rates in country drainage areas. It provides:

> The annual sewerage rate in respect of land within a country drainage area shall not exceed 12.5 cents for each dollar of the annual value of the land.

From 1 July 1981, 'annual values' were replaced by 'capital values'. The annual value was, in fact, 5 per cent of the capital value. The change was purely an administrative expedient, and necessary legislative amendments were effected by Act No. 29 of 1981, which substituted the words 'capital value' for 'annual value'. The country drainage area ceiling however was not appropriately amended at that time.

The country drainage area ceiling, expressed as a rate in the dollar of capital value, converts to 0.625 cents (in lieu of 12.5 cents of the annual value). The present maximum rate in the dollar of capital value in a country drainage area is 0.366 cents, and the Director-General and Engineer-in-Chief report that it is unlikely that it will ever be necessary to exceed 0.625 cents. In the interests of deregulation, it is therefore considered that subsection 6 of section 73 of the Sewerage Act should be repealed rather than have it amended.

It is proposed that land acquired for charitable purposes be entitled to the same exemption from sewerage rates as land actually used for charitable purposes. The Sewerage Act needs to be amended to permit sewer connections in excess of 150 mm in size, and also second and subsequent connections that are required by landholders, and alterations or additions to sewers that are necessitated by the division of land, to be charged for on the basis of either actual cost or a firm quotation based on estimated cost of the work involved. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 4 of the principal Act which provides definitions used in the Act. The removal of the passage from the definition of 'fittings' by paragraph *(b)* will widen the meaning of the term. New subsection (2) inserted by paragraph *(d)* makes clear the meaning of connection to or disconnection from the undertaking for the purposes of the Act.

Clause 4 amends section 13 of the principal Act which provides for the making of regulations. The introductory words of the section are replaced with a passage in the modern style giving the Governor a general power to make regulations for the purposes of the principal Act. New paragraph IIIa added to subsection (1) makes it clear that regulations may be made dealing with the quality of plumbing materials and procedures for installation and inspection. New paragraph IV will facilitate the control of the sale and use of pipes, fittings and equipment used for drainage purposes. New paragraph VII will enable the fixing of fees and charges by regulation or by the Minister.

New subsection (2) of section 13 inserted by this clause will enable the Minister to authorise the sale and use of pipes, fittings or equipment subject to such conditions as he thinks fit and will allow regulations to refer to specifications prescribed from time to time by the Minister or other authorities. Subsection (3) will allow the Minister, in turn, when prescribing specifications to make reference to specifications published by another authority. Subsections (4) and (5) make provision for penalties.

Clause 5 replaces the substance of nine existing sections of the principal Act with four new sections which state the law more concisely and which include some additional requirement. Subsection (4) of new section 33 provides for an initial and a daily penalty for failure to comply with the requirements of the section. New section 34 replaces existing section 37. New section 35 replaces section 38. New section 36 replaces existing section 36 of the principal Act. This new section prohibits the discharge of waste material onto the land or on to neighbouring land in addition to prohibiting such discharge into a pit or well. The Minister may, if he consents to the discharge, do so subject to such conditions as he thinks fit. Subsection (4) ensures that disconnection from the sewer by the Minister will not be used as an excuse to avoid the requirements of this section.

Clause 6 increases the penalty prescribed by section 49 of the principal Act. Clause 7 replaces section 51 of the principal Act. The new section allows an inspector to inspect material that may be discharged into the sewer and to take samples of material for testing. He may, in exercising his powers, enter upon land at any reasonable time without giving notice. Clause 8 increases penalties prescribed by section 52 and replaces subsection (3) with a more precisely constructed provision relating to the continuing offences and penalty prescribed by the section. Clause 9 replaces section 54 of the principal Act. The new section prohibits the discharge of materials falling within certain categories into the sewer and also controls the rate at which material may be discharged. It is necessary that the rate be set by the Minister to allow changes in the rate to be made quickly in emergency situations. Subsection (4) gives the provision flexibility by allowing the Minister to authorise the discharge of waste material generally or by a particular person. Such a power will be of advantage, for instance, where a manufacturer is unsure whether or not a particular material will damage or be detrimental to the sewer. If the Minister authorises him to discharge that material he will be able to do so with impunity.

Clause 10 increases the penalty prescribed by section 55 of the principal Act. The provision as to a continuing penalty is removed as it is not appropriate to an offence of this sort. Clause 11 replaces section 56 of the principal Act with a more comprehensive section. The new section is drawn on the same lines as new section 33 but deals with the prevention of injury to the undertaking and the overloading of the undertaking. Clauses 12, 13, 14, and 15 increase the penalties prescribed by sections 57, 58, 59, and 60, respectively. Clause 16 enacts new section 61, which empowers the Minister to close off or disconnect a drain on land if it is likely that the owner will continue to contravene the Act by discharging prohibited material into the sewer or by hindering an inspector in the performance of his duties. Clause 17 amends section 65 of the principal Act so that land acquired for charitable purposes referred to in the section as well as land used for those purposes will be exempt from sewerage rates. If the land is not subsequently used for the purpose for which it was acquired the unpaid rates must be paid.

Clause 18 removes subsection (6) of section 73 of the principal Act. Clause 19 inserts new section 78a into the principal Act. This section provides for charges for drainage or sewerage services to land before notice of the laying of the sewer has been published in the *Gazette*. Sewerage rates are not payable until after notice of the sewer has been

published and this provision will allow for the connection of premises to the sewer before the notice is published. Clause 20 inserts an evidentiary provision which replaces existing section 55 (2) and section 56 (4). Clause 21 removes section 102 of the principal Act. This provision was first enacted more than a century ago and is no longer appropriate or relevant.

The Hon. B.C. EASTICK secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.
(Continued from 30 November. Page 2151.)

The Hon. D.C. BROWN (Davenport): This Bill deals with legal matters relating to motor vehicle insurance and the role that the sole insurer for compulsory third party insurance in this State, the S.G.I.C., may play in any legal case that comes before the court. I point out that this is a technical and legal matter that has already been debated at great length by lawyers in another place, and I do not believe there is any merit in this Chamber further repeating those legal arguments and reasons for and against them, particularly when there was agreement in another place on this amendment to the Motor Vehicles Act.

I point out that the Bill allows the S.G.I.C., as the sole insurer in compulsory third party insurance in South Australia, to participate in certain legal actions, to defend itself as the insurer, and to ensure that there is not an abuse of funds. One particular case in which the S.G.I.C. has not been able to participate is that of collusion between the driver of a vehicle and the passenger of a vehicle in which the passenger is to seek damages against the driver and there is collusion to the point that they are trying to concoct evidence so that damages to the passenger are unrealistically high.

The circumstance in which that could arise is where there may have been several people in a vehicle, one of whom was seriously injured and another person was not injured at all. The person actually driving the vehicle was the person seriously injured, and the others were not seriously injured. There is no protection for that vehicle if it was a sole vehicle accident in terms of claiming against compulsory third party insurance. However, it might be that the participants collude to the point where it is claimed by the passengers in that vehicle that someone else was actually driving the vehicle. Under those circumstances payment could be made. There is no ground under which the S.G.I.C., as keeper of funds for comprehensive and particularly third party insurance in this State could take action to protect itself against unrealistic or even dishonest claims against it. This Bill gives the S.G.I.C. the right to participate.

I fully support that measure. I believe that all of us who as drivers are required to pay compulsory third party insurance premiums would want to ensure that the administration of those premiums was carried out in an efficient and effective manner, and any abuse that occurs is kept to a minimum if it cannot be eliminated completely. That is what the Attorney-General is seeking, that is what the S.G.I.C. is trying to support, and that is what the Liberal Party wants to see happen in this State. For those reasons and without enlarging on the specific legal arguments any further and confusing any persons with those legal arguments, I support wholeheartedly the measure, and wish it a speedy passage through this House.

Bill read a second time and taken through its remaining stages.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 December. Page 2376.)

The Hon. H. ALLISON (Mount Gambier): When the Minister introduced this Bill and lodged his second reading explanation, he said that it comprised only part of the Classification of Publications Act Amendment Bill which was introduced in another place and which was subsequently split. While it would be inappropriate to speak at any length upon the portion of the Bill that has been removed, nevertheless I must make a brief comment and express great regret that the Government did not see fit to impose a compulsory system of classification in this instance.

I have to admit to being a little surprised that the Bill was brought forward at all, because the Liberal Party was rather persuasive and was active while in Government in taking steps towards improving controls on the classification of publications whether they were printed material, film, or other materials. I believe that the present Attorney-General has, to a large extent, been pushed into this legislation, first, by the fact that the former Liberal Government had the legislation largely in the pipeline and ready to be introduced at the time it lost Government and, secondly, because of the large ground swell of public concern that has been welling up against the ready availability of pornographic material, and of R and other rated material, including unclassified material ready for sale or hire in video outlets.

The Attorney-General obviously found himself in a bind and his problems are clearly not over, because whilst South Australia's Parliament has clearly said that it is in favour of a compulsory system of classification, the Federal Attorney-General, Senator Gareth Evans, quite strongly defended his position in a report in the press over the weekend when he maintain that a voluntary system of classification was the one that should prevail. It will be interesting to see the extent to which our present State Attorney-General, the Hon. Chris Sumner, can put the State's point of view and make it prevail against the present Federal inclination.

I suggest that this would be no new role for South Australian Attorneys-General, and in particular socialist Attorneys-General, who have prided themselves on their ability to trail-blaze legislation over the past 10 to 15 years. I see no reason why the present Attorney-General should not emulate their feats and make the new Bill, which I hope he introduces next year, once again a piece of model legislation for the rest of Australia to follow. It does not really matter whether the Federal Government agrees with us or not and whether there is a more appropriate case to quote than the present Classification of Publications Bill, which was introduced by the Liberal Government and which was regarded nationwide as being a piece of model legislation, but was the subject of considerable discussions at Attorneys-General conferences driving the past two years. I will refer briefly to that a little later in the history of the Liberal Party's approach to such legislation.

This Bill to a large extent improves the present situation and, had this Bill not been introduced, I can assure members of the Government that many Opposition members were prepared to introduce private members' Bills of one sort or another, all of them roughly on the same model, but largely to strengthen the arm of the police and the courts in dealing with the hire or sale of pornographic material, particularly to youngsters. We withheld our intentions to put forward

private members' Bills once we were assured that the appropriate action would be taken in the Legislative Council.

This split Bill only partly resolves the problems. The three Bills (the Classification of Publications Act Amendment Bill, the Statutes Amendment (Criminal Law Consolidation and Police Offences) Bill, and the Film Classification Act Amendment Bill) together considerably extend the police and court powers, and certainly place greater restraint on retailers and hirers of video and other materials. It is our children who we are largely out to protect. Over the past decade we have heard more from proponents of the philosophy that adults should be able to see and to read whatever material they wish to see and read.

The former Premier of South Australia, Don Dunstan, was a very strong proponent of that philosophy. Nevertheless, we, on this side of the House, while in Opposition, won some ground by having amendments accepted, particularly with regard to child pornography. I recall that an amendment I moved was one of the few that former Premier Dunstan accepted.

One of the criticisms of adults in such matters has been the fact that they are inclined to have double standards. To that I simply say 'So what?'. Surely, it is better to have a double standard and to use it to protect our children rather than completely to abrogate responsibility by permitting them to have access to any material at all however undesirable it may be. Socialist philosophy across the world has been to permit adults to indulge in any excesses of printed and visual materials, with the example set in northern European countries, such as Norway and Sweden, and I suppose to a great extent in Germany and Holland, where there are red light areas that are among the world's most depraved and deplorable districts.

That model has, over the past two or three years, been rejected. In Denmark, and particularly in Sweden, there is a swing back to what I would regard as normality. Permissiveness is no longer encouraged to the extent that it has been, and that is really extremely significant when one considers the attitude, which I quoted in the House, prevailing in 1970 in Sweden. At that time I pointed out to members when I was amending the child pornography legislation, that the Swedish Director of Education, a woman, was strongly in favour of sex education in primary and secondary schools. Some were also advocating in primary schools a degree of precocity among children in experimentation in sex not simply to the extent of being encouraged but to the extent of being taught, and for contraceptives to be made available even to primary school children.

The significance of my comments a few moment ago lie in the fact that Sweden, with that vastly permissive attitude, has now begun a public revolt, and there is a swing back towards normality. Normality is the control of excessively permissive material, of pornographic material, and the removal of such material from ready availability on public shop shelves. It is pleasing to see that such a move is being reflected in Australia, and South Australia in particular, with the introduction of this legislation before the excesses that other countries have experienced have been allowed to take complete sway, and it is reassuring that common sense is at last prevailing.

The Bills before us reflect the growing public concern in South Australia and Australia, and I believe that it is most appropriate that they are before us now before we adjourn for the long recess. I hope that they have a swift passage through the House, not only that, but that they are swiftly proclaimed, because until they are proclaimed they may just as well not be on the Statute Book. I hope that the Attorney-General and the Government will see that there is absolutely no delay in the proclamation of this legislation.

Problems exist at present, as R films and videos can be sold or hired to minors with impunity. I said R films and videos, and the anomaly there is that a film with an R classification does not have to be classified R on the video tape: that is most unfortunate. How can anyone assess the nature of a video without actually seeing it, and there has been no regulation or statute enforcing the provision of any information on the outside of a video. This Bill changes that. Also, the definition of 'sell' or 'sale' includes the hire of materials, and that is most significant because the sale of materials was covered previously: anyone could, with absolute impunity, hire pornographic material to children—a most undesirable situation.

The Bill also extends the range of prescribed materials, and we have included in that range sex, violence and cruelty; more importantly, the manufacture, administration, supply, acquisition, and use of instruments of violence or cruelty, and also the administration, supply, acquisition, and use of harmful drugs. Those are quite significant amendments, because they will now cover such things as instruction manuals on the manufacture and use of harmful drugs, and instruction manuals on the manufacture of dangerous weapons, bombs, and how to undertake acts of terrorism, and the like. These manuals have been readily available. Recently I have seen magazines in the Parliamentary Library with offers of these books, not necessarily from Australian sources but occasionally upon order from the United States of America and other countries, but still they are advertised and they were for sale.

It also provides for a restriction of the instruction in crime or revolting or abhorrent phenomena. The amendments included are the repeal of section 33 of the Police Offences Act. However, following the repeal of the present section a new section is introduced with much more stringent requirements, and that is a pleasing factor. Publication is redefined to include film and video classified under the Films Classification Act and will now regulate the sale, delivery, and display of video tapes which are classified R. It will make provision for video tapes to be classified, but of course there is the question of voluntary or compulsory classification that still has to be resolved at State and Federal level.

The R classification can also apply to harmful drugs and terrorist instruction manuals and guides that I mentioned a few moments ago. At present there is no need for information to be shown on tapes for parent or child guidance: there is no film classification to guide parents. By film classification, I mean that if a film is converted into a videotape the classification of that film does not have to be printed on the videotape case. There is no law or regulation that requires it. G classification and M classification material can appear on the same tape, so that youngsters, believing they have what is essentially a children's film, might find that it is followed by what should be restricted material, and the tape does not have to give any advice of that possibility. There is no parental advice on any of the tapes, or at least it is not required.

The pornographic video business is a multi-million, if not a multi-billion dollar business when one takes the whole of the world scene into consideration, and there are strongly established crime links at some levels, especially in the production area. We have heard that smut videos actually include acts of murder—these reputedly being imported from South American States—

Mr Baker: They're commonly called snuff.

Mr ALLISON: Yes, the snuff films. I said smut. I will correct 'smut' to 'snuff'. The former Attorney-General in another place estimated that the $130 million profit from the production of pornographic material in Australia equates to about $13 million for South Australia. This is not a small

business that we are talking about: it is quite a massive one. By comparison with other important businesses, it would rank highly among the list of successful enterprises.

What a sad reflection on our society! We appreciate that the rights of adults to see what they want have to be considered but, at the same time, I do not believe that they can in any way be allowed to impinge upon the proper upbringing of our children. I have always maintained in debate in this House and in statements elsewhere that censorship is perfectly and completely justified where it involves the protection of children, whether it is in the production or otherwise of child pornography for adults to look at.

As I pointed out to former Premier Dunstan in debate, if an adult wants to see child pornography it has to be produced somewhere in the world. If it is produced, then a child somewhere in the world has to be abused, and if we condone the abuse of a child in any way simply so that an adult can indulge in his or her perverted whims, then there is something radically wrong with our society.

For that reason, if for no other, we should take the most stringent measures possible to prevent not only the viewing of child pornography but also the production of it, and I applaud any measures such as those contained in this legislation that go towards doing that. Members of Parliament in the United Kingdom who recently viewed video material were shocked and sickened at the extent to which that material went. I would suggest that, in South Australia as elsewhere, this should not be regarded as a political issue unless one accepts the propounded theory (and I say 'propounded' because it has been put forward by political experts) that part of the world's socialist philosophy in making pornography readily available is a method to keep the public mind away from urgent matters of State and the deteriorations of economies, and to absorb minds in more venal and fleshly pleasures.

That is not a theory of mine, but it is certainly one that has been put forward by those who maintain that there has to be a motive for socialist Governments being so weak in coming forward with legislation to limit the rapidly increasing proliferation of pornographic material. It is a world-wide problem and, as I said, it is associated with crime and massive profit. As to the Liberal Party's history in South Australia over recent years, in 1977 or 1978 my amendment was accepted to further hinder people in the possession, sale, and display of child pornographic material. The production was a greater problem because I was handicapped by an obstructive view point held by former Premier Dunstan. However, in 1981 the Liberal Government was responsible for ensuring that a Censorship Ministers Conference was held, and as a result of that conference it was agreed that the South Australian Classification of Publications Act (which we are further amending) would be model legislation for classifying printed publications, if States wished to adopt it. Therefore, I repeat: the present Attorney-General should be delighted to be a trail blazer and to stress to the Federal Government that we should have compulsory classification, not simply a voluntary system that would hardly be worth while enacting.

Secondly, in 1982 the Liberal Government successfully amended the Classification of Publications Act to reduce the number of categories of classification to two and, in addition, penalties were substantially increased. Under the amendments made to the Act now before us by the Liberal Government, more severe financial penalties were included, as were prison impositions on people who infringed the law.

Thirdly, we encouraged the Classification of Publications Board to tighten its standards with respect to printed publications, and that encouragement was accepted by the Board, and we did see some improvement. I simply hope that the Board's standards will not be diluted. Fourthly, with respect to video tape material, at the Censorship Ministers Conference in 1981 the Ministers agreed that they would examine mechanism for dealing with videos. In South Australia some videos were classified by the Classification of Publications Board, but only those videos for sale, and it was the lease or hire aspect that was by far and away the most common means of making them available to adults and children that caused concern.

That is dealt with in the present Bill. However, officers were working on that problem during 1982 and before a further Censorship Ministers Conference could be arranged, unfortunately, we lost Government and now we have the present Bill. I regret that the Bill before us was not introduced in its present form. I would have respected the present Attorney-General considerably more had he introduced this Bill as it stands now. However, the Bill was the subject of some considerable amendment and I am, nevertheless, delighted that the Attorney-General in another place has seen fit to accept those amendments and not try to further alter them in this House.

Fifthly, the Liberal Government recognised that there was a possible difficulty in relation to the Police Offences Act with respect to videos, and we had already drafted an amending Bill that was ready for introduction prior to the recent State election. We also proposed amendments to section 33 of the Act to put it quite beyond doubt that videos were covered by that section. The relationship between television and the behaviour of individuals has been the subject of several investigations and reports. I do not think that anyone would doubt that there is quite a strong connection between the viewing of material and a person's subsequent behaviour; if not behaviour, at least a person's attitude, because quite recently a survey was done into attitudes prior to viewing pornographic material and subsequent upon viewing pornographic material.

