HOUSE OF ASSEMBLY

Wednesday 31 October 1984

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

WHEAT MARKETING BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PETITION: OPEN SPEED LIMIT

A petition signed by 561 residents of South Australia praying that the House urge the Government to reject any proposal to reduce the open speed limit from 110 km/h to 100 km/h was presented by Mr Meier.

Petition received.

PETITION: MURRAY RIVER FISHING

A petition signed by 649 members of the Field and Game Association and recreational fishermen praying that the House urge the Government to provide for public comment before the variation of boundaries for commercial fishing reaches on the Murray River; not permit the sale or transfer of such reaches; and oppose the recent enlargement of the reach adjacent to Lyrup was presented by the Hon. P.B. Arnold.

Petition received.

QUESTIONS

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

ESTIMATES COMMITTEE A

TOURISM DEVELOPMENT BOARD

In reply to the **Hon. JENNIFER ADAMSON.**

The Hon. G.F. KENEALLY: There are 10 board members, nine of whom receive a payment of $2 000 per annum, a total of $18 000 per annum. In addition, the equivalent of one full-time staff member is provided by way of executive support to the board (i.e. Divisional Heads); and 0.6 full-time equivalent staff by way of clerical staff officers of the Planning and Design Division.

OPEN RANGE ZOO

In reply to the **Hon. JENNIFER ADAMSON.**

The Hon. G.F. KENEALLY: A report prepared by a consultant which outlines a range of options relating to the establishment of an open range zoo has been presented to the Premier. The committee will be meeting shortly with the Premier to discuss the report.

FULL-TIME EQUIVALENTS

In reply to the **Hon. JENNIFER ADAMSON.**

The Hon. G.F. KENEALLY: The figure 3.6 FTEs is made up of varying proportions of time of the following positions:

Marketing Manager
International Sales Officer (Singapore)
International Sales Officer (New Zealand)
Travel Centre Manager
Sales Officer (Adelaide and Sydney)
Manager, Visitor Assistance Section (Adelaide)
Assistant Manager, Visitor Assistance Section (Adelaide)
Sales Manager (Adelaide and Sydney)
Senior Travel Consultant
Market Development Officer

EXPENDITURE ESTIMATES

In reply to the **Hon. B.C. EASTICK.**

The Hon. G.F. KENEALLY: The reply is as follows:

1. Community Centre Projects—	$2 059 000
The estimate provides for:	
Parks Community Centre—Operating Grant	1 911 000
Parks Community Centre—Child Care Grant	58 000
Thebarton Council	80 000
Sundry Grants as may be approved	10 000
	2 059 000
2. Local Government Assistance Fund	$585 000
The estimate provides for:	
Grants to local government for Information Centres	301 372
Grants to local government for Community Groups	190 000
Grants to local government for interest subsidies	50 782
Miscellaneous, including advertising of grants, grants to councils for boundary changes and Committee expenses	42 846
	585 000
3. Debt Servicing Outback Areas Community Development Trust—	440 000

Pursuant to a guarantee given under section 17 (2) of the Outback Areas Community Development Trust Act, 1978, the Government is meeting the debt service costs on borrowings of $1 million by the Trust. Payment of the Government's contribution is made through the Department of Local Government.

For 1984-85, an estimated $125 000 will be required to finance the interest payable on this borrowing to the S.A. Finance Authority. The balance of the funds are at present the subject of Cabinet consideration.

OMBUDSMAN'S REPORT

The SPEAKER laid on the table the Report of the Ombudsman, 1983-84.

Ordered that report be printed.

MINISTERIAL STATEMENT: POLICE PENSIONS FUND

The Hon. J.D. WRIGHT (Deputy Premier): I seek leave to make a statement, and at the same time lay on the table the Actuarial Reports, Police Pensions Fund.

Leave granted.

The Hon. J.D. WRIGHT: The triennial actuarial review of the Police Pensions Fund has now been completed and I have tabled the relevant reports compiled by the Acting Public Actuary, Mr A.R. Archer. The review is in two parts: the first part relates to the requirement under section 8 of the Police Pensions Act for the Public Actuary to report on the financial position of the fund and the adequacy of members' contributions; the second part comprises a report on the cost to the State Government of the fund. This is

the first time this second part has accompanied the triennial review. It has been produced in order to improve understanding of the financing of public sector superannuation.

Membership of the Police Pensions Fund is compulsory for police officers and they must contribute specified percentages of salary. Their contributions are paid into the fund and invested. When pensions or other benefits are paid, the cost is shared between the fund on the one hand and the State Government on the other. The purpose of the review is to consider the direction which the fund should be taking to ensure that it can meet a reasonable share of the benefits, given its experience since the last review and various assumptions concerning the future.

On the basis of his valuation, the Acting Public Actuary has reported that the current financial position of the fund is satisfactory. However, he notes that this is so because the fund has not to date been required to pay any share of the cost of cost of living increases to pensions. The cost of these increases is very significant because of a feature of the scheme whereby pensions increase at a rate in excess of the CPI. The Acting Public Actuary considers that a substantial modification of benefits and contribution rates is necessary in order to produce a scheme under which police officers in future carry a reasonable share of the cost of all benefits.

A point which the Acting Public Actuary has highlighted is that the past investment performance of the fund has no bearing at all upon the need to adjust benefits and contributions, and to quote his words:

> The need arises only from a consideration of the relationship between contributions payable by future new entrants and the benefits which those new entrants will eventually receive. In considering this relationship, the only relevant investment issue is the return which the fund might reasonably achieve on investments made in the future. Thus neither the returns on past and present investments, nor the current financial position of the fund (with a $5.9 million surplus) has any impact upon the need to restructure benefits and contributions.

The second report dealing with Government costs shows that the cost of the scheme will continue to increase at a faster rate than the rate of inflation for many years. This point warrants special comment because some critics of public sector schemes have assumed that such increases demonstrate that the schemes are going seriously astray. In fact, such increases reflect the method of superannuation financing adopted by all Governments over many years.

The Government does not fund in advance for its superannuation commitments in the sense of setting aside a specified body of assets to cover future pension payments. Rather, it operates on an unfunded basis, paying out each year only the amount of money required in respect of pensions and other benefits paid in that year. The inevitable consequence of adopting this unfunded approach is that costs will rise, even in the absence of inflation, until the superannuation scheme matures. The extent of the increases is monitored by periodical reports such as the one which I have tabled.

Thus, increases in Government costs need come as no surprise. This is not to say, however, that the Government is not concerned about future costs. It does adopt a responsible attitude towards costs to be borne by future generations. Because of this, the Government has announced in another place that it intends to change the method of accounting for superannuation costs by Government departments in order that each year's accounts may show a proper estimate of future costs arising from the employment of staff in that year. This point, as it relates to the Police Department, is covered in the reports.

The Government appreciates the importance of the Police Pensions Fund to police officers and does not believe that any decisions should be taken in regard to contribution rates and/or benefits until full consultation has been held with representatives of the contributors. Also, regard may need to be paid to the results of the inquiry into public sector superannuation. I further advise that I have written to the contributors' representatives inviting their views.

QUESTION TIME

GOLDEN GROVE DEVELOPMENT

Mr OLSEN: In view of a statement made today by the Chairman of the South Australian Urban Land Trust, Mr John Roche, will the Minister of Housing and Construction now explain to the House the full reasons for the Housing Trust's statement yesterday about the Golden Grove development? In today's *News*, Mr Roche is reported as having described the action of the Trust's board as being akin to 'spoilt children dominated by academics, who took their bat and ball and went home'. The Urban Land Trust and the Housing Trust are both subject to Ministerial control, so we now have the unprecedented situation of two Government controlled bodies arguing publicly about a project that was hailed yesterday by the Premier as being one of the largest housing developments in this State's history. So far the board of the Housing Trust has refused to elaborate on its statement, and yesterday the Minister refused to use his power to require it to do so. If this dispute goes on, public confidence in an important project will be affected.

The SPEAKER: Order! The honourable member is commenting; it is quite obvious, and I ask him to refrain from doing so.

Mr OLSEN: The present circumstances demand that the Minister, who has to accept responsibility for the actions of the Housing Trust board, should give a full explanation to the House in regard to the board's statement.

The Hon. T.H. HEMMINGS: I am not going to make any comment about Mr Roche's statement in the *News* this morning.

Mr Ashenden interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: I can inform the House that, in line with a comment made in yesterday's *News* that I would meet with the board this morning, I did convene a meeting at short notice with those members of the South Australian Housing Trust board who could come to my office. The Trust explained to me the reasons why it felt that it was imperative to release that telex to the media, and said that it did so because it had expressed an interest in having the matter raised before the Select Committee. I think the Premier responded along those lines yesterday in the House. I want to make perfectly clear that I am disappointed by the manner in which the Trust has expressed its concern—

Mr Gunn interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: —because the Government and I have always sought its views on the Golden Grove indenture. I took its concerns to the Government, and those concerns were reflected in the fact that we have between 25 per cent and 30 per cent public housing involvement in the Golden Grove venture—in line, might I say, with the Government's policy of social integration of public and private housing. I have also continually expressed my concern to my Cabinet colleagues that the cost of public housing should be reflected in the indenture, and that comes out perfectly clearly in the indenture, namely, that land available for public housing and for first home buyers will be $10 000 cheaper than other land available in the Tea Tree Gully and Golden Grove areas. The board has informed me that it has now been reassured that its concerns will be expressed

before the Select Committee, and that when it made the decision to release that telex to the media yesterday it also made a decision that it would make no further statements in relation to this matter whatsoever.

Members interjecting:

The SPEAKER: Order!

ENTERPRISE INVESTMENTS (SOUTH AUSTRALIA) LIMITED

Mr KLUNDER: Can the Premier advise the House—

Members interjecting:

The SPEAKER: Order!

Mr KLUNDER: —of the investment policy of Enterprise Investments (South Australia) Limited? I understand that earlier today the Premier launched a prospectus of this company which has been sponsored by the South Australian Government and which is a tangible fulfilment of the Government's election policy to establish the Enterprise Fund in order to assist the growth and development of commercially sound business in South Australia.

The Hon. J.C. BANNON: As the honourable member is aware, I had the pleasure of launching the prospectus of this company this morning. I think that this company has got off to a very good start indeed. The issue is fully underwritten and some substantial South Australian companies have taken a holding in it. It will be made available to the public and listed on the Stock Exchange for shares in the very near future.

However, before outlining the investment policy, I would like to make a few brief points, one of which concerns the ceremony itself. It was very pleasing to see the attendance at that ceremony. I must confess to an omission which was an acknowledgement of the member for Light, who paid us the courtesy of representing the Opposition at that function. Although I made a mental note to acknowledge him in my address I realised after the event that I had not done so. So, I would like to put that appreciation on record now.

Secondly, I make the point in talking about this that the Companies Code is quite specific in what it allows one to say and what it does not allow one to say. I do not think it is appropriate to use Parliamentary privilege to indulge in a major boosting of the fund. I believe that the company will on its own merits commend itself to South Australians who are interested in investing.

I limit myself to the prospectus and what it states; it very fully describes the company's objectives and the way in which the company envisages gathering together investment moneys in South Australia from South Australians to apply to South Australian industry that is innovative, entrepreneurial and has a long track future. The investment policy as summarised in the prospectus gives the company a very wide range of approaches.

It will seek equity and loan investments in South Australian businesses; it will seek board representation where that is warranted in the circumstances of a particular investment; it will give security wherever available; and it will seek to increase its financial resources by borrowing from financial institutions on a secured or unsecured basis. Where appropriate—and I think this is a particularly important aspect of its investment work—it will provide management, technical and marketing support, either directly or through consultants, hence pursuing its policy of not being a passive investor, but being an active, co-operative and supportive investor in those companies which seek its support. It will seek to provide an early dividend return on equity investments. One should bear in mind that this company is being structured as a commercial enterprise: it is not there to prop up lame duck companies or allow someone to limp on. It is aimed at giving a firm and substantial base on which companies with a future can build and, in doing so, of course it will ensure that there is profitability for the investors. Where appropriate, it will participate in joint ventures and syndicated finance arrangements.

The company will not—and I think these provisions are important to note as well—normally take more than 50 per cent equity or voting rights in any of its investments. It sees itself as being a partner, but not a controlling or owning body. It will not be a lender of last resort. Other institutions must be sought if that kind of financial investment support is required. The company will normally assist (on an unsecured basis) with seed capital to finance and research development activities. It will look at something which is ongoing or which has been tested for its potential before investing. In other words, it will not carry out the function, for instance, of an MIC, where certain generous tax concessions are provided to specifically allow start up or seed capital.

The Enterprise Fund fills a gap which is somewhere between ordinary financial institutions on the one side and an MIC on the other, and it will not limit its investments to any particular industry. In other words, while its emphasis is going to be on high technology and obviously an interest in manufacturing, it will not be restricted in those areas. Businesses in which the company will invest will be small to medium sized, and they will have developed products or services which are readily saleable on local, interstate or international markets.

New products to be supported would need to have been developed to the point of commercialisation, and anticipated rate of growth should be involved in those that the Enterprise Fund will support. It will be looking for an innovative approach to existing products or services, or promoting new products and services. Priority will be given (and this is important in terms of the South Australian base of companies that it will support) to products which can be protected by patent or copyright and which have worldwide market potential. So, I think that based around those aims one can see the very important gap that the Enterprise Fund will fill, the commercial basis of its operation and, therefore, the confidence with which I hope South Australians can invest in it.

The Government made this an essential part of its pre-election statement of policies. We are very fortunate in that we have secured the services of Mr Tom Urban as Chairman, and in a way Mr Urban is symbolic of what we see this Fund doing. He has lived and worked in our South Australian community for many years. In fact, he moved to Melbourne when Elders Finance and Investment Services was transferred out of South Australia to there, but he has always intended to return, and has sought ways and means of coming back to operate in this State because he enjoys the environment, lifestyle and the other benefits that South Australia offers. This provides him with such an opportunity, and I think we are very fortunate that we are providing opportunities to people like him to work on behalf of our South Australian community.

His fellow board members are all well qualified, cover a wide range of interests and I think will make a major contribution. So, I would suggest that this innovative proposal, the like of which has not been tried either in Australia or in the same form overseas, is something that will be watched with interest by other States and I hope that while they are watching it they will see it grow and develop and provide very tangible benefits to South Australia.