It was found that those people who had viewed material of an extreme nature were more permissive in their stated attitudes. I do not think that the report followed up whether or not they were prepared to go out and actively pursue undesirable actions. Of course, it would not have been legitimate to do that, but at least a change of attitude was discovered. If one considers someone who is already of an unsettled frame of mind and who has already criminal tendencies, the ready availability of such material would certainly, based on that finding, be more likely to trigger off some violent reaction to the public's detriment.

The problems that the South Australian Council for Children's Films and Television picks up in this difference between television and the printed word lie in the following quote from its report, which says of television:

(a) It cannot be perused before purchase as can books.

(b) The impact of filmed material is greater than print and video material greater than cinema film, because

(c) scenes can be viewed out of context through freeze-framing—

that is, by reversing the film and reviewing the more salacious sections or the more undesirable portions of the film, human nature being what it is, and by repeats and slow motion. The report continues:

(d) video material is often viewed communally (usually only one v.t.r. per house) whereas print is usually alone. Such group viewing can increase embarrassment and create awkwardness when material is not of the type anticipated.

(e) Research evidence of the impact of televised violence on children is such that great care should be taken to avoid children's indiscriminate and repeated exposure to violence.

In no way can the power of videos be compared with the impact of printed material.

The British Film Censorship Board, which presently classifies videos or films for public exhibition, is also required to classify videos for sale or hire, and it would be an offence under the British private member's Bill to sell or hire a

video unless it had been classified. There is compulsion in the United Kingdom. It would certainly be an offence to exhibit certain material to a minor. The Liberal Party proposals put forward in another place and largely accepted have considerably improved the Bill and I believe that members on the Government benches will tend to agree, whether or not it lines up with socialist philosophy, and will be happy to see the legislation go through the House, as they are all reasonable people.

I do not propose to go through the amendments as they are already included in the Bill. However, one point that still concerns me is that the classification of any material still depends on the attitude of board members. The former Government encouraged board members to take more stringent action against pornographic material, and that was successful. This Bill will only be effective at the discrimination of the Classification Board. We simply cannot regulate for a personal attitude. That is why we appoint boards and why we are particularly selective and careful in making sure that people who are appointed to boards are people of reasonable mind. By 'reasonable mind', I believe that that would indicate that they are acting in accordance with public majority wishes rather than pandering to the tastes of a relatively few.

The Hon. D.J. Hopgood: The definition has judicial recognition.

The Hon. H. ALLISON: I know it has, but when we appoint members to a board we generally appoint them with some idea of their attitudes, whether or not they are aware of legal definitions. That is not always taken into consideration. One considers whether the people would be representing a normal and average viewpoint rather than an extreme viewpoint.

The Hon. D.J. Hopgood interjecting:

The Hon. H. ALLISON: It is hard to regulate for something that is quite subjective: that is why the selection of board members is critical. The tardiness with which Government have tackled the problem of classification of video tapes can probably be understood because we have had a succession of booms in electronic sales over the last few years. It is not so long ago that we were viewing black and white television sets. In 1974-75 there was some scepticism about how soon it would be before colour T.V. would be a dominant means of viewing. It took very little time, because the manufacturers of black and white sets announced that they would stop manufacturing masses of black and white television tubes and, therefore, people swung rapidly to colour television sets. We are reaching a saturation point.

We had ordinary tape recorders quickly made available to almost every household. Today, many households would a number of these, and the boom in the availability of video recorders has been sudden. It was 1969 when the South Australian Education Department first introduced, as a result of a Federal Government education subsidy, video recorders for general use. Every secondary school was given one recorder. That did not accelerate the public demand for video recorders; 10 or 12 years later we have had a mushroom effect. About 10 000 video recorders are sold per week in South Australia at present, and it is estimated that that will go to 20 000 per week by 1985. We assume that the vast number of homes in South Australia will be potential sites for the viewing of most undesirable material, material which under present legislation is readily available and which could certainly offend and disturb our youngsters.

Children can have unrestricted access to such material at present. Children are at an impressionable age as their value judgments are being formed. To inflict upon them the most undesirable moving pictures and instruction material is obviously unwise. Television is one of the most powerful media available to man, and it has long been recognised that 80 per cent of human learning is achieved through sight, the other 20 per cent being through the other senses—smell, taste, hearing and touch. As sight comprises 80 per cent of human learning, that is the importance of video and film material and the written word.

With the ease with which one can view video material, it takes much of the irk out of reading. One can absorb television material while one is doing other things. It is common sense to restrict such access. I have no respect for any adults who claim that their rights are being infringed by such legislation: they are thinking along selfish lines in order to indulge their own perverted whims, and they should not be encouraged.

The legislation is fine as far as it goes. I hope that it will be quickly proclaimed and that in 1984 it will be followed up by further legislation to ensure that voluntary classification is out and compulsory classification of such material is in. We support the legislation.

Mr BAKER (Mitcham): My comments will be brief as the member for Mount Gambier has covered the area well. My reason for speaking lies in the fact that this legislation represents the entree and we are still waiting for the main course. A number of changes to the Act have improved it: they have made more certain the areas under which the law is supposed to operate. They have included the vexing area of videos and have made more specific the offences relating to the material in question. However, they have not given us a mechanism to adequately prosecute the people involved in the distribution of filth in South Australia. We have a bipartisan view on this subject, and it is really only the mechanism on which we have to agree.

I am pleased that the Attorney-General will take up the matter with the Federal and State Attorneys-General as I believe it is imperative that agreement be reached at a Federal level to compulsorily classify material, particularly video material. It is simply not good enough to leave it in the state it is in today. Whilst this legislation makes clearer the areas under which it operates, the problem of proof still remains. The courts still have to decide, under the Police Offences Act, what is indecent material, and there are a number of sections in that Act which refer to purveyors of pornography in its lowest form. Such matters can tie up the courts in debate on whether material is offensive, indecent or anything else.

Once we have compulsory classification, it means that every item of video material coming before the public for retail or hire will be clearly classified and there will be a penalty if it is not. If it is refused classification, there will be an automatic penalty for its distribution. I believe that that is essential in cleaning up this area.

I have some difficulties with one or two provisions in the Bill which I will question in Committee, relating to the change in the definition of 'sell' in section 4 of the parent Act. That change has made it less easy to understand the situation. I support the Bill, which is a step in the right direction, but, as I said before, we are still waiting for the main course.

Mr MEIER (Goyder): I support the Bill. I think it must be viewed in conjunction with the other Bills to amend the Film Classification Act, the Criminal Law Consolidation Act and the Police Offences Act. However, I shall confine my remarks to the Bill presently before the House. I do not intend to speak on the other two Bills, which are complementary to this legislation. I support the Bill from the point of view that it is a step in the right direction. The Bill results from the splitting of a Bill in the Legislative Council. The other half of the split Bill has been reserved for further consideration. I hope that the matter will be looked at in

all seriousness by the Commonwealth and that this State and the other States will in turn benefit. The other Bill deals with the compulsory aspect of classifications. The Bill with which we are now dealing identifies certain features and specifies them in more detail. New subsection (3a) of section 13 of the Act provides:

In this section—
'prescribed matters' means—
(a) matters of sex;
(b) violence or cruelty;
(c) the manufacture, acquisition, supply or use of instruments of violence or cruelty;
(d) the manufacture, acquisition, supply, administration or use of drugs;
(e) instruction in crime; or
(f) revolting or abhorrent phenomena.

Specific reference is made in the Bill and in one of the other Bills to the things that this legislation is actively seeking to limit by way of distribution here in South Australia. I have received many letters on this subject from my constituents, and I want to refer to several of them. A letter dated 17 October 1983 states:

Recently a friend of ours had a rather disturbing experience with the hiring of a video film. They received a list of films available and made their choice of one entitled 'Gums'. Believing this to be a satire on the film 'Jaws', they ordered it thinking it would be a good entertaining comedy. They invited guests around to see it, and to their consternation on playing the film discovered it was of a pornographic nature. After the extreme embarrassment of all concerned parties and further discussions with several other people, it finally occurred to us just how easily—far too easily in fact—this happened. Since then we have suddenly realised the dangers involved with hiring and sale of inadequately classified video films. As parents, our main concern is for young children. If parents can hire or buy pornographic films quite innocently and have them in their homes, what protection can we expect for our children? What guarantee is there that they will not be exposed to these sorts of films?

The letter then refers to a few specific factors that could be dealt with, such as compulsory classification of video films. The letter highlights what can happen at present and indicates that we must move as rapidly as possible to prevent this type of situation. If adults can get caught out on this kind of thing, how much easier it would be for children to get through the net and to be able to hire films, which on the outside seem quite innocent. Possibly even the distributor may not know exactly what is in a film. A suggestion made in the letter is that a clear description should be put on the film giving an idea of what the film is about. Another letter on this matter dated 30 October 1983 states:

At a recent Anglican conference I was told of the contents of an X-rated video tape which is currently available, I believe, to the home owner, hotel proprietors, etc. This tape was called 'Golden Showers' and contained extreme acts of violence, sexual perversion and racism, which I found most offensive. The thought that this type of entertainment (?) is to be more and more readily available to the young and to the weaker-minded members of our society fills me with apprehension.

That letter draws out one particularly relevant point in addition to others made, namely, that that person had not previously seen a specific example of the so-called 'nasty film'. From that point of view I feel a little inadequate in speaking in this debate because I, too, have not exactly seen examples of nasty video tapes or films. It is perhaps a pity that members of this House have not had an opportunity to view material which is the subject of legislation. The majority of us are probably relying entirely on written statements that have been made about these films. As the member for Mount Gambier has pointed out, 80 per cent of human learning is through sight, and although we might get some idea of what these films are about through reading the title, actually viewing them would give us a much better insight into the matter, and hopefully it would help show how we should provide legislation to restrict this type of material. Letters have been received from several kindergartens expressing concern for children. One of those letters, dated 17 October 1983 states:

Being a responsible parent nowadays is a difficult task and we feel that X and R-rated video tapes being circulated in our community will be detrimental to our children. It is certainly essential for compulsory classification of all video tapes which are for sale or hire, and surely if all R and X-rated tapes are legalised it will be necessary for them to be made available only from outlets closed to minors.

That brings us to the matter of having restricted areas for sale of video tapes. At present some outlets are showing responsibility by providing restricted areas, but others do not seem to differentiate between ordinary video tapes and so-called X-rated video tapes.

Therefore, it is very difficult for people purchasing at present to know what they are buying. Also, it makes it very easy for people who perhaps should not have access to these tapes. I received another letter, dated 11 November 1983, which was worded possibly a little more strongly, and which states, in part:

The question arises: Would all politicians allow or condone their children to see R or X-rated movies? We all know the answer to that and the very best thing to do is to completely stamp out this filth. I would like to think that I and my family—my children and grandchildren—could be safe from perversion. We are worth something as persons and must not be enticed down to the degradation level available in these movies. I feel that we are all made in the image of God and I have enclosed the papers presented to Synod by the Social Questions Committee, of which I am a member.

There were attachments to the letter, which continues:

In the past, the Government have had the audacity to infer that people are responsible and don't require restricting legislation, but that only applies to some. Who is normal? Many people, the young, deviants, immature, retarded require protection from any form of pornographic material.

The last paragraph made me sit up. The writer said:

I ask you to make every effort . . . to see that M, R and X-type video material is outlawed and banned from entry to Australia and banned also from being produced in Australia.

When I first read that I thought that M and R films were surely shown on our televisions screens today, so they are readily available without having to go to a video shop. However, a short time later (15 November) in the *News*, I was surprised to see a brief explanation of an M-rated film in an article which was headed 'Video porn leaves mothers furious', and which referrred to members of the Federation of Catholic Parents and Friends who volunteered for exposure to hard core pornography, violence, sadism and explicit sexual scenes in films. As the article stated, the group agreed 'to watch the worst'. A spokesman for the South Australian Council for Children's Film and Television, Mr Dight, is reported in this article, as follows:

Mr Dight switched on the video to torture scenes from the Australian-made film *Turkey Shoot*, about life in a future society. During a rape scene the first 'victim' of the night exclaimed 'It's terrible' and stumbled from her seat, heading for the door, never to return. It was soft stuff compared with what was to come.

Mr Dight said after the screening *Turkey Shoot* was listed and sold as an M-rated film—for mature audiences only. It was not an R-rated film, on the higher scale of the danger list. It starred TV children's favorites including the animal welfare campaigner, Linda Stoner, Gus Mercurio, and many more.

It is in that context that I feel it is necessary for members of this House to be able to view this type of material to see exactly where M, R and the so-called X-rated film actually lies. Because, on reading the article one gains the impression that this film would probably have been in the X category, where the general feeling was that it would be outlawed, but it is in the easily obtainable category.

We have to consider implications for our society if we allow this material to come in and we make only token gestures to stop it. I say that because I have seen a couple of articles that indicate a definite relationship between what people view and their actions. I quote from a 10-page article

by Neil Malamuth and James Check about an experiment at the University of Manitoba. I will read only a few sentences, the first of which is as follows:

Two hundred and seventy-one male and female students served as subjects in an experiment on the effects of exposure to films that portray sexual violence as having positive consequences.

So, the control group was a reasonable size. The article continues:

The dependent measures were scales assessing acceptance of interpersonal violence against women, acceptance of rape myths, and beliefs in adversarial sexual relations.

The categories were fairly specific in that respect. The article goes into detail as to how the test was applied, but time does not permit me to venture into that area. However, under the heading 'Discussion' the paper states:

The data indicate that exposure to two feature-length movies portraying violence against women as having positive consequences increased males' acceptance of interpersonal violence against women. A similar tendency . . . was found on acceptance of rape myths.

It was clear that from viewing this type of material the acceptance of interpersonal violence against women by males increased. The report continues:

For females, there were nonsignificant tendencies in the opposite direction on both scales with women exposed to the violent sexual films showing less acceptance of interpersonal violence and rape myths than control subjects.

This is an interesting point:

The undesirable effects found in this study occurred not with X-rated pornographic movies but with films that have been shown on national television.

I am quite prepared to accept the argument that many films already with us influence mankind's behaviour, which has probably been acknowledged since filmmaking began. Hopefully, as many early films were comedy, that helped society for many years. We still have a few comedy films, such as those featuring Benny Hill and imitations of him, but I do not know about many others. Are we going to let films increase in violent content so that people will be affected more and their behaviour will reflect the degree to which they are affected?

Definite evidence is available to show that the number of violent and criminal sexual acts has increased. Unfortunately, I cannot find the specific details to quote to the House, but under the heading 'Crisis of hidden horror' an article in the *Advertiser* of 8 September 1983, written by Craig Bildstien, reads, in part:

The figures are startling enough. The number of sex offences reported in South Australia jumped from 452 in 1978-79 to 652 in 1980-81—a rise of 44 per cent.

These figures were taken from a report which many of us would have had the chance of seeing was compiled by the Office of Crime Statistics for the Attorney-General, (Hon. Mr Sumner). It is interesting to note that Mr Bildstien went further, and said:

Earlier this year the State Government announced Premier Bannon's women's adviser, Ms Rosemary Wighton, would conduct an extensive review of South Australian rape laws. At that time, the Attorney-General, Mr Sumner, described sexual offences as violent acts of intimidation and aggression. He said there was a need to improve mechanisms to increase the likelihood of attackers being punished and the burden on victims reduced.

I believe that it is unfortunate that the attitude is being taken that we must increase the punishment of these people in an attempt to possibly cure this type of behaviour.

The Hon. Ted Chapman: What do you think the cure is?

Mr MEIER: I say that because I think that the cure is to reduce the amount of material that is available and to reduce the extreme material that is available, because I am sure that is where the increase in these crimes is coming from, and to increase punishments will not help in that matter. We need only look at what happened 200 years ago when Australia was first settled. The sending of criminals to Australia for life terms did not seem to decrease criminal activity.

The Hon. Ted Chapman: It increased our population though.

Mr MEIER: The member for Alexandra says it increased our population, and that is quite right. Another recent article referred to an Adelaide support group for sexually harassed women, the first of its kind in Australia, which met for the first time in the week of 22 October 1983. A considerable amount of Government aid is being sought to determine the demands for this type of group. A spokesman at that meeting said:

'For example, we've had women come in here who have been raped at work.' While that is extreme sexual harassment, a meeting of women at the Women's information Switchboard said the problem existed in most workplaces at different levels—and is an extension of the attitude that produces rape.

A group of women have met together because of sexual harassment and surely there must be reasons for that happening. It would appear that the sado-masochistic type of video porn and the lesser video porn undoubtedly would be having an effect in this area and quite probably led to the increase in this type of crime. The article by Bob Howlett ended as follows:

Carmel O'Reilly, the support group's publicity officer said . . . one complaint made to the Switchboard recently came from a woman who had answered an advertisement for a car detailer. She was told at the interview that part of the job would be to have sex with all her male workmates. She didn't take the job.

It is worrying to see this happening more and more in our society because, if it had been happening in the past, these women's groups would have been established years ago. The figures I quoted from Craig Bildstien's article a while ago indicate that sexual crimes are increasing significantly. Even though this Bill starts to provide some controls, there is a long way to go. I think one of the best articles alerting people to the effects of video porn was published in the *News* on 23 November. The article by, Rae Atkey and Tom Loftus, stated:

To dismiss hardcore video pornography as just 'another dirty night out for the boys' is to completely underestimate its potential dangers . . . Unfortunately, most average family people have little conception of what the word pornography embraces. They would have no idea of the levels of degradation, violence and sadism which is available for home viewing. A psychologist at an Adelaide teaching hospital said today that viewing brutal and sadistic sexual acts on video cassettes could lead to these being deemed as 'acceptable' social behaviour. 'Research has shown movie-type models exercise a stronger learning effect than the written or spoken word,' he said.

On reflection, there seems to be much truth in that. Many of us would not know what those films show, and the average person probably does not know, but a young person who is out to learn more, and to find out particularly about the unknown, will want to know what those films show. All of us have been through the stage of youth where we have dabbled with the unknown, whether it was having the first puff of a cigarette or whatever.

Unfortunately, with the video films, with video recorders becoming much more readily available in South Australia and Australia as a whole, young people have an opportunity to see these films. I fully appreciate that it will be difficult, if not impossible, to legislate within the home, and I do not think that would be the intention of a democratic society, but nevertheless some education on what really is around is necessary and thankfully the two major newspapers in this State have played a major part in this education. The article continues:

'Video pornography could introduce whole new spheres of "acceptable" social behaviour, including bestiality, child pornography and bizarre violent acts.' The psychologist added it was in the nature of human beings to be stimulus seekers—and it was

in the nature of the marketers of pornography to provide new stimulus. 'So, as one form of pornography becomes acceptable, another form is sought until that, too, becomes acceptable,' he said. 'It is in these areas that the public needs to be provided with protection from this material.'

It is probably a negative attribute of our society that we have people who look at the best way to make money, and it is easily recognisable that people will buy this type of material, particularly the pornographic and leading up to the sado-masochistic type of material. If they can they will make money out of it (and I dare say, some people have become millionaires in this way), and unfortunately some have died as a result of it. We have only to look at the murders that have occurred in South Australia over the last few years. I do not intend to go into specific details, but it seems to be clear that some of the people responsible for the murders have had some kink with respect to pornography and have endeavoured to put into practice what they have seen.

The Hon. Ted Chapman: A kink towards homosexusal practices is quite clear.

Mr MEIER: Yes; unfortunately, in some of our unsolved cases it would appear that the murder victims have shown signs that scenes which might have been seen on video have been carried out in practice. When one looks at what was actually undertaken in a few of the films that the newspapers have highlighted, one can see that murder on the screen did not have to be enacted in all cases; at times the person was dead on the screen. The article continues:

A former senior police officer with 40 years experience today stressed that, whatever course legislators decided on to strengthen controls, it would be useless unless it could be policed. Former Chief Superintendent Colin Lehmann, who retired six years ago, said today: 'It is much harder to control the pornographic industry now with existing laws and the available powers of the police. It is all right to criminalise certain activities, but it is useless unless you give the police the necessary powers to discover the wrongdoing and apprehend the offenders.'

Even though amendments have been made, this matter will need to be considered again shortly to see whether the legislation that will be passed by this Parliament today is having any effect on video pornography coming into this State. I support the Bill, because it is a step in the right direction.

The ACTING SPEAKER (Mr Whitten): Order! The honourable member's time has expired.

The Hon. LYNN ARNOLD (Minister of Education): I advise that I am speaking on behalf of the Minister handling this Bill. I thank honourable members for the comments that they have made and any questions to be raised in the Committee stages will be addressed by the Minister on that occasion. If there are other questions or issues not addressed in Committee and yet which members have raised in their second reading speeches that need to be addressed, I can assure honourable members that they will be addressed subsequently.

While this matter is being further clarified, may I say that I share many of the comments made in the debate both in another place and in this place. Certainly there is considerable community concern about the sort of material being made available on videotapes or in other forms of media transmission. Very often the way in which the product is marketed is not at all indicative of the kind of material contained in it, and people can easily fall into the trap of taking products without realising exactly what they contain, and there could be considerable embarrassment to all concerned.

I might say that in one personal episode a similar situation happened, though not with video material; it was film material. Some three years ago, after arriving at an international airport and having to wait some considerable time before moving into the hotel, I decided to see a film. Noticing at the international airport that there were two cinemas, a sex cinema and an ordinary cinema, I thought that it was reasonably safe to go to the ordinary cinema. At that time we had just had in Adelaide the TV series *I, Claudius* and I knew how much that had excited the imagination of historians. I noticed the name *Caligula* and I thought that it would be interesting to see, because it would follow on with the sort of themes that were in *I, Claudius*. Sir John Gielgud was one of the stars, and it had a range of interesting actors in it. Unfortunately it was pornography in every sense of the word, and my mind boggles to this day as to what was showing at the sex cinema if that was showing at the ordinary cinema. I noticed that Sir John Gielgud was killed off in the first scene: he was probably ashamed of being any more associated with the film, and all other actors of any note were killed off very early in the film. It was an appalling film and I could not stay through anywhere near the lot of it. I walked out on it. It was an example of something which was portrayed as one thing. Later it got a name, of course, as a film of some notoriety, but at that stage it did not have it. Quite easily people could have been caught; likewise the same would apply had it been on videotape material.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr BAKER: I alluded to this in my second reading speech, and it may need a legal definition, but I am interested in the new terminology for 'sell'. To use the words contained in the Bill, it means 'by retail, barter, exchange or let on hire'. I would like clarification. It was made clear in the Minister's second reading explanation that it was only to include retail sales. However, there are other forms of distribution of various types of pornography, and some of the worst forms of pornography other than through retail outlets. Will this Bill cover only retail outlets in various shapes and forms? Will the Police Offences Act pick up the other areas of distribution not contained within this Bill? There are book exchanges in the city and I am not sure whether they are classified as retail, but there are other book exchanges which are not. There are other forms of barter which are not retail forms of barter, and the Bill states specifically that it wants 'sell' restricted to retail areas. There are other forms of transfer of this material, and I know of at least two instances where people trade videos between themselves, hire out videos between themselves, and run a small market in videos. I seek to have this clause clarified.

The Hon. D.J. HOPGOOD: I am sorry if I have missed the point of the honourable member's question, but it is quite clear from the Bill before us that those other forms of transaction will be covered by the legislation. The wording is 'by retail, barter, exchange or let on hire'. What form of transaction does the honourable member fear would not be covered by the draft before us?

Mr BAKER: The definition of 'sell' was in the Bill originally, and it is changed now to 'sell by retail'. The Police Offences Act is infinitely sensible, because it includes barter, exchange or let on hire. By restricting the word 'sell' to 'retail sale', there are a number of other sales outlets which are not retail. It is inconsistent with the Police Offences Act, which seems to be far simpler. What is the ambit of this Bill?

The Hon. D.J. HOPGOOD: This legislation is trying to ensure proper control over commercial distribution to the public. The Government believes that the draft in front of us is sufficient to cover all circumstances in which this material eventually gets to the public by way of the distributor. Where a breach has occurred, it is possible that other forms of transaction might take place between various members of the public, but the reassurance to the public is

that the control is there in relation to the way in which the law acts at the first point of sale or transaction to the public. That is sufficient to provide the control that the honourable member and the Government are looking for.

Mr BAKER: That is what I read into the second reading explanation, but that has now been clarified. Therefore, I make the point (which can be confirmed) that we are here dealing with only the commercial distribution of material covered by the Classification of Publications Act and that all other distribution of material is not covered under this Act. This then raises the further question of where the legislation covers areas of activity such as wholesaling, sale of this material, gifts, or whatever. I want to ensure that, if these matters are not picked up by this legislation, they are covered adequately under the Police Offences Act. I understand that the legislation was far better when the one word 'sell' covered all these forms of activity without restricting them to the retail area. I would like that matter clarified.

The Hon. D.J. HOPGOOD: I am sorry, I should have made that clear earlier. The other means whereby offences could occur which are of concern to the honourable member are adequately covered under the Police Offences Act.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (CRIMINAL LAW CONSOLIDATION AND POLICE OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 6 December. Page 2377.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this Bill, which is part of the trio of Bills dealing with the same subject which seek to amend various Acts so that controls on the supply and distribution of pornographic material, in particular, are much more stringent. We feel that many of the things being done now should have been done even prior to 1978, and that the gradual improvements made to that legislation have been relatively slow. I spoke at some length on the preceding Bill and do not propose to be repetitive, as one might well be, because the items to be discussed are similar; in fact, they are identical in many ways, and the comments that I made that were relevant to the Classification of Publications Act stand equally well when arguing the case for improvements to the Criminal Law Consolidation and Police Offences Bill before us.

However, I think that it is appropriate that new section 33, which is being enacted, is a consolidation of the old section 33, which has been improved, also absorbs some of the former Criminal Law Consolidation Act's provisions so that the police have a large proportion of their discretion now within their own Act, the Police Offences Act. The amendments to new section 50a in the Criminal Law Consolidation Act Amendment Bill are another step forward in ensuring that children cannot be photographed for sexual gratification. It also contains a prohibition on the taking of photographs which, while they may not be objectionable, nevertheless are taken in circumstances, or for reasons, that could be considered objectionable.

Section 33 applies to photographs which are inherently objectionable. Between the two amendments, the matter is now very well covered. The definition of 'offensive material' varies very slightly from that in the Classification of Publications Act. The definition of 'sell' again varies very slightly in this Act. The definition of 'sell' excludes the word 'retail', which was included in the previous Bill that we considered, but includes the words 'let on hire', which go a long way towards overcoming the problem of prosecuting persons who hire out offensive video tapes.

We support the provision for the creation of an offence if anyone deposits indecent or offensive material in a public place or, except with the permission of the occupier, in or on private premises. While I was Minister of Education, it was pointed out to me that the Education Department, in all innocence, had been supplied with copies of catalogues of video tapes, and had supplied those catalogues to quite a number of potential customers in remote outback areas. The catalogues included not only the educational material that the outback consumers had been asking for but also a very wide range of so-called blue movies, some of them extremely objectionable. People quickly wrote to the Minister and Director-General of Education asking whether the Education Department was now in the business of recommending certain video tapes for public use. Of course, it was not. We had to withdraw those catalogues from general distribution. This simply highlights the fact that any organisation can in all innocence, if it obtains a catalogue which has simply been dumped on it, be responsible for apparently recommending the use of undesirable materials. This Bill makes it an offence for any producer of such a catalogue to dump it on someone without their having previously requested it and provides for prosecution if that happens. We support the legislation.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Amendment of Police Offences Act.'

Mr BAKER: I have a question for the Minister handling this Bill concerning the proof before the court of the indecency of the material. By way of explanation, one of the difficulties facing the Police Department in relation to prosecutions under the Police Offences Act, as I understand it, is the difficulty in determining indecency in terms of relative standards. At least if we had compulsory classification, and reference to the Classification of Publications Board, we would have a standard which would be adhered to in all cases where videos are being considered. In this regard, will the Minister say whether the court will again have to determine what is indecent material and whether in fact there will be any relevance in the finding whether material would have been refused classification or whether it would have been R-rated material, because some difficulties are caused by these provisions in terms of the relationship between the two Acts.

The Hon. D.J. HOPGOOD: I think that there are a couple of points that can be made. First, I guess that a system of classification is of some assistance, whether it be a voluntary classification system or a compulsory classification system. In either case, the court has before it the opinion of a properly constituted body that this material has been refused a classification.

However, there is still the matter of obtaining a prosecution. The honourable member is saying that the experience of some years of the complementary legislation in relation to written or published material has suggested that it is not always possible to get a prosecution in those circumstances simply because there has been a refusal to classify on the part of the Classification of Publications Tribunal. I guess that is the case and I guess that we are back to the whole volume of case law that the courts have before them. This legislation does not seek to alter that legislation. I am not sure how the legislation could seek to alter the Act except by being extremely specific.

A story is told about a public servant being given the Karma Sutra to read as some sort of benchmark as to what might be regarded as reasonably accepted reading for adults. Anything that was regarded as being more obscene or blunt

than the contents of that book would be regarded as being unacceptable by our likes, and something that was within the boundaries set by the contents of that publication would be subject to some sort of acceptable classification, at least for adult reading. The punch line is that he allegedly spent the weekend reading it and came into work the next week with a sore back and had some explaining to do to his rather licentiously-minded colleagues. I make the point that we are getting into a difficult situation if we are to be as specific as that so far as the legislation is concerned.

We have to leave an area for the courts to determine on the basis of case law which, in turn, will to some extent reflect community attitudes as to what is regarded as reasonable and what is not. We then have the whole concept of reasonableness, which the member for Mount Gambier and I were discussing earlier in another debate, and which is there to guide the courts, also. I am not sure that I can assist the honourable member much more than that, although not through any lack of desire to do so but simply because of the nature of the area in which we are moving.

Clause passed.

Title passed.

Bill read a third time and passed.

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 December. Page 2377.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this legislation and notes the new category of film classification, which has replaced the former Not Recommended for Children, the NRC classification, which is now to be Parental Guidance or PG, and which is very close to the classificaton that one sees regularly on the television where PGR is shown in one corner of the television screen pointing out to parents that they should exercise discretion on whether or not their children should view the programme coming on.

The aim of the new PG classification is to standardise subject classification across Australia in conformity with the Commonwealth, States and territories intention and will not be proclaimed until there is such uniformity. We support the amendment and hope that the other States will fall into line very quickly. We also note that the title of the Act 'Film Classification Act' is to be changed to 'Classification of Films for Public Exhibition Act'. We support the legislation.

Bill read a second time and taken through its remaining stages.

STOCK MORTGAGES AND WOOL LIENS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1770.)

The Hon. H. ALLISON (Mount Gambier): I have no intention of delaying the proceedings of the House over this minor piece of legislation which is consequential upon the Bills of Sale Act, which passed through the House a week or two ago. We note that, although the principal Act makes specific provision for certain requirements of stock mortgage and wool liens, it also adopts a significant part of the Bills of Sale Act and applies that Act to stock mortgages and wool liens. We support the Bill.

Bill read a second time and taken through its remaining stages.

MARKETING OF EGGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1770.)

The Hon. TED CHAPMAN (Alexandra): This Bill is of some interest to me. For two reasons I propose to keep this subject alive in this Chamber until 6 p.m.: first, because my colleague responsible for debate on the next subject on the agenda is away on Parliamentary business until 7.30 p.m.; and, secondly, because of its significance and interest to me, such interest relating to the introduction of the Bill in another place and, more especially, in relation to the second reading address that accompanied its introduction. In his second reading explanation when introducing the Bill in another place the Minister of Agriculture said:

> This is a simple amendment which proposes to increase the number of Government appointments to the South Australian Egg Board from three to four.

Currently, the board consists of three representatives elected by the industry and three Government appointees, one of whom is appointed as Chairman. The Government members of the board are Mr Ray Fuge (Chairman), Mr Norm Mair, who is a retired director of Alaska Foods, and Mr David Oliphant, who is a representative of Price Waterhouse. The producer members are Mr John Harvey of McLaren Vale, Mr John Simpson of Wasleys, and Mr David Huesenroder of Gawler. Although there is an equal number of members on the board from both industry and Government, by virtue of its right to appoint a Chairman from its own nominees the Government effectively has a voting majority on the board. That is significant, having regard to the Minister's indication when increasing numbers on the Egg Board, that he did not want the board to be seen as an industry dominated group. In fact, a press release of 27 Sept 1983 from the Minister stated:

> The South Australian Egg Board may soon have its first member specifically appointed to represent consumers. 'This will enlarge the membership from six to seven initially although some adjustment may be made at an appropriate time in the future to restore total membership to six while retaining a consumer nominee,' the Minister of Agriculture, Frank Blevins, said today.
>
> Mr Blevins said there had been growning interest among consumers in management and marketing systems which influenced the price and quality of food. 'On this basis I expect that consumers will be elated at the move,' he said. 'It is a move already supported by the egg industry, which is prepared to bear the additional costs'.

In his second reading explanation, the Minister further stated:

> The egg industry is anxious to ensure that the Egg Board should not be regarded by the public as a body dominated by producers. Accordingly, the Government has been requested to legislate to provide for a clear majority of non-producer members by appointing four members to a board of seven. The Chairman, now acting in a full-time capacity has, and will continue to have, a deliberative and casting vote at Board proceedings.

The two announcements by the Minister to which I have referred taken together present a very curious justification for this amending of the egg industry Act, because, on the one hand, as I have explained, the board is effectively controlled by the Government because the Chairman is appointed from the Government nominees thus giving the Government a 4 to 3 voting majority at board level. Therefore, to suggest that by increasing the Board by one member, and by putting in additional Government member to represent consumers on the board in order to show its dominance, is really quite farcical and quite misleading. In that respect I initially became a little concerned. I contacted the Chairman of the Egg Industry Committee, Mr Malcolm McIntosh as well as Mr Ray Fuge, the Government-appointed Chairman to the Board. I also contacted Mr David Dean who is associated with the industry committee.

I subsequently wrote a report for my Party on the discussions held with each of those three people. The Minister's reference about ensuring that the Egg Board is not regarded by the public as a body dominated by producers is really quite misleading, because I have been assured by the Chairman of the Board (Mr Ray Fuge) and Mr Malcolm McIntosh that no approach was made by the industry to Government.They conceded, however, that the Minister had raised the subject and that it had been agreed that the Minister would appoint a consumer representative for the short term until one of the Government nominees retired, which was to occur in the near future, whose position would not be refilled.

The latter part of the confirmed discussion with Mr Fuge and Mr McIntosh is picked up in the Minister's press release. However, the Minister certainly used some licence there. The Minister certainly either deliberately or unwittingly misled the Parliament by using the words that he did in his second reading explanation, which had a quite clear implication that the initiative was implemented in answer to an anxious request from industry, when, in fact, according to industry chiefs, that was not the case.

This led me to make some further investigations to see if I could find out precisely why the Minister was so anxious to eliminate this alleged grower dominated or industry dominated board structure, when in fact it was not a grower dominated structure because of its having equal representation from industry and Government. Further, because of the Chairman's casting and deliberative vote, it is in fact a Government dominated board at the moment. From further investigation into the Government's proposed legislative programme, it is apparent that there is a desire to physically increase numbers of Government board members to ensure domination of Government membership.

It seems that that is the course that the Government is taking, which is demonstrated in the legislation before us at the moment. It is demonstrated in legislation which will be handled in the near future by my colleague the member for Torrens in his capacity as Shadow Minister of Education. I understand from my colleagues that there are other examples of this new trend. If the Government is fair dinkum about having consumer representatives (and in this instance I understand that it is dead keen to have a female consumer representative on the Egg Board), why the hell does it not come clean publicly and say so in the first instance?

The Government should not put out misleading press releases such as that issued by the Minister on 29 September, and misleading statements such as that contained in the Minister's second reading explanation when introducing the Bill into the Council. There was a recent incident in this respect involving the Education Act Amendment Bill. Why does the Government not openly indicate its intention so that everyone knows what it is up to. This cover up style is unique and unusual in this place for a political Party, whatever its persuasion. Notwithstanding, we now find that there is clear evidence of this new trend that the Government is pursuing.

I went back to the industry representatives, to whom I referred earlier, to discuss this matter a little further. Whilst they are not against consumer representatives on industry boards (nor, indeed, are we in the Liberal Party), it is the misuse and misleading use of terms in these instances about which we are disturbed. The industry has said that if the Minister takes licence, as he obviously did, and uses words to this effect to explain or provide the impact for his proposition, that is his affair. 'We have agreed with the Minister,' they said. Subsequently, I was furnished with a letter from Mr Malcolm McIntosh to the Minister reaffirming the industry's support for the move he was making. Given all those circumstances, the Opposition supports the passage of the legislation and the basic principles incorporated in it. However, we do not like the style that has been adopted which we believe if applied to legislative proposals such as amending Bills is not desirable. We place on record our concern about the way in which this matter has developed. It was initiated in the Legislative Council and is currently before this House for consideration.

I also place on record a further unsubstantiated concern involving what one might call a 'gut feeling' that there is some animosity presently or at least brewing between the Government and the egg industry in South Australia. This may have been about for some time. I noted the smile on the Acting Minister's face when I referred to this somewhat delicate subject. I can only signal to the Chamber what at this stage is really a gut feeling which has developed as a result of snippets of information received and comments made over recent weeks since the appointment of the new Minister of Agriculture. He is not a bad bloke, and I concede that he seems to be applying himself with a degree of alertness, but at the same time I signal this little attitude of 'I am the boss; you will do as I say at all levels.' Administratively, that is not a bad trait to possess, but when that hand of dictation is applied, particularly to primary industry, then I become a little more concerned.

Similarly, I am a little concerned about the current climate that appears to prevail between the Minister and the Government and certain primary industries. One may take my raising this matter as perhaps a warning that I believe the Government generally and the Minister particularly have their sights on the egg industry, its marketing practices, and activities associated with handling, distribution, pricing and charging for eggs in South Australia.

Mr Evans: Don't you think that that should be the case all the time?

The Hon. TED CHAPMAN: The concern of the member for Fisher about egg industry activities in South Australia is well known. He has placed his concern on the record on a number of occasions over the years. I am the first to agree that the Minister should have his eyes open and be aware of what is happening in the several areas of his portfolio. In this instance, the signals are there. The egg industry 'chicks' (Mr McIntosh, understandably, Mr Ray Fuge and others associated with the marketing committee) hopping into bed with the Minister, as they clearly have in this instance—particularly if one reads the latest round of correspondence exchanged between them—is something about which we ought to be a little cautious. I cannot put my finger on what the gentleman's next move will be, but it may well be justified when the time comes. However, it is no good the egg industry people—Ray Fuge, Mr McIntosh and their colleagues—coming screaming to the Opposition if they burn their fingers by getting into bed with the Minister, as they clearly have done in this instance.

Mr Evans: You don't think they were playing ducks and drakes?

The Hon. TED CHAPMAN: Should I or should I not respond to that interjection? No: I think with the few minutes left at our disposal before the dinner break this evening we should get on. I signal my awareness of the Minister's intention and, hopefully, warn the egg industry that if it does not have its house in order now it should get it in order and be equally as alert as others (primary producers, particularly) about the future welfare of the industry. I support the Bill, albeit with its lead-up to development and presentation in this House.

Mr EVANS (Fisher): I wish to speak briefly to this Bill, although I may not finish by the dinner break. There may be some consideration of the board's composition, but I particularly believe that there should be consumer represen-

tation, for which I have argued for some time. So, that is not new to people who know my interest. I believe that our method of licensing will eventually bring about inefficiency in the industry. The present board members and key people in the industry have argued for some years that I am wrong and that that will not happen. I accept that I could be wrong but I always take the opportunity to record my view so that in future if I happen to be right people may take note, even though it may be too late.