GOLDEN GROVE DEVELOPMENT

The Hon. E.R. GOLDSWORTHY: Will the Premier confirm that the blocks to be made available in the initial release of land at Golden Grove for the Housing Trust and first home buyers will be approximately 50 per cent smaller—

The SPEAKER: Order! The honourable member will resume his seat.

An honourable member: Want us to stop the questions?

The SPEAKER: Order! I resent the remark by the Deputy Leader of the Opposition that I was applying any form of gag. I resent that very much. I am calling the Deputy Leader to order and am ruling the question itself out of order as it anticipates debate on the Golden Grove (Indenture Ratification) Bill which—

Members interjecting:

The SPEAKER: Order! Honourable members will come to order—is to be debated this very day. I give my reasons for so doing. Standing Order 230 provides that:

No motion shall seek to anticipate debate upon any matter which appears upon the Notice Paper.

An honourable member: It's not a motion.

The SPEAKER: Order! Erskine May at page 380 amplifies the Standing Order and our practice by indicating that this refers to other proceedings as well as motions, and that a matter must not be anticipated if it is contained in a more effective form than the proceeding by which it is sought to be anticipated. In other words, a Bill is a more effective form of proceeding than is a motion and in turn a question, and I rule that the information now being sought by the honourable member can be sought by him during the debate on the Bill later today.

SPEECH PATHOLOGY

Mr MAYES: Will the Minister of Education report to the House what steps he has taken to achieve a review of the decision by the South Australian College of Advanced Education to reduce the future intake of speech pathology degree course students at Sturt campus?

The SPEAKER: Order! The member for Todd is out of order and showing disrespect to the Chair.

Mr MAYES: I have received several deputations from constituents concerned with the proposal that is currently before the South Australian college council to reduce intakes from 23 to 14 in future years. I am informed by my constituents that there is a current shortage of speech pathologists in South Australia in particular regions. The situation may be that in future years the proposed reduction in intake will cause a deficit in future growth of speech pathology services that are much needed in the South Australian community. Constituents are concerned not only from the viewpoint of the future but also about the current services that exist in South Australia.

The Hon. LYNN ARNOLD: I am pleased to receive that question today as I have some advice to give the honourable member from the South Australian college. Members will recall that some weeks ago I was asked a question in this House on the self same matter and I undertook to approach the South Australian college at that time about the issue at hand. I also on that occasion highlighted the financial difficulties of the South Australian college and shared information with this House on those difficulties and the action that I as Minister of Education in the State Government was taking with regard to those issues.

I subsequently wrote to the college and conveyed not only the text of the questions and answers to them but also conveyed my concern about the proposals as they had been alleged to apply to the South Australian college. Indeed, I can on this occasion quote in part from my letter to the Acting Principal as follows:

I hope that in view of the above inquiries you will keep the Chairman of the TEA informed on any decisions which may give substance to the concerns which are being raised about the provision of adequate numbers of trained speech pathologists. Equally, of course, I would appreciate any advice you can give that the output of speech pathologists can be maintained in line with community needs.

On 26 October the Acting Principal sent a reply to me, which was received in my office today. I can quote in part from the letter I received from the Acting Principal. She made mention of the many new points of view she had received from the community—indeed, points brought to her attention by the member for Unley and by other deputations from the community. Her letter states:

. . . these points of view will be taken into account in the college's decision making process. At this stage, the Academic Committee and Council have still not met to consider final recommendations with respect to intakes for 1985. When they have, I will inform both yourself and TEASA of the recommendations and am certainly keeping TEASA informed on the progress.

She then went on to comment on the question of the adequacy of numbers available. It is a clear point of concern to all members in this House. She stated:

I have asked for additional information on the adequacy of numbers of trained speech pathologists and understand that the numbers currently in training are sufficient to meet the present pattern of employment.

That is a point on which I will have further advice sought from the Education Department, the Kindergarten Union and other agencies in the State. I believe that if that is the advice on which the college is acting it is not correct. We will assist the college by providing further information in that area. The Acting Principal went on to make the following point:

We do indeed appreciate the Government's position on the affairs of the college and appreciate the support that you are giving for the completion of the college's process of decision making.

That relates to the fact that a number of concerns have been expressed about issues happening in the South Australian college. I bring the concern of this House to the attention of the college, but I also acknowledge that the college will make its decision as it has the appropriate channels through which it must go. It is appropriate that we respect the institution to that extent. Finally, the last point in the letter stated:

As your reply in the House so clearly indicated, the college is in fact not in the position to maintain its current level of programme activity nor indeed to extend it in the areas that we are currently being quite appropriately pressed to do so by various sections of the community.

That brings me back to the important point that I made on the other occasion, namely, the funding issue for the South Australian college. I mentioned previously that my Ministerial colleague in Victoria, Rob Fordham, and I had written to the Federal Minister. It is a nine page letter outlining the problems of amalgamating colleges in both States. We are still awaiting a response to that, but further investigation of the facts relating to the South Australian college in the intervening period has done nothing but confirm the grave concern that the South Australian State Government feels for the financial security of the South Australian college and its capacity to meet programme needs being requested by the community and, indeed, by the Government.

GOLDEN GROVE DEVELOPMENT

The Hon. B.C. EASTICK: My question is to the Minister of Housing and Construction, although I suspect that the

Premier might want to interfere either by way of answer or by way of—

Members interjecting:

The SPEAKER: Order! The honourable member for Light.

The Hon. B.C. EASTICK:—interfering by directing the attention of the Chair.

The SPEAKER: Order! I ask the honourable member for Light not to digress.

The Hon. B.C. EASTICK: My question to the Minister is: was the statement about the Golden Grove joint venture, released yesterday by the board of the Housing Trust, agreed to by all members of the board, and will the Minister now give the House full reasons for the statement? I understand that there is a division of opinion among members of the Housing Trust board about this project and that the unsigned statement released yesterday by the board may not have been agreed to by all members. If that is the case, the matter requires immediate clarification, as the statement so far has been represented as being the unanimous views of the board and has been the subject of widespread public comment and speculation. The private developers involved in the agreement have said that they find the whole thing incredible, that they had negotiated with the Government and that, as far as they are concerned, all the details have been aired in Government circles.

In his initial response to me yesterday the Minister said that he would not require the board to give full reasons for its statement. However, because of the size of the project, the involvement of significant public funds and the many unanswered questions raised by the statement of the board, the Minister as the Minister in this House to whom the board is responsible must give a full explanation for the statement.

The Hon. T.H. HEMMINGS: At the meeting I had with the Housing Trust board this morning I was told that at the meeting yesterday when it was decided to send that telex it was a unanimous decision of the board with the exception of one member, Miss Stephanie Key, who was absent on holiday, so it was a unanimous decision of all the Trust board members present at that meeting to release that telex. If the member for Light has a mole in the Housing Trust who has given him different information, I suggest that he sack him and find another one.

REAL ESTATE COMMISSIONS

Mr FERGUSON: Will the Minister of Community Welfare ask the Minister of Consumer Affairs to ascertain whether the Real Estate Institute will review the amount of commission charged for the sale of land and houses? This matter was brought to my attention in early October. I wish to quote, as follows, from a letter I sent to the Minister on 11 October:

I have been approached by a constituent who has expressed concern about recent increases in real estate commissions issued by the Real Estate Institute that apparently came into operation from 1 August 1984. I have been asked to raise with you whether there is any justification for the increase and if the Trade Practices Act is being breached by all real estate sales people receiving the same commission. My constituent is concerned that land prices have inflated considerably in the past 12 months, and this factor alone would have substantially increased real estate commissions during that time. He has suggested to me that a further increase in percentage commissions—

Mr LEWIS: I rise on a point of order, Mr Speaker. As I understand the explanation being given by the member for Henley Beach, he is now quoting from a letter written by himself in which he is commenting on the question. If that does not constitute comment rather than explanation, I would like to know what does.

The SPEAKER: Order! I ask the honourable member for Henley Beach whether he is quoting from a letter which he wrote.

Mr FERGUSON: Yes, Mr Speaker.

The SPEAKER: In what way does the honourable member seek to link that to his explanation?

Mr FERGUSON: The explanation is providing the reasons why I am asking the Minister to have discussions with the Real Estate Institute.

Members interjecting:

The SPEAKER: Order! I would ask the honourable member to tread very warily. The honourable member for Henley Beach.

An honourable member: Question!

The SPEAKER: 'Question' has been called. The honourable Minister of Community Welfare.

The Hon. G.J. CRAFTER: If the honourable member provides me with the correspondence from which he was quoting I will be pleased to refer it to my colleague in another place and ask him to consider carrying out the discussions the honourable member has sought.

The SPEAKER: There was obviously some confusion in the House. What happened was that an honourable member, as was his right, called 'Question'. In those circumstances, the explanation cannot continue, and I had to call the Minister. The honourable member for Murray.

RAILWAY STATION REDEVELOPMENT

The Hon. D.C. WOTTON: Will the Minister for Environment and Planning confirm that excavation work for the ASER project has resulted in the discovery of one of the most significant heritage finds in South Australia which includes part of the first Adelaide Railway Station built in 1856, and will the Minister indicate who gave the instruction that no public mention was to be made of the discovery prior to it being covered up? The first Adelaide Railway Station was built in 1856 on what was a deep stone quarry, allowing the present station to be built over it. Some of the more significant parts of the old buildings and platforms were buried during construction of the existing station in the early years of this century. The Opposition's suspicion about this matter was raised when we were informed that an order had been given to cover a significant arch last weekend, as a matter of urgency.

On investigating this claim, we also found piles of bluestone and brick rubble from what is thought to be part of the original station. I am informed that following the discovery of the arch an instruction was given that no public comment should be made about the find and that it should be covered as quickly as possible, resulting in the work being carried out during last weekend in an effort to hide any evidence before the public or heritage authorities were made aware of it. I also understand that a television crew seeking to film the site was refused access by the State Transport Authority.

It has been put to me, bearing in mind the significance of the find, that an attempt should have been made to preserve this important part of our State's heritage and, if that was not practicable, then at least a record should have been made by the authorities, and that the handling of this matter by the Government is an absolute disgrace.

The Hon. D.J. HOPGOOD: Well, if there is a skerrick of truth in anything that the honourable member says, he knows far more than I do.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: None of what the honourable member just said has been drawn to my attention, nor do

I believe that any of that information is available to my officers; otherwise, I am sure that it would, in turn, have been drawn to my attention.

The Hon. D.C. Wotton: It's been made available to the Government.

The Hon. D.J. HOPGOOD: Certainly not to me or anyone associated with my portfolio. Possibly the honourable member should be directing the question elsewhere; I do not know. I will certainly take the matter up to determine whether there is any truth in it but certainly, in view of the fact that I know nothing of it, it follows obviously that I would not have been responsible for any such direction to which he refers.

The SPEAKER: Before calling the next question I make one short observation. The device of quoting what other people have put to an honourable member as distinct from what the honourable member himself has put to a Minister is, in fact, no different. The Chair (not just myself but my predecessors) has given a very generous interpretation over the years. However, there must be one standard for all and, if the standard is to be applied strictly to the honourable member for Henley Beach, it will be applied strictly to all. The honourable member for Whyalla.

MORGAN FILTRATION PLANT

Mr MAX BROWN: Can the Minister of Water Resources tell the House how work is progressing on the Morgan water filtration plant, and say how effective the plant will be in providing filtered water and in controlling *naegleria fowleri* in the areas served by the plant? I have raised this question because during the Estimates Committee proceedings and in recent press reports the member for Chaffey stated that the Morgan water filtration plant would be ineffective unless the Stockwell plant was constructed at the same time. I am most eager to find out from the Minister whether that in fact is correct.

The Hon. J.W. SLATER: The question raised by the member for Whyalla concerns a matter that is important to him and to all the people living in Whyalla and in the Northern areas of South Australia. I am pleased to inform the honourable member that progress on the Morgan filtration plant is continuing satisfactorily on schedule. In his question the honourable member also referred to the comment made by the member for Chaffey that the Morgan-Whyalla pipeline would be ineffective without a filtration plant at Stockwell. That is not quite the case.

The Northern areas of the State are served by two major pipelines: one of course is the Morgan-Whyalla pipeline which supplies the towns of Whyalla, Port Pirie, Port Augusta, Jamestown and Kadina, etc., including also parts of Yorke Peninsula. The other main system is the Warren trunk main which provides water from the Warren reservoir to the towns in the Barossa Valley, Riverton, parts of Yorke Peninsula, and areas in between. In dry years the system is supplemented by water pumped from Swan Reach via the Swan Reach to Stockwell pipeline. I might point out that on average about 60 per cent of the water supplied to Yorke Peninsula is from the Morgan system.

In regard to the construction of the Stockwell filtration plant, Yorke Peninsula will be adequately protected against amoebic meningitis and the amoeba *naegleria fowleri* by the use of a disinfection process which has been under experimentation now for some time. The first trial was conducted on the Tailem Bend to Keith pipeline using a mixture of ammonia and chloride, which is called chloramination, and indeed chloramination has also been experimented with at Paskeville in the Yorke Peninsula area. The South Australian Health Commission believes that it is very effective in the control of *naegleria fowleri.*

The Hon. P.B. Arnold: What about carcinogenic testing?

The Hon. J.W. SLATER: It would be more appropriate if that question were asked independently rather than that matter being raised while I am answering the member for Whyalla's question.

The Hon. P.B. Arnold: You are not concerned about it?

The Hon. J.W. SLATER: Recent field trials have proved (and the Health Commission agrees) that the introduction of chloramination is very important for the control of bacteriological quality of the water supply to the Northern towns of Yorke Peninsula. As to what carcinogenic effects that may have, that would involve a decision and experiments by the South Australian Health Commission. I am assured that no carcinogenic effects have been proven in regard to the chloramination of the supply. For the benefit of the member for Chaffey, who suggests that the Morgan plant will be ineffective if we do not provide the Stockwell plant, I think I have shown that there are two different systems.