At the moment, the board has the problem of overproduction and cutting quotas to individual growers. I have said at times that quotas have been sold for $15 a bird or more. But it seems farcical when the stage is reached of licences being sold for as much as $20 a bird for a piece of paper approved by Parliament. For those who have had to buy licences, naturally it is a cost to industry which, in the end result, must affect egg prices. I am told by the board that it does not affect price structuring at the moment.

But if, for example, a person has 10 000 licensed birds at $20 for each licence, we find that by a vote of Parliament that person has to pay $200 000 and that is not for plant, machinery, land or feed. We can look at it whatever way we like but as Parliamentarians we should be concerned about the on-going principle. I would say that in five years the industry will have to pay up to $40 a licence for each bird. It has gone from virtually nothing to $20 in 10 years. I ask whether the industry can stand that sort of price structure; I say that it cannot. When the board is restructured as a result of this Bill, I hope that some notice is taken of that fact. As much as some people might not like the person who leads the Queensland Government, that Government introduced a system whereby if a person did not want the quota the Government would buy it back at $3.50 a bird and issue it to anyone who had 6 000 birds or less. I support the proposition.

[*Sitting suspended from 6 to 7.30 p.m.*]

The Hon. LYNN ARNOLD (Minister of Education): Before the dinner adjournment we had a fascinating contribution from the member for Alexandra, the shadow Minister of Agriculture, and a very brief contribution that was quite interesting from the member for Fisher. The only problem with the contribution, particularly from the member for Alexandra, is that he really did seem to be having some considerable flights of fancy. This Bill is not a matter of hens under the bed, designed to indicate that the Government is yet again determined to trample the rights of various sectors of the community. It might be useful for him to look at the closing speech of the second reading debate by the Minister of Agriculture in another place, because he quite succinctly commented in a number of issues raised by the shadow Minister of Agriculture.

I did find it an amazing flight of fancy for the honourable member to suggest that there is this somehow grand Machiavellian plot on behalf of this Government to determinedly try to crush various community interests. He tried to link this Bill with the non-Government schools registration legislation and suggested that it was indicative that we had no aim other than to maintain or attain domination over various outside groups. That is patent nonsense for two reasons: first, it is certainly not true about the Non-Government Schools Registration Board, as I have fully explained, and if the honourable member had chosen to listen he would have understood that it is quite patent nonsense—

The SPEAKER: The honourable member for Alexandra I think would have understood that.

The Hon. LYNN ARNOLD: He also would have understood—

The SPEAKER: The honourable gentleman does not understand me. He should refer to any member by the name of his district.

The Hon. LYNN ARNOLD: I am sorry, Mr Speaker. He also—

The SPEAKER: The honourable member again is transgressing. If he is referring to a person opposite or any person he should refer to the member's name by his district.

The Hon. LYNN ARNOLD: The member for Alexandra attempted to imply that the Minister in another place was being dictatorial while, at the same time, not quite going that far. He could not go too far because he ended up supporting the second reading of the Bill. What he was saying on that point is that the egg industry has it upon its own head as to what is happening in this Parliament. It has indicated that it supports this legislation. He acknowledged that there is correspondence indicating its support for the legislation and that therefore it must pay the consequences, as though there are in fact consequences to pay.

A studied analysis of the whole situation clearly indicates that the approach taken by the egg industry is quite sound and proper. It analysed the issues involved and found the amendments put forward by the Minister entirely appropriate, involving none of the major problems that the member for Alexandra (the shadow Minister) sees. Yet, for the entire duration of his 20-minute speech, the member for Alexandra chose to raise these images. I ask why he chose to do so; what possible benefit could there be in that? Is he trying to raise fears among those involved in the egg industry and, if so, to what end? Is he suggesting that something in this Bill is not right, something does not smell right, something is trying to aim at some other purpose? If so, why did he indicate his support for the second reading?

If the honourable member is as good as his word that he will be supporting the second reading, and if he is as good as his word that the matters raised by the Minister in another place have some merit in them, why then does he seek to raise these chimeras for us to be distracted by tonight? The Minister of Agriculture in another place has been very concerned, in the time he has been in the Ministry, to make contact with industry groupings, and to understand the issues that face them. He has been very concerned to know exactly what the concerns are and feel for them the situation that they feel. May I say that I think that has been responded to by industry groups in agriculture with great success. Indeed I have to say this, and I acknowledge it publicly, that the member for Alexandra himself has in fact given some credence to the capacity of the Minister of Agriculture in handling many of the issues involved. I thank the honourable member for that, and I know that the Minister for Agriculture will himself be pleased to know that those comments have been made.

However, they underscore the point: why must we have those entirely unnecessary comments implying as they did that the egg industry has sold out in its own best interests, that the egg industry ought ot be careful of what was happening and that there was some ulterior motive in the mind of the Government? I absolutely reassure members here that this is not the way this Government operates. I totally reject that assertion with regard to the non-government schools registration measure before the Parliament (which has come again before this House this afternoon). I totally reject that it is the policy of this Government to try to maintain the sort of jack-boot control claimed by members opposite regarding other groups in the community. That assertion applies to the non-government schools, and it applies to the egg industry.

With regard to consumer representation, the member for Alexandra talked at some length about the press release issued by the Minister of Agriculture's office. At page 1692

of *Hansard* of 10 November, I suggest that the honourable member read the second reading speech again, and he will appereciate that the very points being queried this afternoon by him in his second reading speech were quite adequately answered there. At that point the Minister made clear that it was not an appropriate decision to nominate one of those seven people as a consumer representative, because the point of view had been put to him and he had accepted that the non-producer members could all claim to be consumer representatives in one capacity or another. It is spelt out on page 1692, and it is for that reason that the consumer representative as a distinct nominee does not appear in the Bill.

I do not know how many times that message has to be repeated for the member for Alexandra to understand. Then, quite unfortunately, the honourable member decided to go off on some flight again and made certain imputations: clearly, there was some other Machiavellian plot being harboured by the Minister of Agriculture, a Machiavellian plot that not only would the Minister sneak in through one of these four nominees a consumer representative (and I made the point that all non-producers could be claimed to be a consumer representative in one way or another), but that also in all probability he was committing the felony of making one of those people, the consumer representative, a woman. I fail to see the point that was made by the honourable member on that matter. So what!

The sex of people who comprise the membership of the board should be a matter of complete indifference to this House. Surely, if we believe that in fact all people are able to express their capabilities in the conduct of society, quite regardless of sex, race or whatever else, then it should not be a matter for conjecture or debate within this House, yet the honourable member chose to say that, for some reason or other, the Minister has in the back of his mind that it is going to be a woman and foi some reason that should mean something to us. So what? I say it should not mean anything to us. I suggest that in fact the sex of the composition of members of the board should be a matter of total indifference to us, because it is a matter of total irrelevance. I would like to known exactly why the honourable member thought that that was a matter of some importance.

I would offer to the honourable member the good grace that he does not hold attitudes that could be deemed sexist, so there may be some other reason that is pertinent to eggs, their production and their marketing which to this point has allued me. For all that, despite the rather cynical comments made by the member for Alexandra before the dinner adjournment and in combination with the constructive comments made by the member for Fisher, it is acknowledged that the Opposition has indicated that it will support this Bill, and may I say quite rightly so, because indeed the industry itself has supported the Bill. If anyone would have had the right to feel threatened by it, it would be in the industry, because it is the industry which is seeing its control on the board dissipate and turn into a minority participation on the board, yet it does not accept that. If anyone should have fears, it should be the industry.

Quite naturally, the Opposition, which should in a sense be trying to represent the alternative viewpoints in the community, should be supporting this Bill. Accordingly, we acknowledge the fact that it has appreciated that point and proposed to support this legislation. I ask again that the Opposition does not allow itself to be subject to the same flights of fancy that we had in the 20 minutes before the dinner adjournment.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Constitution of board.'

The Hon. TED CHAPMAN: Clause 2 refers to an amendment to section 4 of the Act and deals specifically with the composition of the board. Might I say that I meant what I said before the dinner break, and I am sure that, when the Minister reads the total context of that address he will receive the message that I intended to convey, both in relation to the history of events that led up to the introduction of the Bill, in another place and in the interim period, throughout which I have been consulting with the industry and the Minister about the subject, having put on record what I did during that period.

The Minister seems to be concerned also about some degree of suspicion that is hovering over the industry's future at this time under the administration of the current Minister of Agriculture. I have simply warned the House, and accordingly the industry, that there are signals which need to be heeded in relation to the present Government's attitude to that industry. I am aware of the attack on the egg industry interstate by colleagues of the current Minister of Agriculture. I am aware of the Minister's being conscious of those details and I am also aware of his intention, to use his own words, to clean up certain aspects of that industry.

I simply indicate again to this House that, whilst there is a need for Ministers at all times to keep a close eye on the industries within the ambit of their respective portfolios, I am concerned about the signals that have come via the Minister in another place, particularly about his attitude to the industry generally and the price that is currently being charged for eggs. I take this opportunity to place on the record the schedule in relation to the comparative egg prices.

The CHAIRMAN: Order! The Chair does not intend to allow the honourable member for Alexandra literally to make another second reading speech. This clause deals with the constitution of the board—nothing more and nothing less.

The Hon. TED CHAPMAN: I acknowledge your ruling and recognise that clause 3, which refers to the egg industry—

The CHAIRMAN: Order! We are not on clause 3; we are on clause 2.

The Hon. TED CHAPMAN: Clause 3 is more appropriate, and therefore I shall wait until clause 3 is reached. I accept your ruling in that respect, Sir. However, whilst we are on clause 2, I take the opportunity to say again to the Minister opposite that in my view the Minister he is representing has not at the page reference of *Hansard* he gave, or anywhere else during the passage of this legislation, justified the need at this stage to increase the number of members on the Egg Industry Board from six to seven, particularly when one has regard to the Minister's own suggestion that at the retirement of the next board member, he will consider reducing the number on the board to six. It is my understanding that, in the fairly near future, a Mr Mair will be retiring from the board. His term of office will have expired and, in accordance with the best information I can glean about that subject, it is not that Government nominee's intention to renominate, in which case there is automatically a vacancy.

It is at that time, in accordance with the press release of the Minister of Agriculture on 29 September this year, that he will consider reducing the number from seven back to six. Why whould the Minister wish by legislation to increase the number of the board from the current level of six to seven and again in a few months time retain the new consumer representative on the board and reduce the total number back to six? Why not do it then? Why not just fill the anticipated vacancy of a Government nominee with a nominee from the consumer sector, a nominee from the Housewives Association, or from some other relevant group from which he may wish to accept nominations? Whether in fact it is then a housewife, a woman or a man, as the

Minister pointed out earlier, is quite irrelevant, except that in the meantime it has also been signalled that it is the intention to put a woman on the board, but it is not stated in the second reading explanation. However, it is understood to be the case. We will see in due course whether in fact that is correct. I have no argument about that. Indeed, if I did have an argument about it, I would urge my Party to oppose the Bill.

I gave the reasons before the dinner break this evening why we are supporting the Bill and those reasons were carefully and clearly stated and were indeed intended to be accompanied by the reasons for our concern also in the several areas that I have mentioned. Finally, it was as a result of receiving a copy of the correspondence from Mr Malcolm McIntosh, the signatory to the Minister himself, that they were in favour of what he was doing, that we as a Party agreed to support the Bill. However, there is no reason at all and there is no law at all to prevent me, on behalf of this Party, at the time of supporting the Bill (the Marketing of Eggs Act Amendment Bill), from at the same time indicating to the House areas of concern that are specifically related to the subject that we on this side of the House hold.

Whilst the Minister has every right to canvass and identify, sign, repeat and refer to the matters that I raised, let it not be said that I am concerned about the veiled threats, allegations and accusations that he has made from the other side of the House in this instance. Finally, and again in relation to the composition of the board, which I believe—

The CHAIRMAN: Order! I remind the member for Alexandra that it is the opinion of the Chair that he has roamed again a long way from clause 2.

The Hon. TED CHAPMAN: Let me come back to clause 2. The Minister in his proposal has come up with this magic figure of seven in lieu of six for the time being and, as he has indicated officially, he will be giving soon consideration to bringing it back to six after, of course, he has achieved the appointment that is obviously the motive of the exercise; that is, an appointment from the consumer group, a principle which the Liberal Party supports, incidentally.

However, in the meantime the Minister makes great play of the fact that he is disturbed about my reference to the Minister, and he was good enough to say that, among other things, I have been on other occasions fair in my reference to the Minister's activities and application to his job. Indeed, I would hope that, after he settles down a little, the Minister will recognise that I have been, am now and will continue to be fair in my references to him in relation to the job that he is doing. I say again that, in the main, he has been and may well be proceeding in this direction, as outlined in clause 2, to amend the Act appropriately and fairly.

However, I retain my feelings and suspicions associated with not only the way that it is being done but the ultimate motives which are obviously in this situation we have before us. I have no further remarks to make in relation to this clause, but in relation to clause 3, I wish to pursue the matter in relation to the price structure and the comparative price structure indeed between this and other States, which is a matter of public concern in relation to the egg industry.

The CHAIRMAN: Order! I would hope that, when the honourable Minister replies, he will stick to clause 2.

The Hon. LYNN ARNOLD: I will endeavour to stay well within the parameters of clause 2. One of the points that I have felt of late regarding the attitude of members opposite to clauses of Bills is where they stand. I have thought that members opposite would either support fully what has been done or oppose what is being done. However, unfortunately, we seem to be seeing the two bob each way theory. We saw it in legislation of which I was master earlier last week. We had all kinds of dubious terminology used that really enable them to say that they can have it both ways, so that if at some later stage something may perchance go wrong, they can say, 'We hinted at that,' so that they can claim to be on the right side.

Again, we have this floating of ideas: 'Yes, we will vote for you, but' (float, float, float) 'unsubstantiated ideas just in case the running goes a different way, and we were there saying that too.' Therefore, being members for all seasons may be a good short-term prospect, but in the long term it does not have much merit. I suggest that it is not a profitable road for members opposite to pursue. The member for Alexandra stated that the Minister did not provide evidence as to why this should happen: why there should be a change to the number of members on the board. I draw his attention to page 1340 of *Hansard* on 26 October, when he said this:

> The egg industry is anxious to ensure that the Egg Board should not be regarded by the public as a body dominated by producers. Accordingly, the Government has been requested to legislate to provide for a clear majority of non-producer members by appointing four members to a board of seven.

Obviously, as the Minister in another place has indicated, there has been a request to the Government and there are two choices: either we could entertain that matter or we could totally ignore that proposition. It was worth while the Minister in another place entertaining the proposition and saying, 'Okay, what should we do?' In closing the second reading debate (that is the other page reference which the member for Alexandra queried), the Minister made quite clear the contention that the producers were not in a majority, because they lost out by virtue of the casting vote. That casting vote situation has intriguing connotations when we think back to that other legislation to which I referred earlier. I am well aware that members opposite should appreciate the point that is being made. However, I must not digress.

It was not absolutely necessary for that to happen, but in terms of public perception (and that is what motivated the egg industry to put its propositions to the Minister), it would be all the wiser to ensure that people could be assured that the producers were not in a majority, not on what is referred to as the South Australian Egg Board but in the Marketing of Eggs Act. I suggest that that statement on 26 October and the supplementary statement in the other piece of legislation on 10 November clearly give evidence that the Minister had a proposition put to him. He seriously considered it, was not prepared to be cavalier about it, and entertained the amendment to the composition of the board accordingly.

When the matter came to who or what the extra person on the board should be, the press release did make a proposition in that regard. However, the Minister was quite candid in the Upper House about that issue. He was not prepared to try to work his way around it in some other way, and say, 'Yes, that was certainly the case, but other things could happen.' He was candid enough to say that the proposition had been put to him quite firmly that the non-producers were consumer representatives of one sort or another, and if one chooses to nominate one person as a consumer representative, then one is automatically by implication saying that the other six are not. That is, as he said in another place, quite a ludicrous contention.

Therefore, I take the point that the honourable member has been making on this clause. However, it seems to me that the comments made by the member seem to raise these queries and very large question marks, and I really end up asking myself, 'To what end, to what effect, and for what purpose is that being done?' The member for Alexandra says that he has consulted with the egg industry. I do not dispute that, because I believe that he would have done that. However, I believe that in consulting with them he

would have received the same feedback that the Minister of Agriculture has received.

If the Minister of Agriculture, being, as the member for Alexandra suggests, such a capable Minister, were to smell a rat, to feel something wrong about the proposition being put to him, I can assure the honourable member that he would have been raising those question marks too and would have done so at an earlier time. He has chosen not to do that because he cannot see those propositions there. This is really not a matter of great moment. It is a matter of a perception with regard to those connected with the industry. It is a matter that is not meant to reflect upon the previous operations of the board. It is more or less trying to answer any questions that may be being raised out in the wider public about the operations of the board. Accepting the fact that it has done a valiant job in the past, nothing is perfect. Therefore, there are questions that may have to be answered and it has had to answer questions as well, but this is one way of attempting to go beyond that. In fact, the egg industry, when it made the approaches to the Minister, did so on the basis of a study that had been done prior to that.

That was referred to on 10 November, when the Minister in another place referred to a report from the Bureau of Agricultural Economics that made comments about the egg industry. His response to that was to say, 'Let us address those questions seriously. Let us really tackle what is at the nub of those questions and not disguise amongst ourselves some of these peripheral issues.' If there is a danger of the make-up of the board helping to raise images in people's minds, and that may be where the problem is, then let us clear that out of the way. The best way to do that is to provide the tangible evidence that the board was not a producer-dominated board but a board representative of various community interests.

The Hon. TED CHAPMAN: I simply asked the Minister from which source did the request come to the Minister of Agriculture to take this action. I asked that question because three times whilst he was last on his feet he referred to the Minister's being requested to take the action. Earlier in this debate I have already told the Committee the information that I received from the Government appointed Chairman, Mr Ray Fuge, and from the Chairman of the U.F. and S. Egg Industry Committee, Mr Malcolm McIntosh, that clearly their recollection and their understanding of the situation is (and has been from the outset) that they had the subject of board extension raised with them by the Minister. They were requested to consider it and they did consider it. Given all of the circumstances to which they had access, they ultimately wrote back to the Minister and confirmed their agreement for the Bill to proceed. As I also explained earlier in this debate, it was as a result of coming into possession of that letter that we as an Opposition agreed to support the Bill.

The Hon. Lynn Arnold: What date was that letter?

The Hon. TED CHAPMAN: On the day it was debated in the Upper House. I see little point in pursuing that subject further. I intend to have the debate closed off as early as possible. I have one other matter to raise in relation to clause 3 in order to allow that to occur.

The Hon. LYNN ARNOLD: I am unable to go back further than 5 September this year, given the information immediately available to me. I might be able to make further information available to the honourable member later. On 5 September, the Chairman of the South Australian Egg Board wrote to the Minister of Agriculture. In that letter he confirmed there had been discussions on the subject of an appointment of a consumer member to the South Australian Egg Board. He said:

> I consider we [the board] have sufficiently established the egg industry in South Australia by way of containing production to market requirement and establishing an aggressive marketing and egg promotional programme.

The Hon. Ted Chapman: Incidentally, the letter was received by the Minister on or after 1 November.

The Hon. LYNN ARNOLD: This letter is dated 5 September. In it the Egg Board said:

> In the light of this we could benefit from the appointment of a consumer representative, although it is reasonable to comment that the existing three Governor appointees are essentially consumers.

The point I am trying to make is summed up there. On that date the Egg Board put to the Minister a number of options, one of which was:

> Seek an amendment to the Marketing of Eggs Act to provide for four persons to be appointed by the Governor.

I record that now in *Hansard* as an indication that the Minister was responding to an approach put to him by the egg industry.

Clause passed.

Clause 3—'Amendment of Egg Industry Stabilisation Act, 1973.'

The Hon. TED CHAPMAN: Clause 3 refers specifically to board numbers again, and in particular to the numbers acting on the committee under the Egg Industry Stabilisation Act. Again, consultation was undertaken between me and the members of the board, including the Chairman. Whilst it is proposed to increase the number of the committee from two to three as a move consequential on the previous clause, in the event of the previous clause being upheld, it is fair to say that in that instance Mr Fuge and Mr McIntosh quite clearly indicated that they would prefer, if there was to be a change in the number of the Egg Industry Stabilisation Act Committee, that it be altered to include the whole number of the board. It is my understanding they put that proposition to the Minister but at this stage, to the point of preparation of this Bill, he has retained the proposal of extending the number from two to three only.

I simply place that on the record to confirm the results of the discussion that we had with the industry in that respect. I understand they have no real argument about that factor, but in relation to the consumer representative, and hence this consequential representative, I gather from the whole range of discussions held on this subject that it is felt publicly that the board ought not be seen as a grower-dominated group, as the Minister has outlined, nor should the committee under this Egg Industry Stabilisation Act section, and that overall the consumer and the consumer's concerns should be brought directly to the board. The concerns relate to the price of the product, and that is really what the whole board structure and the whole Marketing of Eggs Act is about: keeping the price within the consumer's reach. I seek permission of the Chair and that of the Committee to have inserted in *Hansard* without my reading it the comparative interstate prices schedule as at the week commencing 22 August 1983. I assure the Committee that it is clearly a statistical page.

The CHAIRMAN: The Chair is prepared to accept it but points out in doing so that this clause is simply a clause to take away something and increase the number on a licensing committee. It is very difficult to link up. Nevertheless, the honourable member seeks leave, and leave is granted.

Leave granted.

INTERSTATE EGG PRICES—(CENTS/DOZEN)
Week Commencing 22 August 1983
(Last notice 31 July 1983)

		South Australia (No change)	Victoria (From 5 August)	New South Wales (No change)	S/Queensland (From 22 August)	Western Australia (No change)
Wholesale Price:						
65s	65g	—	171 (−7)	174	—	—
Extra Large	60g	172	169	165	167	164
Large	55g	169	161	157	162	149
Standard	50g	156	143	139	150	133
Small	45g	134	135	131	141	129
Advance Price to Producers:						
65s	65g	—	171 (−7)	151	—	—
Extra Large	60g	157	169	142	142	164
Large	55g	154	161	134	138	149
Standard	50g	141	143	116	125	113
Small	45g	119	135	108	116	129
Nett Price to Producers:						
65s	65g	—	141.5 (−7)	136	—	—
Extra Large	60g	110.5	139.5	127	123.16 (−5)	130
Large	55g	107.5	131.5	119	119.16 (−5)	115
Standard	50g	94.5	113.5	101	106.16 (−5)	99
Small	45g	72.5	105.5	93	97.16 (−5)	95
Selling Charges		15	—	23	25	—
Total		15	—	23	25	—
Deductions:						
Pool Levy		34	—	10	—	—
Handling and Selling		12	8.5	13.5	8.2	34
Administration		—	10	5.5	4.4	—
EMBSO Levy		—	—	—	0.24	—
Equalisation		—	—	—	6.0 (+5)	—
Packaging		—	11	—	—	—
Total		46.5	29.5	29.0	18.84	—
Second Quality		80	70	55	70	90

The Hon. TED CHAPMAN: Thank you, Mr Chairman. I appreciate your agreement to have that statistical material incorporated in *Hansard*. With respect, I would point out to the Chair that the Egg Stabilisation Licensing Committee is there for the purpose of stabilising the price of eggs and ensuring that consumers in all States are fairly treated in this regard.

The CHAIRMAN: Order! The Chair has no intention of getting into an argument with the member for Alexandra. What the member is saying is true as related to the principal Act. However, we are not dealing with the principal Act as such, but simply with clause 3 which provides for a minor amendment to the principal Act. The amendment deals simply with the number of members on the licensing committee.

The Hon. TED CHAPMAN: I agree, but the amendment seeks to increase the membership of the licensing committee by 50 per cent, which is a substantial increase in anyone's language. That licensing committee has total control over the 588 registered producers in South Australia, of whom 322 have fewer than 500 hens. To avoid detailing the production statistics in regard to those hens, I seek your permission to have inserted in *Hansard* without my reading it a table detailing total production and export surplus figures in regard to eggs. It is purely statistical.

The CHAIRMAN: Order! The Chair will not allow the member for Alexandra to keep on putting questions to the Chair and seeking leave to insert statistical figures into *Hansard* when all we are dealing with (as I have said again and again) is the number of members on the licensing committee. It concerns a simple amendment to the principal Act and has nothing to do with what the honourable member is referring to.

The Hon. TED CHAPMAN: I rise for the last time simply to point out, with the greatest respect, that the whole function of the committee is to dictate who shall be registered, who shall be given a licence, and what production limit that licence will contain. I suggest that the committee's absolute function is related to the number of hens in production and the number of licensees, and accordingly, the degree of production of any one of those hens in any licensing period. It is for that reason that I seek to have this final piece of statistical information associated with that subject inserted in *Hansard*. It covers only four lines, and I could read it.

The CHAIRMAN: It is doubtful whether the Chair would allow the honourable member to read it, but he may seek leave to have it inserted.

Leave granted.

EGG PRODUCTION

	S.A. Total Production	Export Surplus
1980-81	17 200 000	3 200 000
1981-82	15 200 000	1 300 000
1982-83	15 100 000	1 000 000
1983-84 (Anticipated)	15 000 000	800 000

The Hon. LYNN ARNOLD: I want to correct one point raised by the honourable member. He created the impression that the sole purpose of the Egg Stabilisation Licensing Committee is a consumer related one. It is not entirely consumer related, because indeed it is related also to the egg industry itself. Indeed, I can recall that one of the first speeches I gave in this House when I was a member of the Opposition (not even then in the shadow Ministry) was on the marketing of eggs, wherein I canvassed some of the matters related to the supply and demand for eggs and income available to egg producers. That was back in 1979 or 1980. I repeat now that it is true that any degree of monitoring of the progress of the egg industry is consumer related but it is also industry related and the Egg Stabilisation Licensing Committee is designed to look at both of those functions. The increased membership proposed is for the purposes of monitoring the dual functions that we are expecting that committee to address.

Clause passed.

Title passed.

The Hon. LYNN ARNOLD (Minister of Education): I move:

That this Bill be now read a third time.

In so doing, I thank honourable members for their support on this matter. I indicate that the Bill, which has now been through both Houses of Parliament, does, I think, represent a boost to the egg industry of South Australia. Therefore those in the egg industry who indicated their interest in this matter will appreciate the efforts of both Houses of Parliament to allow that to take place.

Bill read a third time and passed.

STATUTES AMENDMENT (FLOOD MANAGEMENT) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3 (clause 6) after line 16—Insert new subsection as follows:

(3) A notice given to a person pursuant to subsection (1) must contain particulars of the person's right of appeal under this Act against the notice, or a term or condition of the notice, and also of the procedure whereby such an appeal may be instituted.

No. 2. Page 6 (clause 11) after line 10—Insert new subsection as follows:

(3) Subsection (2) shall be deemed to have come into operation on the day that this Act came into operation.

No. 3. Page 7 (clause 13) after line 19—Insert new subsection as follows:

(3) An Order given to a person pursuant to subsection (1) must contain particulars of the person's right of appeal under this Act against the notice, or a term or condition of the notice, and also of the procedure whereby such an appeal may be instituted.

Consideration in Committee.

The Hon. J.W. SLATER: I move:

That the Legislative Council's amendments be agreed to.

The Hon. B.C. EASTICK: Although the Minister is not obliged to do so, I would have thought that he would have given some form of explanation to the Committee in regard to the amendments. I believe that this is an arrangement to which the Minister agreed following discussions with the Hon. Mr Milne in another place, following the denial of the substantive motions put up by other people in the other place. I ask the Minister to show the Committee the courtesy of explaining what has been achieved by each of the three amendments.

The CHAIRMAN: Order! The Chair would point out again, as it has on similar occasions, that it cannot instruct or demand a Minister to answer any query at all in Committee.

The Hon. B.C. EASTICK: Thank you, Mr Chairman. I point out that the improvements that the Minister claims have been made to the legislation are, in the Opposition's opinion, cosmetic. They do not address the real issues identified in the debate both in this place and in another place. The Opposition prophesises that it will not be too long before the Minister will come back to the Parliament seeking to make amendments in order to make this Bill a better Bill, purely and simply because a number of features of the Bill will be unenforceable or, if enforceable, enforceable at great cost to the person on whose property a great deal of debris has been lodged.

Obviously, the Minister does not want to take the Committee into his confidence. As you have rightly said, Mr Chairman, there is nothing that you can do about that; you, like the rest of us, must remain in ignorance about what has taken place. On behalf of my colleagues, the members for Chaffey, Davenport and Fisher specifically, I say how disappointed we are that the Minister has been so prepared to accept these cosmetic measures.

The Hon. J.W. SLATER: They are not cosmetic at all. Amendment No. 1 provides that a notice must be given to a person about any right of appeal. It must contain particulars of a person's right of appeal under the Act against a notice issued by the Council, which I think is important. The very argument in this House during debate on this matter was to do with rights of the individual. This gives an opportunity for people to be notified by a council of their rights under the legislation.

Amendment No. 2, which was moved by the Hon. Mr Griffin in another place, was acceptable to us because it deals with *Perry v Ross* which was unintentionally taken out of the Water Resources Act. Indeed, I accept that, because I think it is an improvement on the legislation. I believe that it is acceptable not only to myself but also to the Local Government Association and councils in general. Amendment No. 3 provides at page 7, clause 13, that an order given to a person pursuant to subsection (1) must contain the person's right of appeal under the Act against any notice issued on the council, which I think is an improvement to the legislation. It also provides the terms and conditions of that notice and the procedure whereby such an appeal may be instituted is given to the landholder. I believe that we have already covered the sorts of arguments raised in this House. I accept the three amendments.

The Hon. B.C. EASTICK: The Opposition is now much more enlightened by the Minister supplying the information he had, but which the rest of the Committee did not have. I will accept that the claim that the measures agreed to by the Minister were cosmetic was incorrect; they are not cosmetic, they have real purpose. I would be the first to acknowledge that. It is regrettable that one had to get the Minister out of his seat by making such an assertion. However, I do make the point that whilst there are no other amendments to which we can address ourselves, the improvement which these three measures have made to the Bill is insufficient in respect of the measures of improvement which should have been accepted by the Government and which I predict will be accepted by the Government to make this measure work properly so that it is not a financial embarrassment upon people whose properties are affected

by debris arriving from another source and over which they have no control.

Motion carried.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

FURTHER EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

URBAN LAND TRUST ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Urban Land Trust Act, 1981. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

It is the intention of the Government that this Bill should lie on the table until the House resumes in the new year, which will give plenty of time for honourable members and the public at large to consider its provisions. In those circumstances, I seek to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It proposes a modification to the present Urban Land Trust Act to provide the Urban Land Trust with the power to participate on a joint venture basis with private developers in urban development. It is proposed to achieve this by insertion of a new section 14 (2a) into the Urban Land Trust Act. The effect of this is to extend the current powers, as prescribed in section 14 (2), beyond a land banking role, to one which permits joint venturing with developers. The Urban Land Trust will not be able to develop land in its own right. Under the current provisions of the Urban Land Trust Act, 1981, the Trust is confined to a passive land banking role in which it may sell broadacre land parcels to private developers, who in turn may subdivide the land for housing and other purposes. The Government considers that the role of the Trust does not enable it to play an effective role in ensuring well planned urban development, or in ensuring that an adequate supply of affordable residential land is provided in response to community demand.

The Urban Land Trust holds its substantial bank of broadacre landholdings on behalf of the Government and ultimately the whole community. The Government wishes to ensure that this asset is used in the most responsible fashion in the interests of the whole community in terms of ensuring a stable supply of affordable land to meet market needs, efficient co-ordination of the physical layout and staging of new urban areas, and effective use of related public investment in utilities and services. The Government also believes that sound urban planning and development are an essential prerequisite to successful community development. Accordingly, the design and development of major new urban areas, in addition to normal business requirements, should have regard to Government objectives in ensuring the availability of well located and reasonably priced home sites. The Urban Land Trust has a key role in this regard.

The House will be aware that the Government has recently announced its intention that the development of the Golden Grove area in the Tea Tree Gully council area should proceed. This development will, over time, cater for a substantial community of some 30 000 people, and will require a full range of housing and community facilities and services. In the context of projects such as Golden Grove, the Government considers that the best means of utilising private sector resources in the development process, whilst at the same time ensuring an adequate Government influence and presence, is to provide for joint venturing between the Urban Land Trust and private enterprise. In considering its approach to amending the Urban Land Trust Act, the Government was mindful of the need for the joint-venturing power to facilitate a variety of possible arrangements with private companies. The proposed amendments to allow the Trust to enter into mutually acceptable arrangements with a wide variety of participants in the land development and housing industry. Having regard to the different circumstances and skills and resources of these different companies, the nature of the various joint-venture arrangements could vary significantly. However, it is not intended that the Trust would carry out any construction activity on behalf of the various joint venturers.

The proposed amendment will naturally attract the interest of the development industry and other groups. It is a significant proposal which reflects the cumulative experience of Governments operating under private and public sector approaches to urban development. To ensure full and adequate consultation occurs, it is intended that the Bill be allowed to lie on the table until the March 1984 sitting of Parliament.

Clause 1 is formal. Clause 2 amends section 14 of the principal Act which sets out the powers and functions of the Urban Land Trust. The clause adds to the present powers of the Trust a power to engage, with the approval of the Minister, in a project for the division, development and disposal of land for residential, commercial, industrial or community purposes (including division and development beyond the stages presently contemplated by the section) pursuant to an arrangement with some other person or persons under which the parties combine to provide the land, finance and other resources necessary to undertake and complete the project.

The Hon. D.C. WOTTON secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Health Act, 1935. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

The object of this small Bill is to remove those sections of the Act that empower the Governor to establish a Clean Air Committee, an Air Pollution Appeal Board, and to make regualtions relating to clean air. The regulations made under these sections will be revoked successively as the new Clean Air Act comes into operation. Clause 1 is formal. Clause 2

provides for commencement of the Act upon proclamation. Clause 3 repeals the sections dealing with the Clean Air Committee, the making of clean air regulations and the Air Pollution Appeal Board.

The Hon. D.C. WOTTON secured the adjournment of the debate.

PLANNING ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Planning Act, 1982. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

This Bill proposes consequential amendments to the Planning Act, 1982, following the introduction of the Clean Air Bill, 1983, and it contains the necessaryy provisions to ensure that authorisations granted under the Planning Act adequately take into consideration the likely air pollution impact of developments. In my introduction of the Clean Air Bill I stressed the importance of appropriate assessment of potentially polluting industries at the design stage as a valuable strategy in air quality management. Responsible management not only involves application of engineering controls to reduce pollutants emitted but also considers the sensitivity of the surrounding environment to those pollutants. Thus the location of potentially polluting activity is an integral factor in assessment of its impact and hence its acceptability as an environmentally sound development. The majority of industries wishing to establish operations in a new location require authorisation under the Planning Act. Accordingly, the Bill proposes that the planning authorities shall seek the advice of the Minister responsible for the Clean Air Act when they receive application to establish a potentially polluting activity.

There are two categories of activities likely to cause air pollution for which location decisions may be an important part of the abatement options available. The Bill defines developments for establishment of these two categories of activity as 'primary impact level' and 'secondary impact level' developments and proposes two corresponding levels of referral to the Minister responsible to the Clean Air Act. 'Primary impact level developments' are equivalent to the 'prescribed activities' referred to in the Clean Air Bill. They include industies whose emissions may constitute a direct threat to human health or may contribute significantly to the total air pollution burden for the region. In general, abatement of air pollution is very expensive and requires the application of complex technology. There may be no economically acceptable technology to reduce the air pollution impact and thus a decision on facility location becomes all important. It is intended that the Minister's advice to the planning authority on the locaton of 'primary impact level' developments be binding and that no appeal be available. These conditions are proposed, since should such a development proceed, although deemed unacceptable in that location, impairment to health or severe environmental damage could result. I seek leave to have the remainder of the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

'Secondary impact level' developments, on the other hand, include industries which constitute a nuisance threat to adjacent land uses, rather than a health risk. Control of this muisance can be effected by application of appropriate technology but is, in some cases, prohibitively expensive when related to the size of the industry and its capacity to pay. It is intended that the planning authority should seek the Minister's advice on the location of these industries but that the advice would not be binding. The normal appeal provisions against the planning authority's decision would apply.

This Bill is designed, therefore, to ensure the establishment of polluting activities in appropriate locations and with adequate air pollution controls incorporated at the design stage of development. Industry can thus settle more securely and avoid expensive retro fitting of control equipment or possible relocation to eliminate environmental damage. The public also benefit by reduced likelihood of suffering an intolerable air pollution burden.

Clause 3 inserts a new provision in the Part dealing with development control. An application to a planning authority for approval of a development that is for the purposes of establishing an industry, operation or process that has a primary impact level of air pollution must be referred to the Minister charged with the administration of the Clean Air Act. The Minister may direct that the application be refused, or that certain conditions must be imposed in the event of the authority granting the application. An application refused or conditions imposed pursuant to a direction of the Minister are not subject to appeal, and the applicant must be advised of this. Applications relating to developments for the purposes of establishing an industry, operation or process that has a secondary impact level of air pollution must similarly be referred to the Minister. The Minister may make representations, which must be taken into account by the planning authority when determining such an application.

Clause 4 provides for the declaration by the regulations of certain industries, operations or processes as having either a primary impact level or a secondary impact level of air pollution. Those that pose a threat to human health or have a serious adverse impact on the environment will be declared to have an air pollution potential of a primary level of impact. Those that constitute a nuisance to surrounding occupiers will be declared to have an air pollution potential of a secondary level of impact.

The Hon. D.C. WOTTON secured the adjournment of the debate.

CLEAN AIR BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to minimise and control air pollution, and for other related purposes. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

I propose to introduce a Clean Air Bill, 1983, which will give the Minister for Environment and Planning direct responsibility for overall air quality management of the State. In my view the proposal is a key piece of environmental legislation in that measures to control air pollution will be contained in one comprehensive enactment rather than scattered throughout a variety of statutory instruments such as Health Act regulations, local government by-laws, indentures, etc. Responsibility for air quality management and the prevention and control of air pollution is currently the responsibility of the Department of Environment and Planning, which administers the Clean Air Regulations made under the Health Act. Administration of these regulations is carried out by the Air Quality Branch on behalf of, and with delegated authority from, the South Australian Health

Commission. The Clean Air Regulations, 1969-1981, are administered by Local Boards of Health. These regulations prohibit the emissions of 'dark smoke', except during certain specified periods of time, and also prohibit the burning of open fires on land used as a tip, except in certain areas specified in a schedule. In those areas, and on land used for any other purpose, burning in the open requires the written approval of the Local Board of Health. I seek leave to have the remainder of the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

The Clean Air Regulations, 1972-1978, require the owner or occupier of premises to maintain fuel-burning equipment and control equipment for the purposes of minimizing air pollution, prohibit the emission of air impurities in excess of certain standards and establish a distinction between major and minor industrial sources of air pollution by requiring registration of the former as 'scheduled premises'. Occupiers of such premises may not operate without first obtaining a certificate of registration, which may be subject to conditions considered necessary for control of air pollution. Neither set of regulations applies to domestic premises. A Clean Air Bill, similar in scope to the Clean Air Regulations, was introduced in Parliament in October 1982. That Bill lapsed on the prorogation of Parliament.

Following my appointment as Minister for the Environment I requested an extensive review of that Bill as part of the Government's programme to examine and, where possible, strengthen environmental contaminants legislation. That review, which was made in consultation with other interested organisations, concluded that the 1982 Bill provided a foundation for legislation to control and mitigate air pollution, but did not meet all the requirements for effective air quality management. Accordingly, I present this new Clean Air Bill, which I believe addresses all the issues necessary for adequate control of air pollution and achieves the desired balance between the operational needs of industry and the aspirations of the public for clean air. Experience in administering the existing regulations has proven the need for consideration of air pollution controls at the initial planning stage to avoid inappropriate location of potentially polluting industries. The results of inappropriate location have included damage to neighbouring premises, adverse health effects and increased expenditure by the developer on pollution abatement. Some activities for which no economically practicable control technology exists may subsequently need relocation and this is in itself expensive.