Indeed, I have asked the Department to review the situation in respect of the provision of the plant at Stockwell. I am asking that the important design work be undertaken as quickly as possible, and that budgeting for that work be carried out. I hope that I will be able to make a more positive statement in future in regard to implementation of the Stockwell water filtration plant. I assure the member for Whyalla that the Morgan filtration plant will effectively provide for him and residents of his district a potable water supply which will be bacteriologically safe and that chloramination will, in the meantime, provide for people who are not on that filter system an opportunity to have bacteriologically safe and quality water.

HACKNEY CAR PARK

The Hon. D.C. BROWN: Will the Minister of Transport scrap all plans that the Bannon Government has to build a four storey car park at the Hackney bus depot for STA employees? On the Phillip Satchell programme this morning on 5AN the Minister of Transport said that the Government had plans to build a multi storey car park at the Hackney bus depot for STA employees.

An honourable member: Unbelievable!

The Hon. D.C. BROWN: If the Premier can be silent, I will explain to him—

The SPEAKER: Order! I ask the Premier and the member for Torrens both to be silent.

The Hon. D.C. BROWN: On the Phillip Satchell programme, after the Minister said this, there was stunned silence as Phillip Satchell swallowed his tongue, I think. Since that statement was made this morning, the Minister's office has confirmed that the Government does have plans for a four storey above ground car park for STA employees at the Hackney bus depot. I understand that the Minister's office has given that information to a member of the press.

During the Estimates Committee on 27 September, the Minister for Environment and Planning also confirmed that a multi storey car park is an option for the Hackney bus depot. Three different sources have now confirmed that the Government has such plans. I ask the Minister, in view of the environmental impact that such a car park would have, to give an immediate undertaking that the Government will scrap all such plans.

The Hon. R.K. ABBOTT: The Government has no such plans to build a multi storey car park at the Hackney depot.

The Hon. D.C. Brown: Why did you say it on the air?

The Hon. R.K. ABBOTT: It was a telephone conversation with Phillip Satchell.

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: I have got the notes of the conversation that I had with Phillip Satchell. I said that the site was needed to process buses and to provide car parking because of complaints from surrounding residents around Botanic Park. Landscaping is being planned along Hackney Road to reduce the visual impact of the depot. The problem of the tropical conservatory remains but should not be solved by creating new and more extensive problems. A multi storey car park on the site would release more land, which could be available for the STA and the activities of the conservatory—

An honourable member: Is this a transcript?

The Hon. R.K. ABBOTT: The point that I was making was that the only way to get more ground space would be to build a multi storey car park, and the STA would hardly be justified in spending more money for that purpose. I am sure that the Adelaide City Council would object to any such proposal. So, there are no plans to build a multi storey car park. The State Transport Authority—

The Hon. D.C. Brown: You clearly indicated this morning that there was.

The Hon. R.K. ABBOTT: Well, you might have—

The SPEAKER: Order! I ask the member for Davenport to cease interjecting, and I ask the Minister to refer to the member by his district.

The Hon. R.K. ABBOTT: If I gave that impression, I did not mean to do so. There are no such plans and I think I made myself quite clear on that radio programme.

SCIENCE WEEK

Mrs APPLEBY: Can the Minister of Education indicate whether any figures or information will be sought from primary schools regarding the activities of Science Week, which concluded on 19 October? On my visiting the Darlington Primary School on 19 October for a school inspection of Science Week activities, the matter was raised about the obvious interest in activities pursued by the girls in their endeavours during Science Week. With increased awareness being directed at female students in secondary schools in this State in the science and maths areas, activities such as Science Week in primary schools may be providing a source of information gathering that will be useful in the curriculum development to improve participation and provide equality of opportunity to ensure that all students have access to resources and activities in these fields.

The Hon. LYNN ARNOLD: Regarding the information sought by the honourable member, I will obtain a report and provide a copy for her. I say that this has already been gathered by the South Australian Science Teachers Association (SASTA) and by the Education Department curriculum officers involved in the science arena in terms of helping them to determine the kinds of activities about which they can boast—very much along the lines mentioned by the honourable member in her explanation. I want to say that Science Week, which was a nationally co-ordinated activity, was a most exciting affair.

I launched South Australian Science Week on 15 October and read with great interest the programme of activities that had been laid out for the rest of the week. I hope that many honourable members had the opportunity to see some of the activities that were taking place. In saying that, I believe that members of the South Australian Science Teachers Association and indeed the Australian Science Teachers Association, of which they are members, deserve full credit for the way in which they pursued their profession and the extension of science teaching in methodological terms or indeed in curriculum terms. I believe that they are to a great degree overcoming some of the problems that we may have faced in the past such as inadequate participation by girls in science subjects.

One of the other things that has been very critical in terms of science teachers and their approach to the subject in recent years is the kind of change of approach that has occurred in the teaching of science subjects. Previously, I suppose that there was the approach, 'Watch me do the experiment while you, the students, just sit there and listen.' Now we have very much an approach, 'Do touch,' and we encourage students to participate in activities. Indeed, the things that were on display when I opened Science Week involved many such models and activities that students were encouraged to touch so that they could in fact learn more about science.

We are trying to encourage that kind of development in South Australia even further and, as a result of that, an agreement has been reached between the Education Department and the CSIRO for the establishment of the second CSIROTEC centre in Australia—there is only one to date in Victoria. That is now being developed at Woodville, and I think that it will open in March or April next year. The CSIROTEC centre is there for students to visit on excursions, to see science activities and to participate in them in order to have hands on experience. Indeed, we have made available to that one teacher salary to help provide support for that centre. We are very excited about that. It will give us the opportunity in South Australia to develop something very similar to the QUESTACON approach that exists in Canberra or indeed the other CSIROTEC that exists in Victoria.

The other point that I think is important to remember is that many ideas are being generated at the school base level, and that is precisely one point that was raised by the honourable member. Before the last election I put a policy that we should develop an ideas exchange mechanism to take advantage of those ideas of teachers and spread them as widely as possible throughout the education system so that others can get the benefit of the many brilliant insights by teachers throughout our education system. We are still working on that proposal to work out an effective and efficient way of spreading ideas throughout the education sector.

The honourable member mentioned her visit to the Darlington Primary School. I have visited a number of schools where I have seen interesting science activities, many of which have been student generated, taking place. It really does show a major resurgence in science teaching, and I hope that it reflects itself in participation by students, be they boys or girls, at all levels, be it primary or secondary.

GOLDEN GROVE HOUSING BLOCKS

The Hon. E.R. GOLDSWORTHY: Will the Premier advise how many blocks are to be made available in the initial release of land at Golden Grove for the Housing Trust and first home buyers? Will they be approximately 50 per cent smaller than blocks to be made available elsewhere?

The SPEAKER: Order! I rule the question out of order on the same grounds that I stated previously.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I therefore move:

That the Speaker's ruling be disagreed to.

The SPEAKER: Order! I ask the Deputy Leader to bring up the disagreement in writing.

Mr Olsen interjecting:

The SPEAKER: Order! I trust that the Leader of the Opposition is not directing that word at me. If he is, I will take appropriate action. The disagreement I have states:

I move disagreement to your ruling because it is not consistent with Standing Orders and is not supported by Erskine May.

The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: Any reasonable reading of Standing Orders and, indeed, Erskine May (which I have now had time to do, Mr Speaker, since your initial ruling) indicates the gross error which you, Mr Speaker, have made in your ruling. It was apparent to members on this side that the Premier signalled to you, Sir.

Members interjecting:

The SPEAKER: Order! I will vacate the Chair if this disorder goes on. I ask the Deputy Leader of the Opposition to withdraw any reflection on the Chair.

The Hon. E.R. GOLDSWORTHY: The reflection is on the Premier. It was quite clear that the Premier signalled to you, Sir, that in his view the question was out of order.

Members interjecting:

The SPEAKER: Order! I ask the Deputy Leader to withdraw any reflection upon the Chair.

The Hon. E.R. GOLDSWORTHY: I do not reflect on the Chair at all. I simply indicate to the House a fact that was observed, I suggest, by every member on this side—certainly those at this end of the Chamber—that the Premier signalled that he believed the question was out of order. Whether or not you, Mr Speaker, heard the signal is irrelevant. The fact is that the Premier was particularly sensitive about this question and he, if not you, Sir, wanted to have me gagged, because this question is of great sensitivity to the Government.

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: Far from the Opposition having run out of questions, we believe that it is an important matter, one of great public interest and, quite obviously, of great sensitivity to the Government when the Premier goes to such lengths. Standing Order 230, which is the relevant Standing Order and which was quoted by you, Sir, states:

No motion shall seek to anticipate debate upon any matter which appears upon the Notice Paper.

That, Sir, is the Standing Order on which you based your ruling. It clearly states 'no motion'. I did not seek to move any motion whatever—I simply asked a question. You then sought to rely on what I might call—without reflection, I hope—a most obscure interpretation of Erskine May, which I have now read.

I will indicate to the House what Erskine May says in entirety in referring to the question of anticipation, because it was on that very matter that you, Mr Speaker, based the whole of your unprecedented ruling that my question was out of order. The heading is 'Motions'—not a word about questions—'and the rule of anticipation'. It goes on to talk on this ruling of Erskine May arising in the context of an attempt in the House of Commons in 1904 to move a motion which bore on the same topic as a Bill already before the House. It is in that context that Erskine May discusses the question of anticipation.

Mr Olsen: A question is not a motion.

The Hon. E.R. GOLDSWORTHY: Of course a question is quite clearly not a motion. On the subject of validity of anticipation Erskine May states:

Stated generally, the rule against anticipation (which applies to other proceedings as well as motions)—

that would possibly let the interpretation in—

is that a matter must not be anticipated if it is contained in a more effective form—

this is where we get into the area of subjective judgment—

of proceeding than the proceeding by which it is sought to be anticipated—

in this case by question, Mr Speaker. Your ruling indicates that, in your judgment, a more effective form of raising this matter of great sensitivity to the Government is during the course of debate rather than in Question Time before the whole House when the full Ministry is here and, indeed, when public attention is focused on the activities of the Government. You make the subjective judgment, Sir, that the interminable debates that often go on into the dead hours of the night are a more effective forum in which to raise this important matter. It does not stop there. Erskine May continues:

but it may be anticipated if it is contained in an equally or less effective form.

It is your subjective judgment, Sir, convenient to the Premier, in view of his request that it be ruled out, which no doubt you did not hear in view of your protestations. Nonetheless, despite the Premier's sensitivity, the Premier is suggesting that would be a more effective way to raise it in debate than in Question Time. How absurd! That is the view you have adopted, Sir. Erskine May continues:

A Bill or other order of the day is more effective than a motion; a substantive motion more effective than a motion for the adjournment of the House or an amendment, and a motion of the adjournment is more effective than a supplementary question.

In no other sentence or statement there is 'question' even mentioned. Erskine May continues and talks about the ways in which a question in a Bill before the House can be anticipated, and says that it can be anticipated if it is a matter before a Select Committee.

The Hon. B.C. Eastick: But it's not.

The Hon. E.R. GOLDSWORTHY: It will be before a Select Committee later today. Erskine May states:

. . . the Speaker must have regard to the probability of the matter anticipated being brought before the House within a reasonable time. The reference of a matter to a Select Committee does not prevent the consideration of the same matter by the House.

If you read in its entirety, Mr Speaker, that part in Erskine May, upon which you relied heavily for your ruling—certainly the Standing Order is quite clear: the normal day-to-day procedures of this House are based on this little green book which is quoted *ad nauseam* on occasions. Standing Orders are the guidelines by which this House is controlled. If there is some doubt about this green book, we go to this massive tome and we delve back into history (in this case to 1904) to find some obscure ruling in relation to a member of the House of Commons who sought to raise a motion in relation to a Bill before the House.

In that case it was ruled (and this is a similar situation to that anticipated, I would suggest, by our Standing Orders) that it was not relevant. How on earth, Sir, you can adjudge that the most effective way for the Opposition to raise this matter is during the debate on a Bill, I fail to recognise. That is a completely subjective judgment and one which I would say is plainly erroneous. The most effective way of raising matters in this House, to put the Government on the spot (which led to the Premier's reaction), is obviously during Question Time, not during debate at 10 or 12 o'clock at night. What an absurd suggestion for anyone to make!

Moreover, Erskine May, in this convoluted explanation on which you rely so heavily, Mr Speaker, does not mention 'question'; 'question' is mentioned only once, and then it refers to a supplementary question after an initial question has been asked—in the relevance of that. The rest of that interpretation in Erskine May relies on a motion or a Bill. The Opposition does not seek to do that. I would think that in a situation like this, where there is some considerable doubt (in fact, that is putting the kindest possible gloss on

it; I do not believe that there is any doubt in any reasonable reading of Erskine May or the Standing Orders that the question is permissible), it is not the role of the Speaker to protect the Government.

Maybe you did not hear the Premier's request that it be ruled out, but the balance of judgment in a place such as this which ought to be on scrupulous fairness if there is any doubt (and I do not believe there is) should be in favour of admitting the question. What damage is done? What is the end result? The end result, whether intended or not, is to gag the Opposition in this forum. Maybe it is not intended—if I say it is intended, I am out of order because I am reflecting on the Chair—but the end result is clearly to gag the Opposition at the most effective time for raising questions. I think your interpretation, Sir, to use a word I have used once or twice before is plainly absurd. I do not mean that to be a reflection on the Chair: that is a judgment. It is an absurd interpretation of Standing Orders to suggest that it is a more effective forum in which to raise this matter later tonight during a Bill which will go to a Select Committee (and that does not rule it out anyway)—

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

The Hon. J.C. BANNON (Premier and Treasurer): It is interesting to note that the honourable member, having interrupted Question Time—and I can assure all members that the Government has absolutely no fear of any of the pathetic questions that would be put to us, but we do recognise the difficulty—

Members interjection:

The SPEAKER: Order! The honourable Premier.

The Hon. J.C. BANNON: We are quite happy to deal with anything. We understand the problems—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: We understand the problems the Opposition is having in this area, and I am pleased to see the Deputy Leader springing to the defence of his colleagues to try to prevent their further exposure, on the pathetic contribution they are making. I notice also that he ensured that he spoke for the absolute maximum time, despite tedious repetition, which is also against Standing Orders. I thought you were very indulgent, Mr Speaker, and despite convoluted and totally inadequate reasons and despite displaying the small amount of knowledge the honourable member has gained in the time he has been in this place, he floundered around for 10 minutes or so in a quite pathetic manner in order to make absolutely sure that they were not going to try to drum up another pathetic question.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: You, Sir, made a ruling which I would have thought was totally well understood by every member of this House. I would have thought also that it is well known that, in order to interpret the Standing Orders of this House as contained in the green book referred to by the Deputy Leader of the Opposition, recourse is had to Erskine May. That is the way in which these matters are traditionally resolved, and every Speaker has done so. That is, in fact, the only way in which one can do it, and yet the Deputy Leader throws that authority out. He said, 'You can't use this.' He quoted it selectively, but he also said that we really should not have recourse to it.

Members interjecting:

The SPEAKER: Order! The honourable Premier.

The Hon. J.C. BANNON: In the interests of having it on the record, I would like to put the position very clearly and point out that there is no attempt, either intended or considered, to gag the Opposition. We are happy to answer any of those questions, but for very good reasons there is a rule under Standing Orders—

The Hon. Michael Wilson: Do you deny that you signalled to the Speaker?

Members interjecting:

The SPEAKER: Order! The honourable Premier.

The Hon. J.C. BANNON: There is good reason for the rule of anticipation and the rule of repetition, and I would submit that both are involved in this case. The reason quite clearly is that it becomes totally—

The Hon. E.R. Goldsworthy: Look at Erskine May.

The Hon. J.C. BANNON I will in a second.

Mr Lewis interjecting:

The Hon. J.C. BANNON: I would suggest that the member for Mallee pay attention to this, because as a back-bencher his rights are better protected if these Standing Orders are interpreted in the way I am suggesting. I will explain why: the rule of anticipation and the rule against repetition are there in order to ensure that the House is not dealing with matters at more than one time and in more than one context, for very good reason: that that repetition simply means that debates go over and over the same ground and waste the time of the House.

The subject matter about which the honourable member asked his question will be dealt with very thoroughly and very adequately in the course of a debate on a Bill which is currently before the House. Where that is the situation, the Standing Orders and the interpretation of the Standing Orders make quite clear that that is the only appropriate place in which it can be dealt with. That is the rule, and if that rule did not exist the House could be totally bogged down and not able to do its business. I refer to two Standing Orders: first, Standing Order 230 quoted by you, Mr Speaker, in making your ruling, and it states:

> No motion shall seek to anticipate debate upon any matter which appears upon the Notice Paper.

Mr Olsen interjecting:

The Hon. J.C. BANNON: I suggest to the Leader of the Opposition that he refer to the relevant section in Erskine May which states:

> Stated generally, the rule against anticipation (which applies to other proceedings as well as motions) is that a matter must not be anticipated . . .

The word 'motions' is regarded as all embracing in this context.

Mr Olsen: You won't read all of it.

The Hon. J.C. BANNON: This person is absolutely pathetic. I suggest that he do a course in elemental principles of logic. I know that it may well be difficult for him to go beyond that. However, I am suggesting that if he addresses himself to this question he look at the logic and stop his pathetic silly interjections. It really is pathetic to hear a Leader of the Opposition behave in this way—absolutely pathetic. We are used to it from his colleague; we know he enjoys the hurly burly and the rough and tumble, but for the Leader to demean himself in this way is pathetic.

Erskine May makes clear that this applies to all matters. It is made quite clear in Standing order 230 that, unless certain things apply, the matter cannot be raised. One of those which was skated over very rapidly by the honourable member in reading Erskine May was the following sentence (he suddenly realised that he had made a mistake; he did not want to put that one before us, so he gabbled it out quickly and went on to the next sentence):

> . . . the Speaker must have regard to the probability of the matter anticipated being brought before the House within a reasonable time.

The matter was introduced yesterday and will be debated today. It is on the Notice Paper, so those questions can be dealt with today. The Deputy Leader then went on to say

that the reference of the matter to a Select Committee does not stop the House considering the same matter. What that is dealing with is a Select Committee that has had a matter referred to it but is unable to sit for some time because the Parliament is in session.

The Hon. E.R. Goldsworthy: How do you know that? It doesn't say that.

The SPEAKER: Order!

The Hon. J.C. BANNON: Because it refers to the House dealing with the matter within a reasonable time. Even aside from that, the fact is that the matter is not before a Select Committee so what is the relevance of that statement? Explain the relevance of it being before a Select Committee when it is not! The matter will be dealt with tonight. Let me go on and refer to Standing Order—

Mr Lewis interjecting:

The Hon. J.C. BANNON: Get out your little green book and have a look. Standing Order 147 states:

No member shall allude to any debate of the same session, upon a question or Bill not being then under discussion, except by the indulgence of the House for personal explanations.

The rule about repetition and dealing with the matter is also covered.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: The debate is in progress; it has simply been adjourned. The second reading explanation has been given, the matter has been adjourned, and the debate is in progress before this House, so that Standing Order applies, too. I thank the Deputy Leader at least for acknowledging by his sullen silence that that point is valid. I have used up enough time for Question Time to be concluded. No doubt the Opposition is very grateful for that. Mr Speaker, your ruling is quite appropriate. We look forward to answering each and every one of the Opposition's questions in the course of the debate.

Members interjecting:

The SPEAKER: Order! I stand by my ruling, and I believe that the Deputy Leader misinterpreted Erskine May in the passages that he read. The reference is clear, and any reasonable reading of it will confirm my ruling. It is also wrong to say that there is no precedent. There are precedents, and honourable members may care to look at *Hansard* at page 3655 of the 1970-71 session and pages 1443 and 1590 of the 1979-80 session.

Members interjecting:

The SPEAKER: Order!

The House divided on the motion:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

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

Majority of 1 for the Noes.

Motion thus negatived.

The SPEAKER: Order! Upon honourable members resuming their places I would like to say one thing: although I took no action at the time I was extremely offended, and remain offended, at the suggestions made by persons on the front benches on my left that I was involved in being influenced by the speaker or indeed by any Minister. I am outraged by that. That is not the case and never has been.

Mr LEWIS: Mr Speaker, I seek clarification of a statement that you made to the House during the course of Question Time about the orderliness or otherwise of a member quoting a letter, allegedly written by himself to someone else as an explanation of a question asked by that member. I understood you to say, Sir, that you would use the same discretion as that which you exercised with the member for Henley Beach when you told him to be careful (or some such similar words) in doing so, even though the context in which you made the remarks tended to indicate to me that you would do so more firmly in future. I do not understand what that would mean. I would like you to clarify two aspects of that situation for my benefit: first, whether it is permissible for members to read letters that they have written themselves as an explanation to a question and, secondly, if that is not to be so, how that squares with your ruling to the contrary earlier today.

The SPEAKER: Yes, I can comment on both those matters. First, it has been a practice of Speakers over the time that I have been here to allow generous explanations. Whether members have been quoting from letters from their constituents or letters that they have written to Ministers has made little difference. The point that I made is that members can cut off their nose to spite their face by calling 'Question'. The point that I was making is that if one takes everything to the letter of the law there will be no business transacted, and certainly the atmosphere will be extremely unpleasant. Call on the business of the day.

Mr LEWIS: As a further point of clarification—

Members interjecting:

The SPEAKER: Order! The honourable member for Mallee.

Mr LEWIS: I do not understand your direction or explanation, Sir, if either of those things it was wherein you said that a member can cut off his nose to spite his face by calling. 'Question'. I do not know whether or not that is a reflection on my action—and I take exception to it if it is—and I want to know how that squares with my request to you about whether or not it is permissible for a member to read a letter that allegedly he has written himself.

The SPEAKER: All I can say is that it is dependent upon the circumstances, and I would ask the honourable member to see me privately and we can discuss the matter.

The SPEAKER: Call on the business of the day.

SALE OF STATE SCHOOLS

Mr GROOM (Hartley): I move:

That this House views as absurd and unworkable a Liberal Party proposal to sell State schools to the private sector.

The statement that was publicised in the *News* several weeks ago, on 17 and 18 October, set out the Liberal Party's then proposed policy in regard to the sale of State schools to the private sector. The policy statement and the subsequent variation of it made clear that the Liberal Party was not dealing with a situation involving some building, school or equipment surplus to Government requirements, or indeed a situation where, say, a new primary school was being built, with an old primary school being no longer needed and being turned over for a community centre. The Liberal Party proposal was dealing with the wholesale transfer of State schools to the private sector, or the privatisation of them.

Mr Mayes: They would have to sell the schools to go with the loss of teachers.

Mr GROOM: That may well be their aim: I am indebted to the member for Unley for his perception. I quote the article that appeared in the *News* of 17 October because I do not want to be accused of misinterpreting Liberal Party policy.

The Hon. Michael Wilson interjecting:

Mr GROOM: The honourable member will get his opportunity to contribute and he will be able to outline how the Liberal Party will implement this proposal for the sale of State schools. Under the heading 'Schools "for sale" under Liberals', the article states:

> Canberra: The sale of State schools to the private sector would be promoted as part of a move toward privatisation under a Coalition Government.

Of course, in fairness, this was in the context of the sale of other public instrumentalities, such as TAA (and we can quite readily foresee the community's response to the selling of TAA), the Commonwealth Bank (an institution that has served Australia well since the bank's foundation in the 1920s), parts of Telecom (and undoubtedly that would be the profitable parts, with the unprofitable parts being left to the public sector), Medibank Private, the Australian Industries Development Corporation, and Housing Loans Insurance Corporation, which according to the article, 'would also be offered for sale in the interests of "consumer benefits" '. But part of that privatisation of public sector activity concerns the sale of State schools.

The Coalition's forward planning group, which was established after the Liberal Party's committee of review into the 1983 defeat, identified as a key issue the incapacity of the Coalition in office to act on stated philosophy. So, its underlying philosophy obviously in this area is the privatisation of State public schools. The article went on to state:

> One of the recommendations is to consider 'various means' including sale or transfer to the private sector, 'for example, education can be progressively privatised by assisting parents to make their own choice' . . . Questioned, Mr Connolly said it would essentially be up to States to determine which schools could be sold off.

So, the Liberal Party's advertised policy in the *News* of 17 October was that it would promote the sale of State schools to the private sector as part of the needs of its underlying philosophy and as part of the privatisation of other Government instrumentalities, and at that point of time one of the component parts of its policy would be that essentially it would be up to the States to determine which schools would be sold off, but the Federal Government would actively promote this policy direction. Quite clearly any reasonable minded person in the community would consider that to be an absolutely absurd policy utterance—absurd and unworkable. So, there was a slight variation of that policy the next day. Undoubtedly, immediately they were the recipients of a clear message of rejection from community groups.

People connected with a number of primary schools—parents and teachers in my district—contacted me to ascertain whether it was really true that this was to be part of the Liberal Party policy. I have no doubt that honourable members opposite were recipients of suggestions that this policy was absurd.

Mr Mathwin interjecting:

Mr GROOM: The member for Glenelg can interrupt. Wait until auction signs go up in front of schools in his district! Let us see how he reacts then when, under a Liberal Government, an auction sign goes up in front of one of the schools in his district. Perhaps then he might want to interject. If the honourable member opposes that policy direction, he wants to tell his Canberra colleagues about it because quite clearly it would be rejected by the community.

Mr Mathwin interjecting:

Mr GROOM: The honourable member wants to have more input then in the policy making decisions of his Federal colleagues, because that becomes his policy. We had a retraction, but only a slight one. The *News* of 18 October states:

> School sale plan rejected.

The article began in this way:

> The Federal Opposition has moved to distance itself from a radical plan to sell State schools to the private sector—

and no wonder, because the Opposition started to get the message from the community—

> The plan was part of the Coalition's forward planning group proposal to 'privatise' public instrumentalities.

But the key note again appears at the end of the article:

> Senator Baume said if there were big demographic movements in particular areas, State Governments may wish to sell schools. But those decisions would be entirely in the hands of the States.

So, in the final analysis we have really got the same thing that was uttered on the previous day.

The Hon. Michael Wilson: Nonsense!

Mr GROOM: I hope that the honourable member gets up and says that that is a nonsense policy. I hope I hear that from the honourable member, and I hope that this House accepts this motion so that the sorts of policy utterances that come from honourable members opposite will be buried. The approval is still there in the article in the *News* the next day: it would be up to the schools. In other words, they would actively promote State Governments to sell off State schools to the private sector.

The fact of the matter is that this is their policy even to allow what really is the unthinkable in terms of community efforts with regard to schools over a long period; it is an absurd and unworkable policy. Many State schools have voluntary organisations: parents and friends associations; pupils who raise money for the school; and there are working bees on Saturdays, weekends and during the week to improve facilities at the school. All these activities would be turned over to the private sector if honourable members had their way. I can imagine the reaction from the local community.

Mr Gunn: You're talking absolute nonsense.

Mr GROOM: I hope that the honourable member gets up and says that this policy is nonsense. I hope I hear that from the member for Eyre, because the whole purpose of this motion is to drive home the fact that this policy is absurd, unworkable and should not get off the ground. Honourable members should start distancing themselves from their Federal colleagues over this matter, because I do not doubt for one moment that honourable members opposite are deeply embarrassed by this proposal that came from Canberra. In schools, as a matter of general observation, the community, through voluntary efforts and many hours of hard work over many years (in many cases over many decades, 100 years or more) have contributed to the well-being and facilities of particular primary schools, and to suggest that all this volunteer effort should go down the drain and be turned over to the private sector is clearly absurd.

However, I have selected figures from a typical primary school in my district. Let us look at the running costs of such a primary school. The proposal that emanated from the Canberra colleagues of honourable members opposite is so absurd that I can hardly see private enterprise wanting to purchase schools running at significant losses. It would hardly be a profitable venture. Look at an average primary school in my district with a combined enrolment (with the junior primary school) of some 433 students. In round figures, salaries for teaching are roughly $430 000; non-teaching salaries are about $80 000; something like $10 000 is raised by way of school support; Government assisted students cost something like $2 370; and transport of handicapped children is another $1 200.

Then one has contingencies each year such as disposal of waste, which is about $1 000; fuel and electricity is just over $3 000; power and gas is nearly $2 000; water rates, and so on, cost nearly $4 000; and telephone rental and calls cost about $1 200. The total cost is about $540 000 (in round

figures). So, with the number of students at 433, the cost per student (without rounding off the figures) for this school comes to $1 237.