It is therefore proposed to minimize the potential for such conflicts by amending the Planning Act to ensure that the air pollution impact of a potentially polluting development is properly considered at the planning approval stage. I shall introduce the consequential amendment to the Planning Act shortly, and in speaking to that Bill will outline in more detail how the Minister's advice on air quality matters is to be integrated within the planning authorisation process. Provisions of the Planning Act are not always applicable to the establishment of potentially polluting industries. Certain areas of the State fall outside the jurisdication of the Planning Act, as do large projects under indenture agreements and certain classes of change to factory use. An equivalent 'planning' procedure, which requires the Minister's approval prior to the establishment of prescribed activities, has therefore been included in the Bill. To avoid duplication of approvals, this provision does not apply where planning authorisation is required under the Planning Act.

The Bill follows the existing regulations in making a distinction between industries which are a major source of air pollution and which are a minor source. Major sources, to be known as 'presribed activities' will be subject to licence procedures and conditions similar to those which apply to 'scheduled premises' under the existing regulations. The Bill does differ from the present regulations in that it specifies those matters which will be taken into account in determining an application for approval of a licence such as location, technology, meteorology, public health, effects of property and the like. Further, it provides that either type of application may be refused on the grounds that the proposed operations would give rise to an unacceptable level of air pollution. The present regulations neither specify the matters considered on licence or approval applications, nor permit a licence application to be refused. At present, the fact that a licence must be granted upon request can lead to the imposition of stringent operating conditions. It is believed that effective exercise of this new power to refuse an application will benefit not only the community, which gains by the location of industry in less sensitive areas, but industry itself which, as a result of being located in acceptable areas, will receive more attractive operating conditions.

Other features of the Bill are as follows: The use of best practicable technology is required where no emission standards have been prescribed. The concept is considered an essential component of the legislation since, in many cases, it will not be possible to prescribe suitable emission standards. The approach is specifically applied where air pollutants are generated from a large area source. The Bill prohibits the emission of excessive odours from premises. Complaints of odorous emissions constitute the majority of air pollution complaints received by the Department. The Bill provides that an odour is to be regarded as offensive if, following receipt of a complaint from the public, the smell is detected by an authorised officer solely using his sense of smell and is in his opinion offensive, likely to cause discomfort beyond reasonable tolerance and is excessive. A defence for the unavoidable release of odour has been included. In addition, the Minister has power to grant a total or conditional exemption for compliance with the section to allow implementation of control to a mutually agreeable programme of improvement.

The Bill parallels the provision in the existing Clean Air Regulations which gives a power to the Health Commission to require certain action to be taken to control air pollution, but extends this provision by setting out in greater detail which activities can be prohibited and the precise nature of actions required to be taken. It is considered that as all the action specified may need to be taken from time to time, their inclusion is necessary to ensure that Act is workable. This provision is essential for dealing with justfiable complaints by the public about environmentally unacceptable discharges. The Ministerial powers referred to above do not provide adequate means of dealing with emergencies where air pollution is likely to be injurious to public health or cause serious discomfort or inconvenience. The Bill thus provides that in these circumstances an authorised officer may require such action as he thinks necessary for stopping, controlling, or mitigating the pollution. This provision is not contained in the Clean Air Act Regulations but similar provisions exist in the Industrial Safety, Health and Welfare Act, 1972, and the Mines and Works Inspections Act, 1920, where inspectors for the purposes of those Acts may require occupiers to take remedial action in emergencies.

An example of the situations in which use of this power is envisaged is the escape of the soil fumigant chloropicrin from metropolitan glasshouses at night due to carelessness. Dispersion of this offensive tear-causing gas has resulted in evacuation of an area, because there was no power to order remedial action. It is obviously desirable under such circumstances to be able to order effective watering of the soil

immediately rather than wait until the next day to obtain an order from the Minister. It is proposed to include controls over domestic burning to restrict the hours during which burning may be carried out. It is also proposed to limit the materials which may be burned. Notwithstanding that general time limits are to be specified in the regulations, the Bill provides for total prohibition during adverse meteorological conditions. This prohibition will replace the present occasional 'all day' A.P.P. warning, which is only advisory and which is now increasingly ignored. As local councils are to be responsible for the administration of this provision and for regulations relating to fires in domestic incinerators and open fires, the Bill gives a power to councils to appoint authorised officers for those purposes.

Existing legislation has previously been directed at air pollution from industry and from motor vehicles, leaving backyard burning, which is the third major contributor to air pollution in the metropolitan area, uncontrolled. The proposed legislation corrects that anomaly and will help overcome the widespread problems of households suffering from the intrusion of smoke and odour from backyard burning. In summary, I believe that this Bill is a significant step toward improved air quality management in this State. I must add that industry is, in general, conscientious in its efforts to control air pollution, and the relationship between pollution-prone industries and the Department of Environment and Planning is good. The Department is seen by most as a welcome adviser in a complex technical area. This Bill will provide an improved framework within which that co-operation can continue.

Clause 1 is formal. Clause 2 provides for the commencement of the Act upon proclamation with the usual power of suspension. Clause 3 provides necessary definitions. It is made clear in the definition of 'fuel-burning equipment' that the Act does not apply to motor vehicles. The Act does apply, by virtue of the definition of 'motor vehicle', to cranes, vessels and railway locomotives, and may, by way of regulation, apply to motor fuel. The industries, operations or processes for which a licence must be obtained will be set out in the regulations.

Clause 4 provides that the Act does not apply in relation to household cooking or stoves. Small incinerators used on domestic premises and serving no more than three households do not fall within the ambit of the general body of the Act, nor does the burning of garden refuse by open fire on domestic premises. The exceptions to this exclusion are the provisions relating to A.P.P. orders and Ministerial air pollution emergency notices, any regulations prescribing the types of incinerators that may be used on any premises, or prohibiting or regulating domestic burning, and the provisions relating to the enforcement of such orders, notices or regulations. Clause 5 binds the Crown. Clauses 6 to 13 establish the Clean Air Advisory Committee, whose functions are to set objectives and formulate policies relating to clean air, to monitor the administration and operation of the Act, and to make recommendations to the Minister for changes and improvements. The committee will consist of 10 people chosen from a wide range of areas of interest and expertise.

Clause 14 provides that a person who proposes to construct or alter premises, or to install or alter plant or equipment, for the purpose of carrying out a prescribed activity in respect of which no current licence under the Act exists, must obtain the approval of the Minister. This requirement does not apply to a development for which a planning authorisation is required by virtue of the Planning Act. The Minister may only refuse to give approval if he is satisfied that there would be air pollution from the premises that would contravene the Act, or that would be likely to pose a threat to public health or to cause serious discomfort or inconvenience to persons or damage to property. The Minister is obliged, when considering an application for approval, to take into consideration the prescribed matters (these are set out in a definition in clause 3).

Clause 15 provides that a person shall not carry out a prescribed activity on premises unless he holds a licence to do so in respect of those premises. A three-month period is given for obtaining a licence under this Act after the Act first comes into operation. During that period, the current Health Act regulations will continue to apply.

Clauses 16 and 17 deal with applications for licences and the grant of licences by the Minister. Clause 18 provides that again a licence may be refused only where the Minister is satisfied that there would be air pollution from the premises that would contravene the Act, or that would be injurious to public health, etc. The Minister may not refuse a licence if he has already given approval to construct or alter premises, etc., under the previous section, except where the applicant failed to comply with the conditions of the approval. An unsuccessful applicant has a right of appeal. Clause 19 gives persons carrying out prescribed activities at the commencement of the Act the right to be granted a licence. Clause 20 requires the Minister to take the prescribed matters (as defined) into consideration when determining applications for licences. Clause 21 provides for the annual renewal of licences. Clause 22 provides that a licence holder may surrender his licence at any time. Clause 23 empowers the Minister to revoke or suspend a licence where the holder is guilty of certain actions.

Clause 24 provides that licences are not transferable from one holder to another. Clause 25 provides for the keeping of a register of licence holders. Clause 26 sets out a mandatory condition of all licences. A licence holder may not, without the Minister's approval, alter or change certain things that are specified in the licence, nor alter the premises or any plant or equipment (particularly fuel-burning equipment) where to do so would be likely to cause air pollution, or a change in the composition of impurities emitted from the premises. An approval may itself be subject to conditions. Clause 27 provides that licences may be subject to further conditions if the Minister thinks fit. Clause 28 requires a licence holder to comply with the conditions of his licence. Clause 29 empowers the Minister to vary, revoke or waive conditions, and to impose further conditions at any time. Clause 30 obliges the Minister to take the prescribed matters into consideration when exercising his powers under this Division relating to condition of licences.

Clause 31 places an obligation upon an occupier of premises (whether or not he is carrying out a prescribed activity) not to cause air pollution as a result of failure to maintain or operate fuel-burning equipment or control equipment properly, or through failure to handle or process goods properly. Clause 32 provides that certain classes of air pollution (to be prescribed by the regulations) must not exceed the standards or levels prescribed by the regulations. An occupier of premises who emits air pollution that is not covered by the regulations is under a general duty to take all reasonable steps to prevent or mitigate that air pollution. The Minister has a power to exempt an occupier from any provision of this section, subject to conditions where appropriate. Clause 33 provides that an occupier of premises must not cause the emission of an excessive odour. There is no technology for the measurement of odour, and therefore the test must be a subjective one. An authorised officer will have the task of determining whether an odour is excessive. A complaint will have to be lodged with the Department by a member of the public, and the authorised officer will then have to be able to detect the odour outside the premises from which it is alleged to have been emitted. The officer may take proceedings if he believes the odour to be abnormal, and to be offensive or to cause discomfort to a degree that

persons in the area ought not reasonably be expected to tolerate. The occupier of the premises has a good defence if he can establish that even with the exercise of reasonable diligence he could not have prevented the emission of the odour.

Clause 34 empowers the Minister to require the erection or alteration of chimneys on premises that contain any equipment that causes air pollution. Once a chimney has been provided, impurities may only be emitted into the air through that chimney, unless the Minister approves otherwise in relation to any specific occasion. Clause 35 empowers the Minister to require an occupier of premises to take certain specified action where the Minister believes that air pollution has occurred, is occurring or is likely to occur. The Minister must consult with the occupier first before he issues a notice under this section. He cannot cause the total closing down of an entire operation unless he has first consulted with the Minister of Industrial Affairs and Employment. Clause 36 again requires the Minister to take the prescribed matters into consideration when exercising his powers under clauses 31 to 35. Clause 37 deals with emergency situations where air pollution has occurred and is causing, or is likely to cause, injury to public health or serious discomfort or inconvenience to any person. An authorised officer may require any person in charge of the premises on the activity causing the pollution to take certain specified action. As this power is to be used in emergencies, the penalty for failing to comply with the notice is a maximum of $10 000, with a default penalty of up to $2 000 a day. The person has a defence if he could not reasonably comply with the notice.

Clause 38 empowers the Minister to prohibit the use of certain fuels, fuel-burning equipment or other equipment for a specified period where he considers air pollution has built up to an extent that it is injurious to public health, is causing undue damage or injury to property, plants or animals, or is having an adverse impact on the environment. This notice will be of general application, and not addressed to a specific person, but may be limited to a specified area. Clause 39 empowers the Director-General to issue A.P.P. (Air Pollution Potential) orders in certain circumstances. It will be an offence to contravene such an order. Clause 40 empowers the Minister to cause an authorised person to enter premises where a notice issued under this Part has not been complied with, and to do such things as may be necessary to comply with the notice. An authorised person may not break into premises except upon a warrant issued by a justice, unless he believes it is an emergency situation. The Minister can recover any costs incurred by him under this section from the defaulting person.

Clauses 41 to 46 establish the Air Pollution Appeal Tribunal, a three-man body chaired by a judge of the Local and District Criminal Courts. Clause 47 gives any person dissatisfied with a decision of the Minister made in relation to him a right of appeal to the Tribunal. There is no right of appeal against a decision of the Minister under section 14. Any person to whom a notice issued by the Minister or an authorised officer relates also has a right of appeal. Any notice or decision appealed against is suspended pending the appeal, except for those notices issued under clause 35 or 38 that deal with emergency situations. Such a notice will be suspended only upon order of the Tribunal. Appeals are to be conducted as full re-hearings. Clauses 48 to 50 set out the usual powers and duties of a tribunal. Clause 51 provides that decisions of the Tribunal are final. Clause 52 provides for the appointment of authorised officers. Clause 53 sets out the powers of authorised officers. Licensed premises may be inspected at any time during working hours. Any premises (including licensed premises) may be entered or broken into at any time where the officer suspects on reasonable grounds that an offence under the Act has been committed or is being or is likely to be committed. An officer may not break into premises except upon a warrant issued by a justice, unless he believes the situaiton to be an emergency.

Clause 54 provides that a council is responsible for enforcing within its area the A.P.P. provision and the domestic burning regulations. Clause 55 provides the usual power of delegation for the Minister and the Director-General. Clause 56 gives the usual immunity from personal liability to those persons exercising powers under the Act. Clause 57 provides for the manner in which notices given under the Act may be used. Clause 58 creates an offence of divulging trade secrets, or using trade secrets for gain, where the information has been obtained during the course of administering or enforcing the Act. Clause 59 provides the penalties for offences against the Act for which individual penalties have not been specified. Offences committed by companies attract penalties of up to $10 000 with $2 000 default penalties, while all other cases attract maximum penalties of $5 000 and $1 000 default penalties. The court may also order restitution of damage caused by the offence. Clause 60 provides that company directors are liable for offences committed by the company except where they exercised all reasonable diligence to prevent the offence. Clause 61 provides that offences are to be dealt with in a summary manner. Authorised officers and police officers are the only persons permitted to institute proceedings. Clause 62 sets out the necessary evidentiary provisions. Clause 63 is the usual clause relating to the moneys needed for the purposes of the Act. Clause 64 is the regulation-making power. It should be noted that open burning and incinerator burning on any premises may be controlled by regulation. The types of incinerators that may be used will also be regulated. The composition of motor fuel used in motor vehicles may be regulated.

The Hon. D.C. WOTTON secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council with amendments.

LOCAL GOVERNMENT FINANCE AUTHORITY BILL

Returned from the Legislative Council with an amendment.

EDUCATION ACT AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. LYNN ARNOLD: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs L.M.F. Arnold, Ingerson, and Klunder, Ms Lenehan, and Mr Wilson.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 December. Page 2375.)

The Hon. D.C. WOTTON (Murray): We support the second reading of this Bill. Opposition views relating to this matter have been canvassed very well in another place and it is not my intention to spend a lot of time on this legislation. I am very much aware that views have been expressed about this matter by people within the ethnic communities. Those people have been looking and asking for changes to be made in this area. One can only hope that the measures adopted in this legislation will be acceptable to those people. The ethnic community is now, of course, a very large and most important sector of our community. This has been recognised in the establishment of the Ethnic Affairs Commission. My colleague in another place, Mr Hill, has quite a lot to do with the establishing of that Commission. I am pleased to learn from those whom I know are personally involved with the administration of the Commission that it has been and is continuing to work very well. I am certainly aware of the dedication that has been shown by those serving on the Commission and, I might add, the members of the Commission have been led very well by a most competent and hard-working Chairman.

The Bill changes the constitution of the Commission. The actual selection of the Commission's members has always been a very difficult and sensitive matter with so many different groups of people from different parts of the world wishing to be part of, and able to contribute to, that Commission. The Liberal Government selected these people on a regional basis, a selection method I believe to be a very fair one. As I said earlier, there will always be criticism levelled at a Government after it makes such selections. Someone will always be disappointed, and there are always groups that are hurt because they feel that they should be involved but have not been involved.

Apparently the world was split up into the regions from which our migrants came and a selection was made using those regions as the basis for that selection. Because of the very large number of post-war migrants from Italy and Greece, it was necessary to select one representative with origins in these two countries. I am further told that the Chairman was selected on the basis that he was the best person for the job, irrespective of any other criteria and, as I mentioned earlier, he has proved to be a very capable and competent Chairman.

The system of committees has also worked very well within the Commission. I personally know a person who has worked hard on the Migrant Women's Advisory Committee. There is also the Human Services Committee, the Ethnic Difficulties Aged Council and the Facility Committee, to name a few. As I understand it, they have all worked very well indeed. I have only had the opportunity to have a very quick glance through the report brought down as a result of the Government's promised review. Prior to the Government's taking office, it indicated that it would be reviewing this particular area. It has done so and the report has been brought down. As I said, unfortunately I have not had the opportunity to have a close look at the report, something I would like to do in the very near future. The Bill, as we would recognise, was only introduced into this House yesterday, coming down from another place and it would be quite wrong of me to go into a great deal of detail concerning that report other than to express once again my hope that the legislation now before this House as a result of that review will best serve the ethnic people in South Australia. We all know that only time will provide the answer to that hope. It is my intention to move amendments during the third reading debate, but for now I am happy to support the second reading. I hope that, as a result of the legislation, the Commission will continue to work as effectively as it has in the past.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I thank the Opposition for its support of this measure. I look forward with some interest to the amendments which the honourable member will be moving. This is, of course, an area of some sensitivity which requires that the administration should work as effectively and efficiently as possible, taking into account the desires of what now seems to be a consensus position of Australian people as to how those who have their origin in another country should fit into our community. For example, I just point out that there is a move in nomenclature that seems to apply to this area. The word 'ethnic' seems to be falling into some disfavour and the concept of community relations seems to be largely replacing it. It may well be that we will eventually have to adjust our verbiage here in the Public Service, and so on, to take account of that—I do not know.

There was once a time when an ethnic was defined as somebody who had shaken hands with Mr Al Grassby. Now it seems to me that the term is tending to fall into some disfavour in some quarters with the people to whom it applies. The Jubilee 150 Committee, for example, has used the term 'community relations' in respect of its particular committee rather than the word 'ethnic'. I thought that that was something I should place on the record, because it is something which we may have to take account of as we are going. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Repeal of sections 6 and 7 and substitution of new sections.'

The Hon. D.C. WOTTON: I move:

Page 2—
Line 3—Leave out paragraph *(c)*.
Line 6—Leave out 'eight' and insert 'nine'.

The Government proposes in this legislation, of course, to increase the size of the Commission from eight, including the Chairman, to 11. As was canvassed in the other place, in normal circumstances we certainly would not support that increase in the size of such a Commission. However, as I said earlier in this debate, there has been a request for change from the ethnic community itself, and as a result of the review that was carried out we are prepared to accept it. However, paragraph *(c)* suggests that one shall be a person proposed for nomination as a member of the Commission by the United Trades and Labor Council. The Liberal Party strongly opposes this provision, which I suggest is discrimination in the worst possible form.

I understand that the only reasons given at this stage for including this provision is that most of the ethnics are workers. That was the explanation provided by the Minister in the other place, and I find that quite insulting to the ethnic communities. We know that the Government is in bed with the trade unions, but it may be of some interest for the Government to realise that there are still some people in South Australia who do not see the need for, or who plainly do not want to be associated (certainly not to this extent) with a trade union. Once again, the Government is forcing it down our throats and the throats of the ethnic community particularly. I know from personal contact with these people that they do not require it; they do not need it, and they are anxious that it should not be included in the Bill.

They do not see the need to be associated with a representative body of any kind, let alone a representative of the trade union. This is certainly not a provision requested by the ethnic people themselves, and I urge the Committee to support my amendment to delete paragraph *(c)*. Of course, the second part of that amendment becomes consequential on the deletion of paragraph *(c)*, and I urge the Committee to support this amendment.

The ACTING CHAIRMAN (Mr Trainer): Will the honourable member for Murray confirm whether he is referring to lines 3 and 4, that is, the whole of paragraph *(c)*?