I know that the school would be the recipient of Commonwealth and State Government grants, which would roughly be about $400 per student from the Commonwealth and roughly an equal amount from the State, leaving a deficit on cost per student of $400. Of course, it is the public that would contribute towards maintenance of those students by way of State and Federal grants, in any event. More than that, of course, to transfer lock, stock and barrel a State primary school to the private sector would mean purchase of buildings, grounds, the oval and all the equipment that goes with it, and so one is looking at an astronomical cost. Of course, the school fees required would also be astronomical. In other words, one just could not do it.

I moved this motion because I was quite horrified when I read the *News* article and what appears on the surface to be a retraction, but when one really reads it it still comes down to the fact that those decisions would be entirely in the hands of the State. However, because it is part of their privatisation of the public sector it is still actively encouraged and promoted by the Canberra colleagues of honourable members opposite. It is absurd and completely unworkable, but it is linked to the philosophical basis of the Party that honourable members opposite represent. In moving this motion I believe that the community should be alerted to proposals such as these so that the Liberal Party quite clearly gets the message that its members will meet significant community resistance if they ever seek to embark upon this course.

I doubt that they will: I think that there are some sensible people on the Opposition benches, and I have no doubt that one or two of them have had very strong words to say to their Federal colleagues. They want to get not just these hollow utterances, but a complete reversal and denial that this is contemplated in any way—not that it will be left up to the States, because if one has a Federal Liberal Government and a State Liberal Government they will implement their philosophy and policy. However, I hope that we hear from honourable members opposite that they do not intend to sell off State schools to the private sector in the way suggested. I hope that they tell this House that they reject that philosophical position out of hand and that they will continue to ensure that State schools are properly looked after.

The Hon. MICHAEL WILSON (Torrens): Well, what a performance we have had from one of the Labor Ministerial hopefuls. I might say that the honourable member had some credibility on this side until the speech he has just made. The member for Hartley said he hoped I would not misrepresent him in this House and that I would not accuse him of misrepresentation. I tell the honourable member that I do not accuse him of misrepresentation; I accuse him of hyprocrisy, because he knows very well that there is no substance in the motion that he has brought before this House. He knew that before he put it on the Notice Paper.

If the honourable member had put this motion on the day after that article appeared in the paper, then I would have forgiven him for at least putting it on the Notice Paper. But he knows it has been retracted. He knows it was a beat-up and that it has been denied by the Liberal Party. It is absolute hypocrisy for him to put this motion on the Notice Paper today, because he knows that there is absolutely no substance in the matter. Really, I would have thought that the member for Hartley was above talking in emotional terms about auction signs on schools. Goodness me! I think the honourable member has taken up the Churchillian method—auction signs on schools! He is trying to create alarm and despondency. What nonsense! What an act of hypocrisy from the member for Hartley! If the honourable member had not smiled so much through his speech he would have given members on this side at least an opportunity to try to believe that he was serious. It was completely facetious, and the member for Hartley knows that because he knew before he moved this motion that there was no truth whatever in it. I will not take up the time of the House very much longer, but I will say this: the member for Hartley—

Mr Groom: Tell us what your policy is.

The Hon. MICHAEL WILSON: I will tell the member for Hartley that the original article that was printed in an interstate newspaper was a beat-up, and the member for Hartley knows it. He then read to the House the words of the Federal shadow Minister, Senator Baume, who denied that there was any likelihood of that policy being implemented by the Liberal Party. Quite correctly he said two things. First, he said that it was a State matter and, secondly, he said that that does not mean that schools would not be sold off because of demographic trends.

Let us just look at those two things. He said that it was a State matter. The member for Hartley might realise that education in this country is still under the control of the States. Certainly, the Federal Government has a big intervention in the way of funding through direct funding, tied funding and by way of general revenue—general grants to the States.

However, the member for Hartley knows full well that education is a State matter and that only a State Government can make a decision to sell off Government schools as an active policy of privatisation. The member for Hartley is well aware of that, and I can tell the honourable member that there is no likelihood of that happening because, first, the original situation was a beat-up and, secondly, because no Liberal Party in this country would use the method of selling off Government schools for privatisation.

Mr Groom: Are you supporting the motion?

The Hon. MICHAEL WILSON: I will not support the motion: it is absolutely ridiculous, because it is hypocritical, and the member for Hartley knows it. Let us consider the situation of selling off Education Department property because of demographic trends, to which the member for Hartley referred. Let me mention to the House some schools that have been sold off in this State by a Labor Government and not opposed by this Party because, of course, when demographic trends occur adjustments have to be made.

My colleague the member for Light reminds me that the following schools have been sold in what was previously his electorate: Daveyston Primary School, Waterloo Primary School, Gawler River Primary School, Marabel Primary School, and Kangaroo Flat Primary School: and, of course, the Education Department now intends to sell Gawler East Primary School to the Lutheran Church after certain adjustments have been made in that town. I am not criticising the decision. I am suggesting to the Minister (and the Minister is an intelligent person) that, now that he has come into the House, he might like to talk to his colleague from Hartley and explain to him the ridiculous manner of the member for Hartley's ways.

Mr Groom: What is your policy? Tell us what your policy is.

Mr Mayes: What about Telecom? Do you want to sell everything off?

The Hon. MICHAEL WILSON: I am being troubled by the parrots in the back-bench of the Labor Party. Members opposite obviously know (and they know very well) and they knew before this motion was moved that there was no likelihood of Government schools being sold off to the private sector by any Liberal Government—by any Gov-

ernment, for that matter. So, why do they keep parroting, 'What is the policy? What is the policy?' They know what the policy is.

Mr Groom: Why didn't you say that?

The Hon. MICHAEL WILSON: There is no need for a policy, and the member for Hartley should be ashamed of himself for the facetious way in which he has gone about this and the hypocritical manner in which he has moved this motion. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PETERBOROUGH STEAMTOWN

Mr GUNN (Eyre): I move:

That a Select Committee be established to inquire into the affairs of Peterborough Steamtown Incorporated with a view to making recommendations to resolve the current dispute and to investigate—

(a) the sale of certain assets;
(b) the expulsion of members;
(c) the refusal to admit new members;
(d) the spending of State Government grants; and
(e) any other matter that the committee considers appropriate.

I have brought this matter to the attention of the House because I am very anxious to see this unfortunate dispute resolved in an effective manner. This dispute has arisen, unfortunately, and courses of action have been taken which have caused great concern to the corporation of Peterborough and to many residents of the town who are concerned to see that Peterborough Steamtown continues to operate in Peterborough and that the assets which have been acquired by that organisation are used in a manner in which those who originally formed the organisation believed they would be used. Let me say from the outset that many people have done a great deal of hard work and given a great deal of their time and effort to bring Peterborough Steamtown to the stage that it is at today, and it is unfortunate that this dispute has arisen and that certain personalities have been involved in a conflict.

I do not want in any way to go into matters that will unduly pillage or reflect on individuals, as that is not the purpose of this motion: its purpose is to ensure that an effective and long-term solution is found to this unfortunate situation. The House will be concerned when I read into *Hansard* a number of documents that I have in my possession. It is unfortunate that I have had to bring this matter to the attention of the House because, as I said earlier, a great deal of hard work has been done on behalf of the society by a number of people who are currently embroiled in this unfortunate dispute.

I know that the Peterborough Corporation will do anything reasonable to resolve the dispute. I understand that the Clerk, in the course of action that he has taken, has received support from a large number of people throughout the whole State, and they have not set out to be provocative or to take courses of action that would cause this dispute to widen. However, the situation was brought to a head by the decision of the Council of Peterborough Steamtown to sell the majority of assets of that organisation for $500. Conservative estimates put the value of those assets at some $250 000, and some of them are irreplaceable. I refer to an article that appeared in the *Review Times* of Thursday 25 October headed 'Residents up in arms about shock Steamtown sale'. It states:

The residents of Peterborough are dumbfounded at the sale of most of the Steamtown Railway Preservation Society's assets. It was reported at Saturday night's annual meeting of the society in Adelaide that it had sold most of its vast collection of locomotives and rolling stock for $500. However, that collection has an estimated value of more than $250 000.

Those on the Steamtown council, who should know the reason behind the sale, will not comment. Society members willing to comment don't know why the society council would sell and are dumbfounded. The society's assets have been reportedly sold to Mrs Norma Mehlis of Peterborough, mother-in-law of former Society Secretary.

It further states:

Some of the equipment which has been sold includes three locomotives bought from Western Australia in 1977 using a Government grant of $20 200. 'I'm stunned by the action they have taken. For the council to take that action without getting back to its members is not on.' Asked why he thought the council would sell its stock, Mr Rucioch replied, 'That's the interesting thing. You just don't know whether they fear that Peterborough is trying to regain Steamtown. They want to remain as a private heritage collection, but the people of Peterborough should be given the chance to support it,' Mr Rucioch said.

Mr Dunstan [the Clerk] and Mr Rucioch believe there should be a neutral body, a mediator to settle the dispute.

I wish also to quote from a document that the auditor of that organisation sent to me. This letter, signed by B.J. Whittenbury, Auditor, states:

To the General Membership of Steamtown Peterborough Railway Preservation Society Inc.:

It has been suggested by Mr Perrin that the sole reason for my refusal to audit the Society's books was that my application for membership had been deferred. Although I admit that I was not pleased about that matter, it really had little to do with the refusal to act as auditor.

An auditor has a responsibility to all members of a society, not just the committee, and it is his responsibility to thoroughly check all aspects of the body concerned. Mr Perrin refused to supply me with documents essential to the audit, namely, the minute book and correspondence file. This, together with the fact that the receipts for income had mainly been made out to Mr Perrin and not to individuals, caused me to take the action mentioned.

I do not suggest that there has been any illegality in the running of Steamtown, but state only that the auditor is legally responsible to the members and can be sued by the members if he wrongfully or negligently signs an audit certificate. I was therefore not prepared to sign such a certificate without sighting all relevant information.

That statement itself gave me some concern. I now refer to the minutes of the council meeting of 6 October which, under the heading 'Correspondence', state:

Mrs N.M. Mehlis:
Offering to buy all or any assets of the Society.
It was resolved that Mrs Mehlis' letter be held over for discussion during general business.

It further states:

Applications for Membership:
Moved R. Gower, seconded M. Johns, that the following 30 membership applications be accepted and that all other applications for membership of the society be rejected.

I understand that all those 30 members except one—Mrs N.M. Mehlis—were from Adelaide. The minutes continue:

Letter from Mrs N.M. Mehlis:
Moved K. Lewis, seconded M. Johns, that the council of this society recognises the current situation, whereby the expressed wishes of the majority of members are being constantly thwarted by factors beyond council's control. Accordingly, the Chairman is respectfully requested to conduct a secret ballot to decide the following motion: that, in accordance with clause 2 *(k)* of the Constitution, the council votes to sell to Mrs N.M. Mehlis the following society assets as defined hereunder.

I refer to some of the assets involved: locomotives PMR 720, W901, W907, Z1151; a significant number of passenger carriages; van 16 (a kitchen car); freight and rollingstock; three brakevans; a Massey Fergusson front end loader and back hoe (donated by the Rotary Club of Peterborough); a mobile compressor; a fire trolley; all spare parts with the exception of 'T' class locomotive boiler tubes; all switchstand marker lamps, lenses, etc.; all brake blocks; all spare bogies; all locomotive drawings and patterns, etc.; all tools and other equipment owned by the society; all locomotive water columns; all timbers, jacks, etc.; boiler testing hydro pump; all radio handsets; all refrigerators and ovens; narrow gauge loading/unloading ramp; all ladders, trestles, etc.; and three

railway emblems from former CR, SAR and TGR systems, including showcase. The minutes continue:

All items to be sold on an 'as is where is' basis, and the total purchase price of the above assets to be five hundred dollars ($500).

Moved S. Aikins, seconded L. Perrin, that the President and Secretary of the society be empowered to affix the common seal of the society to the deed of sale of the items listed in the preceding motion, to attest to the irrevocable validity of the sale.

That motion was carried. It then lists a few items to unfortunately remain, and further states:

Storage of Sold Assets:

Moved S. Perrin, seconded R. Gower, that Mrs N.M. Mehlis be offered storage rights of any society assets which she may purchase. Insurance for the stored assets to be covered by the society's existing policies and storage rights to be granted for a maximum period of two (2) years upon receipt of a nominal storage fee of $5. Mrs Mehlis to be advised that she will be given free access to the stored items, and access will also be given to persons nominated by Mrs Mehlis for the purpose of restoration, maintenance, etc. Mrs Mehlis is free to remove—

and this is of grave concern—

any of the stored items at any time and the common seal of the society is to be affixed to the memorandum of agreement which shall be prepared to cover the lease agreement. This decision to be irreversible by the society, unless agreed to in writing by both parties.

That is a quite amazing motion. It goes on to talk about charges against the Clerk, Mr Dunstan. I wish to quote other documents. These people cannot say that they did not receive fair warning of what might take place, because on 9 October the Minister of Tourism, Mr Keneally, wrote to the society, stating:

I have written to the Secretary, Steamtown Peterborough, expressing my concern and have also forwarded him a copy of this letter. Other than this, I am reluctant to see either myself or my Department intervening in what is essentially a local issue. I seek the co-operation of both the municipality of Peterborough and Steamtown Peterborough in resolving your differences and working together in the best interests of the society.

Earlier in the letter the Minister stated:

As your letter to Steamtown Peterborough correctly states, the State Government's subsidy of $60 000 for the erection of depot and workshop facilities was provided subject to the corporation and the society agreeing to meet certain conditions.

I support your view that the conditions should be regarded as binding to all parties until such time as the corporation, the society and the State Government agree to changes. Accordingly, I am most concerned about the society's recent actions which have made it impossible for the corporation to meet the condition that it be represented on the society's management executive.

I wish to read one or two letters which members of the society have received. I have not received such letters; I must say they are quite novel. A Mr Toop received a letter, which states:

Further to my letter to you of 24 August 1984, I am directed to advise that you have been charged with misconduct in accordance with clause 8 (1) of the Constitution, the charge being as follows:

That Mr D.J. Toop has, as a Steamtown Councillor, made false and misleading media statements which were not authorised by this council and which are clearly against the expressed wishes and interests of the council and members of this society.

Accordingly, you are invited to attend the next meeting of the Steamtown Council to give an explanation of the allegations against you, in accordance with clause 8 (2) of the Constitution.

He then received the following letter, which states in part:

You are advised that the council has found you guilty as charged. Accordingly, you have been expelled as a member . . .

He wrote and appealed. A Mr Flavel received this letter:

You are advised that the council has found you guilty as charged. Accordingly, you have been expelled as a member of this society, effective as from, and including 7 October 1984.

Another Mr Toop was expelled and received a letter to that effect. A Mr Yates received a letter which stated:

Your recent application for membership of this society was tabled at our August council meeting. I am directed to advise that your application for membership has been rejected on the grounds that it is felt by council that to accept your application would not be in the best interests of the society and its members. As your remittance formed part of a bank cheque which was forwarded to the society by Mr R.W. Hams, would you kindly contact that person to receive your money.

I understand that his son had his Steamtown life membership taken from him by the council. This i an amazing set of circumstances. Mr Hams, who is a councillor of the Corporation of Peterborough, received a letter which stated:

That Mr Hams attempted to influence the Victor Harbor Tourist Railway Committee in reaching a decision regarding the future use of the Victor Harbor railway line, and in so doing, acted against the interests and wishes of the Steamtown Council and the members of this society.

He has been expelled. He is not pleased about that and he has appealed against that decision. Mr Carter, a resident, was informed that his application for membership had been turned down. I understand that a further 38 applications were lodged and applicants received similar letters.

The Hon. Jennifer Adamson: Does the Constitution give them the right to do that?

Mr GUNN: I am not sure. Mr Pelton, a councillor, was advised as follows:

I am directed to advise that your application for membership has been rejected on the grounds that it is felt by council that to accept your application would not be in the best interests of the Society and its members.

Listen to this one! Mr Rucioch, the Mayor, received this letter:

Your recent application for membership of this society was tabled at our August council meeting. I am directed to advise that your application for membership has been rejected on the grounds that it is felt by council that to accept your application would not be in the best interests of the Society and its members.

He has been elected Mayor three or four times. Mr Dunstan has received considerable correspondence; I understand that he has been charged and could be expelled.

On 6 February 1980, the member for Coles then Minister of Tourism, wrote to the society as follows:

Further to your application on behalf of the above society for a tourism subsidy towards the cost of developing a depot and workshop complex at Peterborough, I am pleased to advise that I have approved a subsidy of an amount not exceeding $60 000 for this work. The availability of this subsidy, however, is conditional on the following—

(1) That the corporation takes over the lease of the subject land from the society;
(2) That the corporation guarantee an acceptable long term loan of $20 000 to the society;
(3) That the corporation is represented on the society's management executive.

I would be grateful if you could formally advise the Director, Department of Tourism, that the above conditions are acceptable.

Mr Evans: Did that lady get honorary membership?

Mr GUNN: I do not think she did. I have a number of other documents in relation to this unfortunate situation. An article in the *Review Times* on 26 July 1984 stated:

The Corporation of Peterborough was bowing to blackmail tactics supplied by unions over the Steamtown railway affair, it was claimed this week. Secretary of the Steamtown Peterborough, Mr Simon Perrin believed the corporation should have intervened these blackmail tactics. Mr Perrin has said the corporation has adopted a 'disgusting attitude' and should 'put its own affairs in order before it meddles in the business of the society'.

Mr Perrin said Steamtown was being subjected to blackmail tactics by the Australian Federated Union of Locomotive Enginemen. 'For a supposedly concerned council, the corporation is not so concerned about blackmail tactics which have been applied against Steamtown.'

I think I have said enough about this matter, although I have a lot more material at my disposal. However, I refer to the letter from the legal advisers to the council, which states:

re: Steamtown's Proposed Transfer of Operations to Victor Harbor area

We act for the Corporation of Peterborough and refer to your letter of 14 August addressed to the Town Clerk, and in which

you advise that 'under the present circumstances we will no longer permit a corporation representative to attend our meetings . . .' This decision by your council is in breach of the arrangement made between the Minister of Tourism, the corporation and your society as evidenced by the enclosed copy letter from the Minister to the Corporation of Peterborough of 6 February 1980, and which resulted in the financial help to your society referred to in that letter.

Your council had no legal right whatsoever to terminate the representation of the corporation upon the council of the society. This would have to be effected by unanimous agreement between the Minister, the corporation and the society. Any decision or resolution made or passed by your council purporting to terminate the representation, or to stop the representative from attending council meetings, was invalid.

Your council is requested to immediately advise the Town Clerk that it is still represented on council, and the date of the next council meeting, so that its representative can be in attendance.

I refer again to the letter by the current Minister of Tourism, the member for Stuart. I think I have clearly demonstrated that there is a need to resolve this unfortunate matter. I have a number of press articles to which I could refer, but I do not want to unduly take up the time of the House because there is other important business to be transacted this afternoon. It will be a fortnight before the House meets again, and I am most concerned that action could be taken to remove this equipment. I believe that we should set up a Select Committee on which the Government should have three members and the Opposition two members so that action can be taken. The Select Committee could meet within the next day or so to take action to ensure that none of the assets are transferred during the deliberations of that Select Committee.

So, all the problems that have arisen and the actions that have been taken can be properly investigated, and when the House meets a recommendation can be made to it and to the Government as to the best course of action that can be taken to preserve the organisation, look after the interests of the people at Peterborough who are concerned and make sure that these unfortunate happenings are not repeated.

Probably this matter has highlighted the need to look closely at the legislation dealing with incorporated societies of this nature, and the Select Committee could also address itself to that matter. I commend the motion to the House, I hope that it will be accepted and that the Select Committee will be set up today so that it can get on with resolving this unfortunate dispute. I am sorry that it has been necessary to take this course of action, because I am aware of the extra work done by many people in bringing Steamtown up to the standard it is today. However, there appear to have been personality conflicts and other matters which have led to the current dispute, and that is unfortunate.

There are other things I know but I do not want to bring them to the attention of the House at this stage because I do not want to hurt or injure anyone. Unfortunately, I have mentioned a couple of names but I do not want to mention any more or make any other comments, except to say that I am in receipt of a considerable amount of other information. So, I commend this motion to the House and I hope that all members will support it.

The Hon. G.F. KENEALLY (Minister of Tourism): I certainly appreciate the concern and the efforts of the member for Eyre in trying to resolve this very unfortunate and difficult problem that has arisen at Peterborough. Bringing the matter to the House for consideration and moving for a Select Committee indicates the honourable member's belief that this is the only option that remains available to him or to the people of South Australia.

I have also tried to use what influence I have to resolve this matter. Unfortunately, because there is an injunction in place, my departmental officers are finding it very hard to speak to at least some of the people involved in the dispute. The injunction is lifted tomorrow, and it is hoped that discussions may then flow more freely. I have also sought advice from the Crown Law Office and the Attorney-General's Department and so my Department is getting together as much information as it can so that when we can talk to the people concerned I would like to be able to act as an arbitrator in a sense to resolve this matter.

I make clear that my interest is to ensure that Steamtown remains at Peterborough. The facility was given to Peterborough for the benefit of its community. I do not believe that it was given either by my predecessor (the member for Coles when Minister) or, prior to that, by the Government at the time for the express use of the society and not the community. It was given to the community as an acknowledgment that there was a severe reduction in its economy, because Australian National had at that time started to move railway workers out of Peterborough.

What I would like to suggest to the House—and here I seek the support of the member for Eyre and members generally, because I am not too sure at this stage whether or not I, or those people with goodwill, can resolve this issue within the next fortnight—is that this motion for a Select Committee remain on the Notice Paper so that the people associated with Steamtown and the Peterborough community know that this is an option that the Government will implement and is seriously considering if it is forced to take that option. However, if the matter can be resolved between now and when the House meets in a fortnight then so much the better. I understand the honourable member's concern that precipitous action may be taken to remove some of the capital assets—that have now been sold for $500 in bulk—from Peterborough.

Mr Evans: You can take out an injunction to stop them removing it.

The Hon. G.F. KENEALLY: It runs out tomorrow. Crown Law officers are looking at the matter and we will be doing what we can to ensure that the honourable member's fears are not realised; I can assure him of that. It is my view that the possibility of a Select Committee meeting to inquire into all those matters that the honourable member has brought before the House—

The Hon. Jennifer Adamson: With all the powers of a Royal Commission.

The Hon. G.F. KENEALLY: Yes, with all the powers of a Royal Commission, as the honourable member has pointed out. That would encourage the people concerned to concentrate their minds on doing something for Peterborough. That was the intention of the funds provided by the Government, by local government and service clubs within the community and by the assistance given to Steamtown by Australian National in helping to transfer the steam locomotives from Western Australia, or wherever else, to Peterborough.

The Hon. Jennifer Adamson: Plus bequests from private individuals as identified in today's *Advertiser* in memory—

The Hon. G.F. KENEALLY: The honourable member mentions a very important factor—plus bequests given to Steamtown by private individuals as a memorial to deceased members of that family. The member for Eyre has played a very responsible role: he has made out a very solid case for a Select Committee. If the House agrees to allow me to continue my remarks at a later stage, I will give an undertaking that, between now and a fortnight's time, I will do everything I can, with the assistance of both the Attorney-General (including the Crown Law Department) and the Auditor-General, whose advice we are seeking and from whom we have already received some advice, to ensure that there will be no precipitous action in Peterborough to move the locomotives, etc.

It is a very lengthy, expensive and difficult exercise to mount in such a short time. The odds are very much on our side to be able to do that. So, within the next fortnight, everything that can be done will be done, and the parties to the dispute ought to know that the option of a Select Committee is one that the Government very seriously considers. We thank the honourable member for drawing the matter to the attention of the Parliament. If no resolution of the matter can be achieved that is the path that we may very well go down in a fortnight. So, having said that, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COORONG BEACH

The Hon. H. ALLISON (Mount Gambier): I move:

That, in the opinion of this House, the Government should not close the Coorong coastal beach to vehicular access as recommended in the 1984 Coorong National Park and Game Reserve Draft Management Plan but instead should maintain all tracks in good order and ensure that the entire Coorong beach remains open at all times to the public including vehicular access.

I urge the House to adopt this motion, in essence seeking to keep open the entire Coorong beach at all times for both pedestrian public access and vehicular access and urging the Government to maintain all access tracks in good order. This motion has arisen after a storm of public opposition following the release of the Coorong National Park and Game Reserve Draft Management Plan a little earlier this year. I would ask the House to consider the recommendation at page 111 of that plan which states:

Subject to the ocean beach being dedicated as national park and game reserve (see 'Implementation—Boundaries') the ocean beach track from 42 Mile Crossing south to the park boundary and from the Princes Soak Track north to the Murray mouth will be designated restricted vehicle access. This means that, unless a permit is obtained, vehicle access will be allowed only along the ocean beach on the approximately 30 kilometres of established track between 42 Mile Crossing and the Princes Soak Track. This amount of beach access should effectively answer the needs of the majority of beach visitors and will facilitate the more effective control of movement along the beach and across the dunes required to adequately protect the natural environment, particularly beach breeding birds, and the cultural sites in the dunes.

I point out to the Minister responsible that the assumption in that statement that this amount of beach access should effectively answer the needs of the majority of beach visitors is very wrong.

Already a number of public meetings have been convened in the South-East, including one held in my electorate of Mount Gambier last Friday, and in less than a week 1 500 signatures were obtained on a petition asking the Minister to keep the beach open for vehicular access along its entire 90 mile length. In addition to that, I understand that more than 3 000 signatures are on their way to Parliament House, either to my office or to the member for Mallee (Mr Peter Lewis), in whose electorate the larger part of the Coorong beach lies.

The people who are acting to oppose this recommendation are essentially environmentalists and conservationists. They are not out to vandalise this precious section of South Australia's coastline. Instead, they simply wish to maintain open, for fishermen and for recreational purposes, the entire section of beach, because from the Adelaide to Kingston road there is such limited access at only three or four points. That means that anyone approaching the sea from those points would have to walk a very considerable distance north or south in order to fish or camp.

I could quote from a number of newspaper articles that have been written in a very responsible manner. A front page article in the *Advertiser* of 30 October is headed, 'Residents angry over plan to curb access to Coorong beach'. That is a very responsible article, to which I ask the Minister and his staff to refer for pertinent information. The article does not have a by-line so I cannot quote the writer of the article. The Kingston *Leader* of Wednesday 17 October again carried a seriously written front page article, under the by-line of Noel McRostie. The Mount Gambier *Border Watch* of 29 October carried a front page article concerning the President of the South-East Recreational Fishermen's Association convening a meeting at which there was very strong opposition to the suggested closure. I also refer to an article in the *Sunday Mail* wherein the fishing writer, David Capel, states:

According to a survey conducted by the Fisheries Department Dad is only one of 290 000 South Australians who go fishing regularly in the warmer months... Anglers invest some $134 million annually on the get-away-from-it-all sport... More than 40 000 South Australians today own some kind of a boat that is used for fishing.

The relevance of that article to the Coorong lies in the fact that that 90-mile stretch of South Australia's coastline is extremely rich in a wide variety of fish, and it is to that stretch of coast that many fishermen go, particularly during the summer months. As I have said, these people have no wish to vandalise or desecrate the coastline. They have asked that the beach section in particular be left open and are just as anxious as anyone else to protect the environment. They maintain that over the past two or three years there has been a considerable improvement in the way in which the Coorong and other reserves and national parks in the South-East have been looked after, and are quite willing to join with the Minister and his staff to help police that section of the coastline.

It is a precious part of our environment, and those involved would be willing to band together to report to the Minister and his officers any miscreants who are desecrating the environment, tearing up the tracks or racing over the dunes and destroying natural vegetation. I am not suggesting that the Coorong is in any worse condition now than it was well over 100 years ago, when George French Angas, writing of the area, said that he had travelled over 'huge, mountainous sand dunes which were almost completely barren'. If anything, the Coorong is in better condition now than it was when our early settlers first found it. That is a reflection on the good work that has been done by successive Governments in the area of preservation.