The Hon. D.C. WOTTON: I refer to the whole of paragraph *(c)*, that is, lines 3 and 4:

a person proposed for nomination as a member of the Commission by the United Trades and Labor Council.

The Hon. D.J. HOPGOOD: I vigorously urge the Committee not to reject this provision. I think that the whole status of the ethnic person in the work force is one that has been very much ignored in the way in which we have endeavoured as a community to provide for people of a non-Australian and, in particular, non-Anglo-Saxon origin. There has been a tendency to think of the contributions of such people in terms of festivals, the proper maintenance of their culture in this country, the diversity of lifestyles which this has brought to us, and many other things like that. There has been a tendency to ignore the fact that one of the greatest contributions that such people have made to modern Australian society has been by virtue of their active participation in the work force.

I think that it would be true to say that ethnic people generally are under-represented in the ranks of the trade union movement and generally on those committees which represent the interests of the work force. They are also unrepresented in terms of employer organisations, I would have thought. In particular, one finds that many of the manual trades are very much made up in their work force of people who are of an ethnic origin. That being the case, it seems to the Government that it is important that that body (that non-political body) which represents the organised work force in this State should have the right of nomination to—

Mr MATHWIN: On a point of order, Mr Chairman, I am looking for some assistance: we are debating a Bill that is not on file. I have not seen it, yet we are debating a Bill and amendments to it, and I ask you, Mr Chairman, how are we expected as a Committee to debate a Bill that we have not seen? It is not on file.

The CHAIRMAN: There is no point of order. The Chair has no control over that situation.

Mr LEWIS: If there is no point of order, may I ask whether the Chair would entertain a motion to report progress until copies of the Bill are available to members?

The CHAIRMAN: If the honourable member for Mallee wishes to move that progress be reported, that is up to him. There is no point of order in asking the Chair whether the Chair can move that progress be reported. The question before the Chair is that the amendment moved by the honourable member for Murray be agreed to: for the question, say 'Aye'; against 'No'.

Mr MATHWIN: Mr Chairman—

The CHAIRMAN: The Chair would allow the member for Glenelg to speak to the clause, but points out again that the vote has been put, and it is up to the member for Glenelg, not the Chair, to make the point. The honourable member for Glenelg.

Mr MATHWIN: Thank you, Mr Chairman. I understood that, when I took the point of order, the Minister was making some sort of explanation in relation to the amendment, and I took it that he would continue his remarks after my point of order was dealt with. That is why I was a little slow off the mark. I am usually pretty quick on my feet.

The CHAIRMAN: Order! If the honourable member for Glenelg wishes to talk about the amendment before the Chair, he is in order to do so, luckily. However, if the honourable member for Glenelg wishes to push his luck too far, then I can assure him that he is a dead duck. The honourable member for Glenelg.

Mr MATHWIN: Thank you, Mr Chairman. I must remind the Committee that I was once Chairman of the freckled duck club. I wish to support the amendment to clause 3. To me it is quite wrong that a member of the United Trades and Labor Council should be represented on this board, and there is no point in it. The Minister was talking about ethnics: I can speak with some authority here, because apparently I would be termed an ethnic, having not been born in this country and, therefore, I would want to know what my representation on this board would be. If we are going to get down to the nitty-gritty, I suppose that we should relate this to the proportion ofthe number of people living in this country who have come from various other countries. The number would then no doubt be well in front involving people who come from the British Isles. If you are going to settle it that way, then indeed the U.K. migrants should be represented on this board far more than someone from Trades Hall. Why on earth do we want someone from the Trades Hall on the board, anyway?

The Hon. D.J. Hopgood: I just told you.

Mr MATHWIN: The Minister said he told us: he did not. He has told us what he thinks, but of course he would not know because he is not an ethnic. The Minister is not an Australian by choice; he is an Australian by accident.

The CHAIRMAN: Order! There will be an accident here in a moment if the honourable member for Glenelg does not get back to the actual amendment.

Mr MATHWIN: The situation as far as I am concerned is that there is no point in having a representative of Trades Hall on the board. I suppose the only reason the Government wanted one, if it wanted to be honest, was that it says that it is Government policy—that it puts a trade union member on every board going. That is what it is all about. It really has nothing to do with the ethnic community in South Australia, because it will be of no benefit at all to the ethnic community to have a trade union member on the board.

The Hon. D.C. Wotton: The ethnic community certainly never requested that such a member be on the board.

The CHAIRMAN: Order! The honourable member for Murray is out of order.

Mr MATHWIN: As the honourable member interjecting said, the person concerned was not nominated by the ethnic community and I believe that, because I work very closely with a number of migrant groups. As a matter of fact, I was a member of the Good Neighbour Council for many years. In fact, I was the first Chairman of the British Committee when I was a migrant in the hostel at Gepps Cross. I would never have requested the Minister (and I can speak with some authority) that a member of the trade unions should be on this board. There is not point in it at all.

I would like to know what benefit it has. If we are talking about a board, then we must be talking about some reason and some benefit. I want to know what benefit it would be to the board to have a representative of Trades Hall on it, because to me it is quite wrong that such a person should be there. I suppose it just gets down to policy, if one wants to be honest about the whole situation. If we are going to look at board representation on the basis of the numbers in which people have come to Australia from various countries, we must first look at the proportion of people who come from the U.K.

The CHAIRMAN: Order! We do not have to look at the numbers who came from the U.K. It has nothing to do with this clause or the amendment.

The Hon. H. ALLISON: On a point of order, Mr Chairman, as an immigrant from the U.K. I had to become naturalised to be recognised as an Australian, and I believe that makes me as ethnic as anyone.

The CHAIRMAN: Order! There is no point of order. We are not entering into a debate on how many people are here from the U.K. or any other country.

Mr MATHWIN: I am glad we have now been supported by the Minister of Local Government, who is also an ethnic.

The CHAIRMAN: Order! The honourable Minister of Local Government is not mentioned in the amendment, either.

Mr MATHWIN: There is no point at all in including on the board a trade union representative, because it is not a group that is considering employment. The organisation of the board itself covers a very wide field but it does not only relate to jobs and employment. Therefore, there is no claim at all, as far as I am concerned, in relation to placing on it a trade union representative. I would like to know from the Minister his real reasons for supporting this paragraph and for having a person from Trades Hall on this board.

The Hon. D.J. HOPGOOD: The honourable member's prolixity managed to encompass only two points. The second of them I have already answered in my original remarks. The first was in relation to his suggestion that I am not qualified to comment on this because I am Australian born. The ultimate effect of that is to disfranchise from the consideration of this Bill something like all but about four members in the place, and if we were then all to walk out there would no longer be a quorum to consider the Bill. So I think the point the honourable member makes is rather empty.

Mr LEWIS: First, let me first make it plain in relation to the amendment moved to this clause that the opportunity for me to speak on clause 3 in general did not arise, because I did not have a copy of the Bill to begin with. Secondly, in relation to the effect of the amendment, I have always believed that, if an organisation or individual has a problem of not being understood, it behoves that organisation or individual to approach the people whom they regard as not understanding them and engage their attention in conversation and explain why they have not understood.

The reason given by the Minister for his opposition to our amendment to remove this specific provision, namely, that a person proposed for nomination as a member of the Ethnic Affairs Commission, shall be a member of the United Trades and Labor Council, under section 6 of the principal Act, is inappropriate. The reason why it is inappropriate is because if the Trades and Labor Council believes that it is an organisation not being understood by the ethnic communities in South Australia, it is the responsibility of that organisation, like any organisation, such as the Australian Fishing Industry Council, the United Farmers and Stockowners, or any church or religious faith to approach the ethnic community or communities which do not understand it and explain its role.

I do not think the Government has this matter in perspective. It is saying that, because people in the ethnic community do not understand the role of the Trades and Labor Council, the Ethnic Affairs Commission should have a member of that council represented on it so that that person can explain to the Ethnic Affairs Commission what its role is. Indeed, that is back to front: it pre-supposes in the first instance that the ethnic communities want to know something about the United Trades and Labor Council. The second assumption that it infers (and it is the height of arrogance to make such assumptions) is that the United Trades and Labor Council can contribute something to members of the ethnic community in this State in some better fashion that it can do for any other citizen of South Australia.

I do not think that citizens of South Australia who happen to have been born outside this State and who have been naturalised here are any different from the rest of us in respect to the way in which we need to have our affairs directed by the United Trades and Labor Council or any member of it. If we did, we would have to insist that a member of that body be also represented on Australian Fishing Industry Council, the United Farmers and Stockowners, and of every body governing every church in the community, and, indeed, every other organisation, whatever it may be. That may be where we are heading if, by example, this is where the Government is taking us.

I am concerned by the deceit of the Government which has its powers derived from the United Trades and Labor Council in its inclusion of a member of that body on the Commission. It will not improve the welfare of the ethnic community one iota in having a member of the United Trades and Labor Council on the Commission. Let me also make the point that it will not improve the ethnic community's understanding of the United Trades and Labor Council by one jot if a member of the council is on the Commission. I think the intelligent members of the Government benches recognise that point. I would go so far as to say that I believe that this position has been created in mishcief and that it wil be a pay-off to someone to whom the Labor Party and the United Trades and Labor Council want to give a gong, to provide someone in the ethnic community with a 'big note' office. I wonder who that is? Any bets?

An honourable member: Who do you reckon?

Mr LEWIS: It might just well be George Apap.

Mr Mathwin: Ted Gnatenko.

Mr LEWIS: Well, it might be him—there is another prospect. A number of people would like to enjoy (at public expense) an appointment to this office evisaged under this provision. I think the Government has been quite disgusting and shameless in creating this position, knowing full well that it will not improve the understanding between ethnic communities and members of them and the Trades and Labor Council. Nor will it improve the economic circumstances in which individual members of the ethnic communities and their families have to live. If it is legitimate to argue that there should be a member of the United Trades and Labor Council on the Commission on the grounds that so many of the people who migrated to this State are labourers and unionists, it would be equally legitimate to argue that there ought to be a representative of all the other organisations in which those members of the South Australian community who are ethnic in origin have their chosen professions and careers (I refer to those organisations I have just mentioned and, say, the Small Businessmen's Association, for example).

If this office is intended to improve the welfare of ethnic people, why should the Parliament discriminate against those people who are self employed as opposed to those who are employed in jobs that require them to be members of a trade union affiliated with the United Trades and Labor Council? It is just not logical, reasonable or fair. It is an additional burden on the taxpayers of South Australia. It will not improve one iota the common welfare of migrants to this State. Therefore, the provision ought to be struck out. The Minister has given no cogent reason why there should be such a person on the Commission. However, if he does not insist upon it and if all honourable members opposite do not insist upon it, they will not get the support of members of the United Trades and Labor Council when

they are seeking votes for preselection next year. I think that is very shameful when such coercive power finds its way into legislation proposed to be put on the Statute Book.

Mr PETERSON: I wonder whether the real complexities in the work place are understood by members in this place. I can speak on this from the position of having some knowledge and experience in the matter.

The Hon. Ted Chapman: That is on this subject alone.

Mr PETERSON: There are other subjects on which I can speak with some knowledge, although not too many—like most people in this place. However, my father came from overseas. He was Norwegian by birth. He came to this country and married my mother, who was an Australian. Because it was a time of conflict my mother had to be naturalised, as did my father. I do not know where that puts me; it might put me in a half ethnic situation. I understand the problems that people from overseas have in the work place. My father spent more than 40 years in this country but, in the work place, he was always considered to be a new Australian, even though he was naturalised and had spent the vast majority of his working life here.

The other aspect in which I have had some experience is the Trades and Labor Council, to which I was a delegate. I understand its concern for employees. Anyone from overseas who has worked in general employment in this country realises that there are difficulties which may not be insurmountable; they may simply be broken down to a joke between the people about 'pommies' or other terms which I will not use, because they are uncomplimentary.

The trade union movement, of which I have been a member for many years, tries to deal with problems of ethnic or migrant workeres in this country. I do not see how this Bill really causes any great problems. I understood what was said about there being a sinecure for someone—a nice soft job. I have no knowledge of that, but I doubt whether it is so. However, I believe that an overseas born person working in Australia has problems, many of which are related to communication. I do not know about other members' electorate offices, but I have a percentage and cross-section of migrants in my area, many of whom still have verbal communication difficulties.

This morning a migrant woman came into my office and asked me to help write a Christmas card for her, because of her language problem. It is easy for a migrant who has command of the English language, which most people in this place have, I hope. However, if one does not have that facility, who will help? I am putting aside the philosophical differences between the Government and Opposition on this matter, but I do not see a problem in having someone from the Trades and Labor Council to look after these people's interests. Is it not a fact of life that the vast majority of migrants have to work somewhere in our community, which means they need to be catered for somewhere in the employment environment?

Members interjecting:

Mr PETERSON: We are talking about one thing: I think having a representative from the T.L.C. would not be the end of ethnic affairs in this State. It would not create a situation where the T.L.C. would take over everything. It would be valid to have someone from a trade union on the commission. Therefore, I support this clause. As I said, it is basically a philosophical problem between the Government and the Opposition.

An honourable member: Do you support George Apap?

Mr PETERSON: I heard an interjection which I will ignore, but I do not see that it matters who is the delegate from the Trades and Labour Council. In fact, if it was someone from an overseas born group, is not that surely what it is all about—someone who understands the problem? Would it not be far better to put someone like that on the board?

Mr Mathwin: What about someone from the churches?

Mr PETERSON: There are not many employees working for churches. I do not see a problem if it is someone with direct personal knowledge and experience in the work force, but it is not our decision. If it is not a successful appointment, surely the board will react against that. I do no see how one person would change it into a totally different organisation. All migrants must work; they must be absorbed into the work force, be accepted, and make their way in life here.

Mr MATHWIN: The Minister gave some explanation, but he did not get to the basis of the matter. I thought that he indicated that he had said enough in his second reading explanation, which was delivered by the Minister of Community Welfare. But, in that explanation the only thing said about this clause in the Bill was:

> The Bill provides for a nominee from the Trades and Labor Council.

That was all; he did not explain why. I thought we would surely be entitled to ask him why it has to be member of the T.L.C.

Mr Groom: Why not?

Mr MATHWIN: Because, first, the Bill provides:

> A person proposed for nomination as a member of the commission by the United Trades and Labor Council; and not more than eight other members.

So, there are eight other members and, if we believe the members for Semaphore and Hartley (my learned friend), those eight people are not workers. The member for Semaphore was egged on by the member for Hartley to say that the only representation for people from the work force was the T.L.C. member. By making that suggestion, it appears that the other eight members will not be taken from the work force or be ordinary people; they will be from a secret area, which is ridiculous. It is a pity the Minister did not make it more plain.

The Bill provides for eight other members who can be from the work force, whether they are from the building trade, the wine industry, or a farm. People come from all over the world to get jobs throughout the State in industry and other employment. This provision is quite wrong; it has no point. That is why I asked the Minister to be honest enough to say, 'All it is, so far as we are concerned, is the fact that it is our policy to do that.' The Bill provides that, whatever board we have, it will have someone from the trade union movement on it. To suggest that that is the only person eloquent enough or able to look after workers is wrong. I quote the Minister, in his second reading explanation.

> In reporting on the structure, functions and powers of the Ethnic Affairs Commission the review recommended an expansion in the Commission's statutory objects and functions to emphasise the Commission's role in the promotion of the rights of members of ethnic groups in the social, economic and cultural life of the community.

Is the Minister suggesting there, with the aid of the member for Hartley, that the only people eligible for that qualification are from the Trades and Labor Council? Of course not; he would not be silly enough to say, 'Yes', because he knows damned well it is not right. The fact is that there is a large area from which to draw people. I repeat that this is quite wrong.

Mr LEWIS: I will not delay the Committee long. During the course of the remarks made following my own by the member for Semaphore, I detected a note that in some measure what I had said was unqualified, at least by the smirks of a few members opposite. Their impression was that my understanding of these matters was rather limited. I rise to allay that misapprehension on their part, having not done so before because I did not believe it appropriate

to parade such things publicly, but I do so now so that they will understand, without any misgivings whatsoever, why I have risen to make this point about the insensitivity of including one organisation concerned with economic welfare of ethnic communities and not others. During the course of my life I have lived with a number of people from ethnic communities. As an employer at any one time I have had more than 400 people from various countries in Europe and South-East Asia on my pay-roll and therefore have worked with them. More particularly, I still work with one daily: my electorate assistant is an ethnic.

On more than one occasion I have been telephoned by people who have had difficulty in making themselves understood within the system of our law, and I have presented myself at the City Watch House to pay bail to get them free for the duration of the evening, often making that call prior to going to market with my own produce at 4 a.m. when they have rung me in the nick of time, as late as 3 a.m. I have lent them money without security and always made assessments of them as I have of my fellow man regardless of his racial origin to determine their credibility, their worthiness for that measure of consideration as human beings, and I think that this measure should do the same. They are no different from any other human being. They have problems but I do not see those problems as being peculiarly related to the responsibility of the United Trades and Labor Council.

In conclusion, I point out to the Committee that in legal terms the nearest possible description I could give it is that my five foster children are all ethnic. They lived with me, completed their secondary education and Matriculation, and their university degrees, and any implication that I do not understand the problems of ethnic people or any impression that honourable members have to that effect would be in my judgment, put humbly to the Committee, quite erroneous. I do not see this measure in any way as enhancing the Government's capacity to understand; the employers' capacity to understand; or the employees' capacity to understand and relate to and more effectively find solutions to the problems of the ethnic community.

The Committee divided on the amendment:

Ayes (20)—Mrs Adamson, Messrs Allison, Ashenden, Baker, Becker, Blacker, Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton (teller).

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pair—Aye—Mr P.B. Arnold. No—Mr Duncan.

Majority of 3 for the Noes.

Amendment thus negatived: clause passed.

Clause 4—'Meetings of the Commission, etc.'

The Hon. D.C. WOTTON: I move:

Page 3, after line 30—Insert subsection as follows:

(3a) Where the Deputy Chairman is an officer of the Commission he shall be entitled to vote at a meeting of the Commision only in the absence of the Chairman.

Quite an incredible situation has occurred in the other place. Again, we have a situation where a Minister of the Crown has found it necessary to alter his own legislation—

Mr Groom: What's wrong with that? You have done it plenty of times.

The Hon. D.C. WOTTON: It would suggest that the Government and the Ministers responsible should be doing their homework to ensure that their legislation is appropriate before it comes into the Parliament; and particularly with the weak explanations that have been provided by the Minister responsible for this legislation in the other place.

Mr Becker: Who is the Minister?

The Hon. D.C. WOTTON: It is the Attorney-General in another place. The Minister has been in a position where he has had to alter his own Bill which previously provided that the Deputy Chairman would not have a vote if the Chairman was present. We now find that the situation is reversed: the situation has changed. Apparently, the Minister informed the other place that the Government had thought further about the matter and was not able to give any greater explanation, but it is obvious that what has really happened is that the Government has backed away from what appeared to be a very satisfactory provision. It has worked well before and there is no obvious reason why the Minister should want to take the action he has taken.

The Bill presently provides that the Deputy Chairman would have a vote on the board. As I said earlier, I think the situation where the Deputy Chairman does not have a vote when the two senior people are present deserves support. Both these officers are senior staff members, one being the chief executive officer and the other being the deputy executive officer. I urge the Committee to support this amendment. As I have said, it is already working satisfactorily. It is only because the Minister has decided to back away from this satisfactory arrangement that we are in the situation we are in at the present time. It is an important amendment, and I urge the Committee to support it.