The meeting at Mount Gambier was one of only a number that have been convened. In a letter that I received from Mr Schaefer, Secretary of the South Australian Amateur Fishermen's Association, he urges that a large number of members of Parliament should attend a meeting to be held on 11 November at Apex Park, in Kingston, to which members of the Kingston Chamber of Commerce, the Lions Club of Kingston, Desert Angling Club, Keith, Mount Benson Angling Club, Naracoorte Angling Club, and the Robe Angling Club have been invited to attend; those organisations will be forwarding to the Minister submissions on the draft management plan. In that letter, which I received this morning and which I assume other members of Parliament have also received (including the Minister for Environment and Planning, Dr Hopgood; Mr Arnold, shadow Minister for Environment and Planning; and Peter Lewis, member for Mallee), Mr Schaefer further states:

Why cannot the arrangements be left like they are today? The weather conditions that prevail in this area do more damage than any vehicles. Fishermen would like to be able to drive from Kingston to the Murray mouth, as sometimes one might have to try two or three places before a suitable fishing spot is located. We would like to retain access along the beach and through all existing tracks, for example, 28 mile, 32 mile, 42 mile and the Tea Tree crossings. Vehicles caught in a restricted area should be prosecuted and handed the appropriate fine.

That is fair enough: if people are doing wrong they should be punished. He also says:

The area from the Granites to the Tea Tree Crossing provides the best Mulloway fishing. Farther North we go cockle hunting for bait and there is good recreational fishing in this area.

With the geographical position of the Murray mouth, the mouth of the longest river in Australia, it is unique that it is also at the end of one of the longest accessible beaches in this continent. The amount of people this attracts in itself is truly unbelievable and to lose this tourist attraction would surely be detrimental to the town of Kingston.

We are naturalists at heart, and appreciate the beauty and uniqueness of this area. We really only want to travel along the area between the low water mark and 22 metres—

just a little over the length of a cricket pitch—

above the high water mark.

That is not asking a lot. They are not asking for total access to the protected dune areas. He continues:

There are 328 local members on our books with an estimated 3 200 members in the State plus there would be an untold amount of non-members and tourists which use this section of the coast line. The Lions fishing competition is held on the long weekend of January of each year, and we estimate there would be in excess of $250 000 spent in the town of Kingston on those weekends.

In addition to that Lyle Domaschenz of Kingston, who first came to see me to initiate a petition only a couple of weeks ago, said that the Lions Club itself raises $5 000 each year from that competition for local charities. In his letter Mr Schaefer further states:

From the 42 Mile Crossing to the Princess Soak is extremely inadequate for 1 500 fishermen to fish in this area, as was the situation on the long weekend in January for the past four years. The suggestion of boats in the Coorong causing damage due to the waves they created is ridiculous.

I would support Mr Schaefer. I fly over the Coorong on a very regular basis, travelling to and from my electorate, and one can see breaker after breaker rolling in inexorably minute after minute on that coastline. In fact, the coastline is one of emergence, and the successive Coorongs, most of which are dry now, have been the result of the steady emergence of that coastline over countless millennia. In fact, there is a series of coastlines ranging from the Murray mouth way down to Victoria in a great series of arcs. They can be seen quite clearly from the air. So, to suggest that boats will damage the Coorong is ignoring the fact that this is a coastline created by the might of nature itself. Boats are a mere nothing compared with the might of nature.

So, on behalf of the Upper South-East Branch of the South Australian Amateur Fishermen's Association, he extends an invitation to the public and members of Parliament generally to attend. I assure members of the House that already a tremendous volume of opposition has been mounted against the suggestion that this 90 mile stretch of Coorong beach be permanently closed to vehicular access.

I believe that the Minister will be subjected to a wide number of approaches and appeals over the next few weeks. I also point out to the Minister that those meetings that I have so far attended have been extremely orderly but very firmly resolved to oppose the recommendation. All of us feel that the Minister's alternative to closing the Coorong beach is the cheap alternative and that there must surely be far better policies and means at the Minister's disposal of ensuring that the Coorong dunes, beaches and wildlife are protected.

This could occur if more officers were appointed, if penalties were imposed and if the massive number of people who oppose the closure of the beach itself were enlisted by the Minister and his officers to support the Department of Environment and Planning in protecting this area. I am sure from the tenor of voices at the meetings that I have attended that the mass of people wishing to use the Coorong for recreational purposes would be only too happy to police the area and to report wrong doers, and it would be then for the Minister to take the necessary legal action through the courts.

All of us are anxious to ensure that this valuable part of South Australia's natural heritage should be protected, but equally important I believe is the necessity not simply to acquire and then to permanently close down our parks and reserves but to ensure that the public continues to have regular but sensible rational and reasonable access to those places of immense beauty—in this case, one of the few extremely good fishing beaches in South Australia.

My colleague the member for Mallee has just joined me in the House. I know that he supports this motion with all his heart and soul. He has just pointed out to me that he has received a very substantial bundle of petitions in addition to those which I was pleased to present to the House only a few days ago.

Mr Lewis: Seven hundred of them.

The Hon. H. ALLISON: Seven hundred of them have already arrived and I know that there are some 3 000 additional signatures on the way from the Kingston-Bordertown-Naracoorte region. The matter is not one simply for the Kingston people: it is a State-wide opposition to access to one of South Australia's best fishing and recreational beaches being restricted.

I join the Minister and the people who reported to him in the Coorong National Parks and Game Reserve Draft Management Plan in saying that this area should be protected for posterity. However, I ask him to do it by alternative policy methods, by the appointment of additional officers and by better policing of that small minority of people who are responsible for vandalism in our national parks. I commend the motion to the House.

The Hon. G.F. KENEALLY secured the adjournment of the debate.

SALINITY

Adjourned debate on motion of Hon. P.B. Arnold:

That this House condemns the Government for failing to initiate any meaningful discussion with the Federal Government and Governments of New South Wales and Victoria to expedite the necessary salinity mitigation works for the Murray-Darling system, and calls on the Premier to convene a Heads of Government conference as a matter of urgency.

(Continued from 24 October. Page 1475.)

The Hon. P.B. ARNOLD (Chaffey): In the Minister's response to my motion he desperately tried to justify the lack of action by the present Government on this vital subject. In fact, he said that the approach of the present Government was one of consultation compared with that of confrontation by the previous Government. I make no apology for the necessity that we had to create a situation of confrontation, particularly with the State of New South Wales in relation to the Murray-Darling system.

One can well recall the Dunstan-Corcoran decade in which for some nine or 10 years the previous Labor Government endeavoured to negotiate by consultation with the Commonwealth and the States of Victoria and New South Wales to create a new River Murray Waters Agreement—with virtually no progress whatsoever. On being elected to Government, we found a situation where for the previous 10 years virtually nothing had been achieved in a new River Murray Waters Agreement and that during that period a considerable deterioration had taken place.

New South Wales was proceeding on its merry way with massive irrigation diversions, particularly from the Darling River, which was having drastic effects on the quality of

water in South Australia. The Minister went on to say in relation to the consultation approach that this consultative atmosphere had been deliberately nurtured by the present Government in order to correct the damage created by the previous Government. As I said, I make no apology for finding it necessary on coming to Government in 1979 to confront New South Wales, in particular, because very little had been achieved by the former Labor Government in the previous 10 years. It is worth noting that as a result of that confrontation we did achieve results, in that the large diversions that were being approved in New South Wales, particularly on the Darling River, virtually ceased as a result of our action in the Land and Environment Court in New South Wales. Also, it resulted in final agreement being reached between the three States and the Commonwealth on the new River Murray Waters Agreement. That was achieved in a matter of some two years, compared with virtually nothing having been achieved by the means adopted by the former Dunstan Government.

I am grateful to the Minister for making a copy of the notes that were prepared for him by his departmental officers available to me because they contain some interesting comments. The Minister in his speech related the proceedings that the Liberal Government adopted in the Land Board hearings in New South Wales. He said:

> This course of action had an unfortunate side effect in that a prior atmosphere of trust and co-operation between officers of the relevant State Government authorities was replaced by unease and tension.

If that was the case, so be it, because very little had been achieved in the previous 10 years. After all, we are talking about the River Murray Commission and the officers involved. The River Murray Commission is not there as some exclusive club where everything has to be rosy. If necessary, some hard things have to be said in the interests of the States concerned. Certainly, South Australia's River Murray Commissioner was not appointed to that vital body purely to sit there in an atmosphere of 'hail fellow well met'.

As far as I am concerned, the South Australian Commissioner was there to do an extremely important job on behalf of South Australia and I regard the River Murray Commission as being one of the most important bodies in Australia. We are talking about a body that can have significant influence over the future of one of the key resources in Australia and, obviously, if that body is to work effectively, there will be times when there are disagreements between the States, and if there are such disagreements in the future, once again, so be it. In the notes, the Minister also referred to comments made by Professor Sandford Clark. I have a high regard for Professor Clark as a professor of law, but by the same token Professor Clark, an eminent professor of law, is not a politician. The Minister referred to Professor Clark's comments and I quote what Professor Clark supposedly said as follows:

> ... through all this yapping, there was a perilous possibility that the baby might go out with the albeit saline bathwater.

That is a political judgment that had to be made by the Government of the day and it was one that I took. I was aware of the possibilities, but once again it was a political judgment that I had to make at that time. I can only say that the path that we took did result in achieving an agreement between the three States and the Commonwealth for a new River Murray Waters Agreement and, as I said, that was achieved in a matter of some two years. However, it is interesting to see in the notes prepared for the Minister a further comment by Professor Clark which the Minister decided to quote, and on reading it I can see why: it virtually indicates that Professor Clark basically recognised the reason why the action was taken. The notes continue:

> In a later paper Professor Clark acknowledges that 'the new Agreement may achieve definite advances, precisely because the parties can no longer afford to appear not to be co-operating. In part, this may be due to heightened public awareness of parochialism on the part of the States, which was brought home by the unedifying prospect of intervention by South Australia at New South Wales Land Board hearings and retaliatory legislation by New South Wales to deprive South Australia of standing'.

I think that that is a recognition by Professor Clark of the political process and of the fact that we were endeavouring to get the parties to the table to reach agreement because the object was really to bring the whole issue of the Murray-Darling system and the need for a new River Murray Waters Agreement into the public arena, whereby the public would be well aware of the problems that will be occurring. As I said, when we came into Government we had a situation where New South Wales was proceeding in all haste with vast expansions of irrigation on the Darling, and that would have had—and was having—a dramatic effect on South Australia.

It is fair enough for some officers in the Minister's Department to try to persuade the Minister that the only approach should be one of consultation: in other words, anything for a quiet life. However, we as members of Parliament—and members of the Government—have a responsibility to the people of South Australia to look after the interests of all the people in this State and, if it means that at times there has to be some confrontation, so be it. I have no delight in confrontation with other Governments or Ministers, but by the same token I will not stand by and see South Australia become the laughing stock of other States, when the Governments of Victoria, New South Wales and the Commonwealth know only too well that if they throw a few crumbs to the South Australian Government it will lie down and be quiet. That is not good enough, and we cannot afford to let this situation continue.

The Minister has said that the whole programme of salinity control is progressing well. What I said is that no new initiative has been introduced as far as capital works are concerned since the present Government has been in office, and that is quite correct. The works to which the Minister referred are works that were under way or near completion when the present Government came to office; so, the programme has virtually ground to a halt. The lock 2 and lock 3 ground water interception scheme was a proposal announced by the former Liberal Government in 1982, and now the Government is talking about a five-year programme of further initial investigation before anything will happen in that regard. I refer to an article in the *Advertiser* on 30 October headed 'Water research needs "urgent" in the Murray-Darling Basin', which states:

> The Murray-Darling Basin, which supplies 74 per cent of Australia's irrigation water and accounts for more than 30 per cent of the nation's agricultural production, has urgent and important research needs, according to a top-level report to the Federal Government. There are gaps in the understanding of factors which affect the management of the basin and of the social and economic impact of these measures on the basin's resources, the report says.
>
> It has been prepared by an interim council set up to investigate a proposal for establishing an Institute of Freshwater Studies. The council recommends against the establishment of such an institute, saying it favors setting up an Australian Water Research Council to advise the Government on research funding. 'The funding of water research in tertiary education institutions is a cost-effective way of addressing research problems,' the report says. A Water Research Assistance Fund—with an $8m-a-year budget over the next five years—also is a major recommendation. The Chairman of the seven-member council is the Director of the Waite Agricultural Research Institute, Professor J.P. Quirk.

The article continues:

> One of the major conclusions of the council is that urgent research needs to be done relating to the study of the various policies which affect the Murray-Darling Basin and their mutual compatibility within and between the various States. It calls for

definition of priorities and increased expenditure on research directed at improving water management practices on farms.

I have spoken about improved irrigation practices on numerous occasions in this place, pointing out that sufficient information is available today to enable a policy of improved irrigation practices to be put into effect tomorrow if the Governments of Victoria, New South Wales, South Australia and the Commonwealth were prepared to put up the money. While in Government we had a programme of incentive for improved irrigation practices which was very effective indeed, but that scheme has gone out the window with the Government's decision to terminate the rehabilitation of Government irrigation networks.

My criticism of the Government is quite clear. There is an example where the single greatest factor combating salinity in the Murray-Darling system can be put into effect tomorrow. It does not need any further research. Ample research has been carried out around the world, and the fact that the South Australian Government has done nothing to convince the Commonwealth, Victorian and New South Wales Governments to come to the party with an effective incentive scheme in regard to improved irrigation practices clearly leaves the Government condemned regarding its action in relation to the Murray-Darling system.

The House divided on the motion:

Ayes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold (teller), Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater (teller), Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Motion thus negatived.

HOUSE NUMBERS

Adjourned debate on motion of Mr Baker:

That this House urge the Government to encourage local government councils to develop a comprehensive programme aimed at clear display by householders of house numbers for all metropolitan and urban allotments.

(Continued from 17 October. Page 1196.)

Mr MAYES (Unley): I rise to support the motion, and the member for Mitcham may find that surprising. It may be a rarity that I speak in support of a motion that he has before the Chamber. However, the thought behind the motion has merit and, as I have already suggested, it could be taken further than at present suggested. There could be an inclusion of retail and commercial operations, as I have found that there is nothing more frustrating (and I am glad to see the member for Mitcham indicating that he agrees with me) than endeavouring to find a street number on one of Adelaide's commercial roads in peak or normal traffic. It is extremely difficult on many occasions to locate a number when one is looking for certain premises. From my own experience in local government, I have found that the matter has been discussed at the local government level and when I was a member of the Unley Council the matter was one of concern (I am going back many years now).