The Hon. D.J. HOPGOOD: I am afraid the spirit of Christmas seems to have deserted me at the moment. I find myself in the melancholy position of having again to urge the Committee to reject the amendment from the honourable member. I am not in a position, because I simply do not know the basis of those changes, to comment on exactly what happened in another place. The only argument that the honourable member seems to have brought forward in favour of this amendment is that it was in the Bill that was originally introduced in another place. It seems to me if we have a deputy chairman, then quite clearly that person should be allowed a vote in the deliberations of the committee, otherwise why have that position? I believe that if you are going to have somebody in this position, it is quite unreasonable to suggest that that person should not be able to operate as a full member of the committee and the effect of this amendment would be to deny whoever takes up this appointment the opportunity of being able to operate as a full member of the committee. Just on those grounds alone I believe it is incumbent upon me to urge all members of the Committee to reject the amendment.

The Hon. D.C. WOTTON: I do not want to prolong this debate, but I would suggest that this is a shocking admission. The Minister responsible for the legislation in this House I presume would have received a briefing from the responsible Minister for the Government in another place on what this legislation was about and what happened in the other place. It is only necessary for the Minister on the bench to look at *Hansard* to recognise the debate and to appreciate the points brought forward in the debate in support of the amendment that I now have before the Committee.

I repeat again that no satisfactory answers were provided by the Attorney-General in another place as to why this change is being made to a system that is working satisfactorily,and the Commission recognises as working very well indeed. Now, for some unknown reason other than that the Attorney-General can indicate he has given the whole subject a little more thought, he wants to change it. I do not know who has twisted his arm, or why they have done it, or why he has decided on what he is doing, but it seems a crazy situation that the Bill needs to be amended when neither the Attorney-General in another place nor the Minister responsible for the legislation appears to know why the

change is being made. I again urge the Committee to support the amendment.

Amendment negatived; clause passed.

Remaining clauses (5 to 8) and title passed.

Bill read a third time and passed.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF TOWNS OF MOONTA, WALLAROO AND DISTRICT COUNCIL OF KADINA

Consideration of the following resolution received from the Legislative Council:

That the joint address to His Excellency the Governor as recommended by the Select Committee on Local Government Boundaries of Towns of Moonta, Wallaroo and District Council of Kadina in his report, and laid upon the table of this Council on 29 November 1983, be agreed to.

(Continued from 30 November. Page 2191.)

The Hon. T.H. HEMMINGS (Minister of Local Government): I move:

That the resolution of the Legislative Council be agreed to.

Mr OLSEN (Leader of the Opposition): It is my intention to speak briefly on the matter before the House, but I do so as the local member. Initially, I endorse all the recommendations contained in the report of the Select Committee, because I believe it will be in the best interests of the two bodies, that is, the existing Corporation of the Town of Moonta and the District Council of Kadina, for the amalgamation referred to to be implemented.

I would like to make a comment on one or two of the provisions contained in the Select Committee report. The report recommends as follows:

... that no changes be made to the boundaries of the C.T. Wallaroo at this time but that further review be undertaken of the boundaries of the C.T. Wallaroo, with the aim of unification with the District Council of Northern Yorke Peninsula, when the benefits that this Committee believes will occur of the amalgamation of the C.T. Moonta and D.C. Kadina become apparent.

I would certainly concur with that recommendation. I am disappointed that perhaps parochial interests within the local communities have prevailed and, therefore, averted in this instance the amalgamation or joining together of the three council boundaries. However, a half-way step is better than no step at all. As the Select Committee reports, it hopes that the benefits will be seen by the Corporation of the Town of Wallaroo in due course.

The amalgamation that we now have before us under agreement by the District Council of Kadina and the Corporation of the Town of Moonta I believe has emanated from the benefits seen by those two local bodies as a result of the amalgamation of the Corporation of the Town of Kadina and the District Council of Kadina some four or five years ago. There is no doubt that the level of service that is provided to what is now the District Council of Kadina has been greatly enhanced as a result of the amalgamation of the two former Kadina council areas in the level of service and the capacity of the council to provide a service to its ratepayers.

The Hon. T.H. Hemmings: And the rate borrowing has been adjusted.

Mr OLSEN: Indeed, rate borrowing, and the like. I really wish to establish that the economies of scale which have been established as a result of the amalgamation have worked for the benefit of ratepayers in those former Kadina council areas to the extent that the increase in rate level in those areas has been less than has been applied in a number of other council areas throughout the State. I have no doubt that the amalgamation of Moonta and Kadina will further advance that cause and capacity for the new council area to provide services to ratepayers in the region.

The Select Committee Report rightly identifies the fact that Moonta, whilst being a small town, has a significant growth factor. In fact, the Moonta district is a rapidly expanding rural community with a growth factor second to none in any other country area in South Australia as a result of the significant number of people shifting from the metropolitan area to retire in the region. Kadina also has a growth factor as it relates to housing activity and the provision of commercial services to the surrounding agricultural areas.

There is no doubt that a strategic regional base on Yorke Peninsula would be aptly named the District Council of Northern Yorke Peninsula. I believe that that will advance those two locations and maintain the very identity that many people who have spoken against amalgamation fear it will lose. I do not believe that it will lose its identity. In fact, its identity will be enhanced because the new council, having greater economies of scale and greater capacity, can provide a greater range of goods and services within those communities for their promotion and identification.

The report before us is basically in line with the matter agreed to at discussions previously held between the two councils concerned. Members of the District Council of Kadina and the Corporation of the Town of Moonta have been conducting discussions for some considerable time to bring about an understanding between the two councils regarding their unification. In fact, this report endorses that work undertaken by those two councils. I would like to commend them for their initiative, foresight and capacity in identifying and recognising that it is in the interests of their ratepayers to do so. I believe that the success of the amalgamation of the two Kadina council areas has been due largely to the capacity, personality and drive of the District Clerk of the District Council of Kadina who, by his every endeavour, has ensured that that amalgamation as laid down has worked to the benefit of all ratepayers within those communities without fear or favour. I believe that he ought to be commended for his endeavours, and I would certainly like to place that on the record.

I am disappointed that the committee, obviously as a result of representations made to it, saw fit to refer to the situation relating to the establishment of health services on Northern Yorke Peninsula. There is no doubt that the parochialism that existed in the two communities was heightened as a result of the endeavours to upgrade health services on Northern Yorke Peninsula. However, that is now of historic merit only and I trust that it will not cloud the future need I see for the town of Wallaroo to identify the advantages involved in this amalgamation and explain those advantages to the community. They will, I believe, become apparent with the effluxion of time.

I am pleased that all employees of both councils have been given continuity of work and security in the new amalgamated body. That certainly should be an objective of any amalgamation that that takes place. I am certainly pleased that this matter is referred to in the joint address to His Excellency, the Governor. I believe that the split up for the wards has also been done on a very rational and reasonable basis, and one which will be able to operate effectively and efficiently for the community. The Select Committee report, in relation to debt servicing of the District Council of Kadina, refers to the fact that upon investigation it was found that, despite claims to the contrary, the debts

of that body were not excessive. I understand that some people who appeared before the committee, obviously on the basis of rumour and innuendo in the community, felt that the debts of that body in fact exceeded its capacity to repay its loans. The Select Committee report identifies to the Parliament that that is, in fact, not the case and that the capacity of the council to repay is in line with good management for local Government in South Australia. The financial position of the District Council of Kadina is in line with good management for local government in South Australia as identified by the Select Committee.

My only other comment relates to the Kadina District Recreation Centre, which is a centre that I believe heralded for this country area in South Australia a new era in terms of the provision of recreational and sporting facilities within that community. That centre has proved its worth within the community. It will be coming up for its eighth year of operation and, despite great rumour and innuendo to the contrary, has made its loan repayment commitments every year on time during that period. It is a centre that has been profitable with the exception of one year during its full course, and has always met its loan liabilities.

I notice that a condition of the amalgamation of the two council areas is that the corporation guarantee the loan mentioned. The Select Committee continued that arrangement by securing a loan over the Kadina ward in the new amalgamated body. I have no doubt that that is a guarantee that will never be called upon, because of the capacity of the recreation centre, its proven track record in not only providing a community service within the township of Kadina but also for the district of Kadina and more particularly Northern Yorke Peninsula, and because of its capacity to meet all its requirements and, therefore, not impinge upon the ratepayers at all in that regard.

I commend the new council and trust that the new amalgamated body will serve the residents and ratepayers of that district with distinction as it has over recent years, and will provide a level of service that will enable that district to grow and enhance the range of services and facilities to those ratepayers at an economical price through the economies of scale that will be established, no doubt, as a result of this amalgamation. I certainly commend the report to the House.

The Hon. B.C. EASTICK (Light): I rise to say how pleased I am about the result of this Select Committee and, in acknowledging the work that it has done, must say that it is most unfortunate that the work was not being done in the House of Assembly where it ought to be done in the presence of the Minister responsible. It is pleasing to see that a report has come down which has considered all the identified problems and which has made a decision on the evidence. Regrettably, we still live with the memory of a committee of this House that failed to make a decision on such evidence, and I refer to the new extant Wakefield Plains Council. The consequence of that debacle is still being felt locally and will continue to be felt for quite a long time. We have the unfortunate experience that, because of the use of philosophies rather than evidence, the opportunity for this House to involve itself in an amalgamation has been lost.

The decision indicated by the members of the Committee in relation to compulsory amalgamation is heartening. It showed a bipartisanship, quite apart from any decision which might be foisted upon an amalgamation by the Government, in that the committee members were not prepared to bring about an amalgamation where there was local resistance. That is good, but let me say that the amalgamation implemented against the desires of the Port Wakefield council on an earlier occasion was one with which all members of that committee concurred. I would not want it to be believed that it was just the joining of the Port Wakefield council into an amlgamated Wakefield Plains Council that was the problem with the previous Select Committee, because it was not. It was the weight of evidence which truly indicated that the township of Hamley Bridge should not have been forced into that new council.

The consequences of that action are currently being felt as evidence unfolds before the Select Committee of the Upper House, presently investigating the boundaries of Gawler. This is a very real identification of the problem which arises if one does not look far enough forward and makes moves in relation to amalgamation, secession or any other arrangement concerning local government that does not foresee the likelihood of non-profitability of remnant council areas, or the likely problem of forced further amalgamation so remnants do have an identity. These problems exist at the present time and will be on-going.

The other aspect also came out of another previous Select Committee, that in relation to Mount Barker, Strathalbyn and Meadows. A unanimous decision was taken by the committee in respect of the Meadows boundaries. Regrettably the other feature which unfolded there, one which has not been addressed, is the cost factor and the dollars and cents aspect of actions taken by this House, concurred with by another House, or the reverse. They are matters that cause a great deal of concern, and are matters that I have already indicted it is my intention to advise the current Select Committee in another place about—my fears of the consequences involved in not taking full heed of evidence and not fully recognising the consequences of actions taken.

I was pleased to note that the Leader made the point in relation to the report about the unfortunate slur cast against the District Council of Kadina. The report contained the simple statement:

> Some of these doubts related to the financial management practices of the District Council of Kadina.

One might be drawing the bow a little long to suggest that there was a suggestion by some people that there was financial incompetence, and beyond that, some question as to the propriety of actions taken by the District Council of Kadina. Quite obviously, later in the report that matter is addressed and very clearly there is an indication that the problem was associated with the borrowing procedures of the District Council of Kadina. They were found to be quite correct. They were found to be consistent with what is normal practice in councils that are looking to provide services for their community, and they were practices that were completely acceptable to the committee. That is the strong point that ought to be made about this slur which unfortunately crept into the report. I suggest it was not intended, but unfortunately it is on the record and it needs to be correctly addressed, as I have done, and indeed, as I am sure the Minister would have done had he spoken to the motion. Certainly the Leader picked it up.

There is another aspect of the report which causes me a little concern. That is where it says that the committee has supported a dual system of land and annual values, that is, site and annual values, in the new council area for the present, but that it is strongly suggested that the District Council of Northern Yorke Peninsula should seriously consider as soon as possible an assessment of rateable property which is based on annual values across the entire area. That statement picks up the reality of the majority of the area currently being rated on annual values, but I would not want it to be believed that the committee in putting forward that proposition was suggesting to the newly formed Northern Yorke Peninsula Council that it should move to a total annual values assessment rating system.

If in the passage of time, or on reflection, the Northern Yorke Peninsula Council is of the view that the use of site values is a better proposition to use in the combined council, then that is a decision which they should be permitted to take. Indeed, under the Act they are permitted to take that decision, having regard to the process which is necessary to transfer from one rateable system to another. I only raise this matter because someone reading the report might suggest that the decision going forward from this Chamber and from the other Chamber was tying the new council into an annual rating system. If it is their desire for an annual rating system, so be it, but they are in the position of being able to make a decision in due course as to whether or not they want that system or the site-value system used by the majority of councils across the State.

I welcome the fact that the community of Kadina and Moonta is going to benefit from this new council. I welcome the fact that the suggestion has been made in a positive sense (and without compulsion) that Wallaroo give due consideration to its position in relation to the quality of service that it will be able to provide in future for its community. In closing my remarks on this matter, I must say that I like to believe that the undertaking that the Minister gave on the occasion of the Estimates Committee (I took it as an undertaking, but I do not want to trap the Minister into any position that he does not fitfully want to wear) that the distinct possibility exists of future Select Committees coming back to this Chamber on the basis of even numbers in the committee. That was a view which was accepted by gesture and by a nod of head during the Estimates Committee—the record is there about this. This is the proper place where Select Committees in relation to local government should be set up in the House of the responsible Minister. The necessary qualification of equal numbers is based on the reality that we should be making decisions based on the evidence, and on the unanimous opinion or majority of position of the membership in a situation where there is no loaded vote in favour of one side or the other. I commend the decision that has been taken and give it my full support.

Motion carried.

LOCAL GOVERNMENT FINANCE AUTHORITY BILL

Consideration in Committee of the Legislative Council's amendment:

Page 7, line 10 (clause 21), after 'Authority'—Insert 'in such investments as are approved by the Treasurer'.

The Hon. T.H. HEMMINGS: I move:

That the Legislative Council's amendment be agreed to.

The Hon B.C. EASTICK: The amendment is not unreasonable. There is some suggestion that is is over-cautious, but I point out to the Minister that the State Treasury is a guarantor for any losses that might occur in the new venture. The Bill as it left this House did leave a void which, I admit, I did not pick up. In discussion with those involved I recognised that there would be a very responsible attitude to the whole endeavour. However, there was a void in respect of there being no clear indication to the Authority in regard to limitation on the organisations with which they could lodge their funds. As far as the State is concerned, in its authority SAGFA for borrowing, there are limitations on the organisation with which it can lodge its funds. The inclusion of this provision in the Bill will ensure that there will be regularity in this regard. The amendment was introduced in the other place by the Hon. Mr Davis. It originally provided that the authority would be provided by the Minister, but following debate and discussions between the Hon. Mr Milne, the Government, and others, it was decided that as the Treasurer would be the guarantor for funds there was merit in the Treasurer's being the person who would be advised in respect of any fund being acceptable for the lodgement of funds. I anticipate that the Treasurer will give a general direction, but that consultation will not be required in every case, and that if the authority at any stage wants to place money with an organisation which does not come within that general authority, then application can be made to the Treasurer. That is fit and proper. Perhaps the provision is being over-cautious but it is one that I think that the Local Government Finance Authority will be quite happy to live with. I support the amendment.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Consideration in Committee of the Legislative Council's amendment:

Page 2, lines 7 and 8 (clause 6)—Leave out subsection (3) and insert new subsection as follows:

(3) The council shall not resolve to borrow money unless the council has given, not less than fourteen days previously, public notice of the proposal that the council borrow the money and of the proposed expenditure of that money.

The Hon. T.H. HEMMINGS: I move:

That the Legislative Council's amendment be agreed to.

While the Government considers that advertisements placed in local papers as well as in the *Gazette* (this matter was referred to during the first reading debate) will not upset the original intent of the amending Bill, we take the point that local residents should be informed about council borrowing. The Government is happy to support the amendment.

The Hon. B.C. EASTICK: The Opposition opposes the proposed amendment. It is an absolute nonsense. It represents a move taken by the Hon. Mr Milne in another place to try to placate the wrath that he knew would come down upon the Government and upon him had he done nothing about this matter. The Hon. Mr Milne, together with the Government, accepted a nonsense amendment, and the Minister acknowledges that it has no real value. It is of no real value to people in the community because the damage has already been done. The decision has been taken by the Government to remove from the community the opportunity to appeal by way of a ratepayers' poll in regard to any project which people in the Community feel has not been properly sponsored or outlined to the community or which it feels is based on the wrong premise. As was indicated during the debate on this measure on a previous occasion, there have been instances in recent times of communities expressing to their local governing bodies concern about action proposed by those councils. On two out of three occasions during the last year that has exstricated the community from the position of having to pay additional costs associated with a proposed project. The Government, having launched itself on a move to remove the right of communities to communicate to their councils that they are not satisfied, now offers the community nothing by way of this amendment that the Government is now prepared to accept. In fact, it rubs salt into the wound by requiring local governing bodies to expend further ratepayers' funds by requiring them to insert advertisements in local papers about which there can be no reaction.

The Hon. T.H. Hemmings: That is nit-picking.

The Hon. B.C. EASTICK: It is not nit-picking. The difference between the two situations is that previously an

amendment was offered to the Minister (which he saw fit not to accept) which involved the spending of money to determine a community's attitude to a proposal, whereas the current proposal involves spending money to obtain the reaction of a community to a *fait accompli*, a reaction that will have no effect on the proposal. That is why I say that the amendment is a nonsense. It achieves nothing other than providing that additional expense will be incurred by the community.

The Hon. T.H. Hemmings: At least communities will know what the borrowings will be all about. I agree with the honourable member to a certain extent.

The CHAIRMAN: Order!

The Hon. B.C. EASTICK: The Minister would want to agree with me the whole way, because he knows that what I am saying is correct.

The Hon. T.H. Hemmings: You are just disappointed because you did not bring it in.

The CHAIRMAN: Order!

The Hon. B.C. EASTICK: Thank you, Sir, for your protection. Clearly, the position is that the Minister has allowed himself to be trapped into accepting an amendment proposed by the Hon. Mr Milne in another place. Having removed the opportunity for communities to protest effectively about proposed expenditure, the Minister is prepared to add to their burden by providing that their local governing bodies must advertise details of what is a *fait accompli*, something about which the community can have no say, except through the ballot-box.

I will develop that a step further. It presumes an action of which the Minister has given public notice—removing the right of the public to have an effective vote through the ballot-box on an annual basis to the position of a ballot once every three years. So, at a time when the Minister is extending the period of office and, therefore, reducing the opportunity for community impact through the ballot-box, he is taking away this other right that the community had. The Opposition will have no part of it and exposes it for what it is.

Motion carried.

[Sitting suspended from 10.24 to 11.20 p.m.]

STATE BANK OF SOUTH AUSTRALIA BILL

Returned from the Legislative Council with the following amendment:

Page 4, lines 15 to 18 (clause 11)—Leave out paragraph *(b)* and insert paragraph as follows:

(b) in respect of an interest—

(i) that arises by virtue of the fact that the Director has a shareholding (not being a substantial shareholding within the meaning of Division 4 of Part IV of the Companies (South Australia) Code) in a public company; and

(ii) that is shared in common with the other shareholders in that company.

Consideration in Committee.

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

That the Legislative Council's amendment be agreed to.

The amendment specifies an area in which an interest shall be declared by a Director if he has a shareholding, not being a substantial shareholding, within the meaning of Division 4 Part IV of the Companies Act in a public company and which is shared in common with other shareholders in that company. It is a sensible, although not a major amendment, and I urge the House to support it.

The Hon. B.C. EASTICK: Anything which brings clarity to the end result is worthy of support, and the Opposition supports it.

Motion carried.

EDUCATION ACT AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 9 a.m. on Thursday 8 December.

The Hon. LYNN ARNOLD (Minister of Education): I move:

That Standing Orders be so far suspended as to enable the conference with the Legislative Council to be held during the adjournment of the House and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

STOCK DISEASES ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

MAGISTRATES BILL

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

STATUTES AMENDMENT (MAGISTRATES) BILL

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

ADJOURNMENT

At 11.31 p.m. the House adjourned until Thursday 8 December at 2 p.m.