The matter was also raised at the metropolitan regional level and with the LGA. I have assumed that the member for Mitcham, who moved the motion, has contacted his local council and also co-operated by contacting the Local Government Association. It is appropriate that the issue be raised concerning local government on a co-operative consensus basis rather than the Government making a decision and imposing it upon local government at the local level. I say that for a number of reasons, not the least being the economic factor of having to implement a policy of this sort. I know that the member for Mitcham is most concerned about rates and charges because in the local paper (the distribution of which my electorate shares with his) he commented recently on the Waste Management Commission's report on the 10-year plan for hard disposable waste, stating that there would be a dramatic increase in rates for residents in the Mitcham council area.

At another level, the Minister, my colleagues and I have denied that charge. The Unley Council has also supported the recommendations of the Waste Management Commission, the point being that imposing something on local government at this level may result in additional costs. It would have to be a co-operative process, with local metropolitan regional council groups, the Local Government Association, the Local Government Department and the Government as a whole co-operating to initiate such a programme.

I again assume from the motion that it is devised not only to assist the residents of Adelaide and South Australia but also those from interstate and overseas. Perhaps their needs are far greater than those of local residents in some ways because they would not be as familiar with local streets, collector roads, main highways or arterial roads as residents of South Australia may be. However, there is merit in local residents also being aware of the need to upgrade the numbering of their lots, houses and properties in order to provide improved access to the general community.

I recall comments made by taxi-drivers regarding the Unley area particularly that, after having navigated the street closures which have been instituted I think successfully by the Unley Council and which have reduced the road toll significantly in the Duthy Street locality, when they have to locate a property they find the differing styles in numbering of properties difficult to understand. They find it difficult to locate the address for which they are looking. I would imagine that would drive many taxi-drivers to despair when trying to locate a house or lot number. I believe the matter ought to be discussed with the Local Government Association and local councils: I know it has been discussed at length by the Unley Council. I think my proposed amendments would improve the intent of the motion and assist in the overall programme for uniform street numbering in South Australia and I believe it would be universally accepted. Having discussed the matter with the Minister, I know he would support that type of amendment being included in this motion.

We are looking not at something new but at something that needs to be constantly reviewed and assessed by local government and perhaps the State Government. It is a problem that can create great difficulties in times of emergency. My colleague the member for Brighton has referred to me the difficulties that could arise when a St John ambulance in an emergency is trying to locate a particular property. People's lives could be placed in danger because of inadequate and inconsistent house numbering. One of the things I have noticed in my district (I must say I can speak with some authority about my district, having door-knocked 2½ times since being preselected as a candidate in 1980; I have visited every flat, unit and house twice and I am well into my third round) is that there are gaps in street numbers because of unit development and that is another problem.

We have a problem in the street in which I live: we get regular requests for information about where 22A Hughes Street is located. Redevelopment and unit development have taken place in my street and people cannot find that

number. I think that is something that local and State Government should be addressing as a problem. I stress again that it must be a co-operative process by which consultation is undertaken between all levels of Government so that we can achieve what I see as being a comprehensive programme for clear display by households, retail and commercial organisations of the street number of their property. I seek leave to continue my remarks.

Leave granted; debate adjourned.

SIGNPOSTING

Adjourned debate on motion of Mr Baker:

That, as part of the preparation for the sesquicentenary celebrations, a State campaign be organised in conjunction with all local government councils to implement a programme of clear and appropriate signposting of all highways, streets and roads by 1986.

(Continued from 17 October. Page 1200.)

Mr FERGUSON (Henley Beach): I also support this motion, which relates to signposting, although I take some issue with it in that it refers to the sesquicentenary celebrations, because I doubt whether there would be enough time for the proposal to be fully implemented by the time the celebrations come around. However, I believe the sentiments expressed within the motion are commendable and could only find support from this side of the House.

The member referred to his overseas experiences and, although I have not had the opportunity to travel as extensively as he has done, I have been able to look at the signposting that exists in England and in parts of the Continent. In his speech the member for Mitcham referred to the artistry that was involved in the signs and the way that they provided clear direction. I agree with his proposition that the design and the clear intentions of the signs (even in non-English speaking countries which I have visited in Europe) say something from which we should perhaps take a lesson and are something at which we need to have a decent look. The member for Mitcham said that when he returned to Adelaide he noticed that our signs were in stark contrast to those that he had seen overseas, particularly in relation to the directions that they give to residents and visitors. I must say that I agree with him in the majority of cases. Some outstanding examples of signposting by local councils and by local tourist organisations exist, but by and large the signposting on roads and highways as it gives directions to tourists leaves much to be desired.

The honourable member also referred specifically to major tourist attractions that are so well signposted in other countries. I can only agree with him about the need to study the signposting of major tourist attractions in South Australia. I am particularly concerned about the tourist attractions in the western parts of the metropolitan area and I would hope that when development and redevelopment gets under way in the heritage areas of the western parts of Adelaide—and I refer particularly to the development and redevelopment at Port Adelaide—it will attract visitors in conjunction with some of the heritage areas in my district. I hope that the signposting will be upgraded to provide better access for the tourists and a clearer direction.

In his opening address the honourable member referred to the need for better signposting in the Adelaide Hills, and other honourable members have already spoken on this subject from time to time. There is much agreement on both sides of the House about this matter. The honourable member also mentioned that special paints and special materials ought to be used in signposting in order to provide for the different types of sign that are available. I agree that this matter ought to go to a conference, as he has suggested, in order to further study this subject.

I believe four points ought to be considered in this proposal. The first is signposting as a means of indicating the existence of something and providing information, for example, street signs, directions and facilities which are extremely significant to tourism. Secondly, I refer to signposting as a means of social control indicating the limits or boundaries of use (for example, speed limits, anti-littering notices, etc.), and this area is significant in resource management. The effectiveness in achieving the objectives set out in the two points mentioned, that is to say, clarity and visibility, should be of significance in establishing the standards of both a national and international nature.

Another point is the need for control over signposts and the size and suitability of notices to prevent them from becoming in turn an environmental problem. This situation has been the subject of considerable discussion in the United Kingdom. The conflict that occurs between advertising signs, providing significant tourism direction, and significant resource management signs has been the subject of a great deal of discussion and control in the United Kingdom for many years. There is a Ministry of Housing and Local Government (the Welsh Office) that looks after that aspect and, in doing so, it takes into consideration all of the engineering possibilities, especially so far as advertising signs are concerned. It is governed by an Act of Parliament and the advertisers, once having been rejected, have the right of appeal against any decision that is made. Summing up, in general, the motion is supported by most members on this side of the House. It is a suggestion that is well worth taking up, and I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ROAD FUNDS

Adjourned debate on motion of Hon. D.C. Brown:

That this House is concerned at the inadequate funds available for road construction and maintenance, calls on the Federal Government to increase road grants allocated to State Governments and to give South Australia a fair and equitable portion of those funds and calls on the South Australian Government to reverse its decision to direct fuel tax revenue away from the Highways Fund—

which the Minister of Transport had moved to amend by leaving out all the words after the word 'funds', second occurring, and inserting in lieu thereof the words:

and congratulates the South Australian Government on its increased expenditure on roads in South Australia.

(Continued from 17 October. Page 1205.)

Mr EVANS (Fisher): I support the motion moved by the member for Davenport, but I do not support the amendment of the Minister of Transport. That has no relevance to the motion moved by the member for Davenport. If the Government and any of its members wish to introduce a motion which is separate, an attempt at a face saving situation to praise themselves, then they may do so. The Minister is entitled, by the rules of the House, to move the amendment that he has, but it makes a farce of the support he has given to the member for Davenport in saying that he supports, in general terms, that part of the honourable member's motion that refers to the inadequate funds that South Australia receives from the Commonwealth.

The member for Davenport has pointed out that the total taxes collected by the Federal Government from motorists, through fuel taxes and other taxes that relate to the production or distribution of that fuel, and other imposts applied by the Federal Government on motorists, amounted to $6.92 billion in 1983-84. Of that amount, only $1.195 billion

comes back to the States. Of the total number of vehicles in Australia, 9.4 per cent is in this State and of the number of kilometres travelled by motorists in Australia, 9.2 per cent is travelled by motorists within South Australia. Of the total fuel, South Australia uses 9.35 per cent. Also, South Australia has 12.2 per cent of the total length of roads in Australia.

Yet, the percentage that South Australia receives from the Federal Government is way below those percentages I have mentioned. So, the member for Davenport has rightly pointed out the difficulties there are in the southern areas of metropolitan Adelaide with inadequate road facilities. I appreciate that during their life the last two Governments (the present and the immediate past) have at least recognised that there is a need to upgrade Reservoir Drive and a need to do something about the Flagstaff Hill junction where it joins South Road.

However, it took a long while to achieve that and, if an election had not been inevitable in 1982, the challenge might not have been picked up and taken as far it has been at this stage. So, elections do sometimes stir Governments and political Parties into making announcements that they find difficult to get out of. However, that aside, I am appreciative of the commitment and the changes that have been made to the proposed route in recognition of those objections that some people rightly raised within the communities in close proximity to the proposed route. The development of that road is a major proposition for that community, but it is minor in relation to the amount of money needed to be spent in metropolitan Adelaide to have what one might call a reasonable transport system. It is no good producing bigger and better buses if the structure of the roads is such that they cannot carry them without breaking up the base of the road and even the immediate surface of the road, in particular, the base through the triangular effect of weight distribution when a vehicle passes over an unsatisfactorily made road.

I might reflect a little on the type of road that has been developed over the years. We are one of the few Western countries in the world that has such ridiculously low weight limits over the axles of commercial vehicles. This is only because roads have never been satisfactorily developed to carry those vehicles. Roads were made in a piecemeal way, and pretty poor roads were created in new subdivisions. Many of our major roads were of inadequate quality to maintain or carry the weights that the type of vehicles available could safely carry. As much as honourable members might think that they are big truck operators and it does not make any difference, it does, however, in the end have an effect on the total economy of the country, because some vehicles do not get loaded to an efficient point or extra equipment has to be put on (such as axles and tyres), thereby quite often causing a scrubbing effect with extra wear, extra pollution and extra cost.

If one gets wheels running in tandem with no opportunity to turn to follow those in front there is a scrubbing effect. This is what happens in particular on hilly or curved country roads. It does not matter on straight roads and we have to be grateful that we have many straight roads in the State. However, we also have many curved roads and many roads could have the curves eliminated if we are prepared to take up the challenge. So, we have that attitude of mind that they are big, heavy truck operators and we should kick them in the teeth and forget about them. However, it does affect us all, because of the cost of cartage of goods.

More particularly, the STA buys buses that are quite often overweight on their axles when they are fully loaded, but no-one worries about that, because the STA is a Government instrumentality. Also, of course, we have a special provision for them: the STA can have overweight vehicles. However, I do not wish to get into that, because it has no direct effect on road construction, and is related only to the width of the road.

That brings me to refer to the next road about which I have great concern. Most of the goods that we export from South Australia to the Eastern States are transported in vehicles using the South-Eastern Freeway, first travelling along Glen Osmond Road which, I suppose, is a reasonable road, although at times it is a little cluttered due to vehicles parking illegally in clearway zones or even at non-clearway times, but protruding on to the carriageway, making it difficult for two lanes of traffic to proceed. However, after Glen Osmond the road is an old bullock track with a base and a bit of bitumen on it, and that carries traffic to Eagle on the Hill. We have now reached a point where people are saying that heavy traffic operators should be banned from using that road during peak periods.

Other people and I have contacted the Minister about this matter. I think the member for Murray has also contacted the Minister, because he has received similar complaints. The complaints about this are growing. Every day people are asking why they should be held up by the big truck operators. However, it is very difficult for those operators to time their run from Melbourne or Sydney or wherever they are coming from. There are routes from Melbourne and Sydney through Pinnaroo, the Hay Plains, and so on, and it is very difficult for these drivers to time their run so that they will be out of the way before the peak hour traffic begins. Further, if those operators have slept for the required time back down the track, it is unfair to expect them to wait for another hour or so before coming into the city. But for commuters who get out of bed at the same time every morning with just enough time to spare to make it to work, it is very inconvenient if they are held up because of a sudden bank-up of very heavy vehicles, including STA buses.

The road is really only an old bullock track that has been upgraded a little. It still follows virtually the same contours, at least until Leawood Gardens, from which it takes the trolley track, because in the early days the valley track from Leawood Gardens through to the hill at the bottom of Eagle on the Hill was too wet to carry heavy loads; so, they took the road around the side of the hill and one went on a scenic tour to get back to the same point. Here we are in 1984, 100 years after the motor vehicle was developed, with the freeway completed from Eagle on the Hill to Murray Bridge which will carry a large amount of traffic.

The Hon. D.C. Wotton: But that was built mainly for Monarto, was it not?

Mr EVANS: That has been claimed, but I remember my father telling an ex-Liberal and Country League Minister of Transport that the freeway was being built in a foolish place and that it should have been built over the top of Mount Lofty so that we could brag to all the world that we carted all of our goods to the highest point of the range and down the other side—that would be virtually what would have occurred. The upgrading of the main road to Melbourne began in 1956 and, with increased demand being placed on that road, a freeway system was eventually begun, with some thought of Monarto. But, I think that the freeway itself was begun before Monarto was even an egg in the system. It is worth noting that it took us about 15 or 16 years to build the freeway from Eagle on the Hill to Murray Bridge, notwithstanding all the modern machinery and techniques that we had. I think it took them from 1879 to 1886 to build the railway from Adelaide to Bordertown—they must have been supermen in those days.

The approach to the freeway out of Adelaide is totally inadequate. We have the Federal Government fleecing the motorist to the extent of about $5.5 billion which it is not passing back to the States to develop roads, and that is a

disgraceful situation. It is fair enough for the Federal Government to raise taxes from the people to pay for administering various services, whether it be in relation to customs and excise, income tax, some form of commodity tax, or a general sales tax. However, when it comes to fuel and penalties placed on the petroleum industry, it is disgraceful. It is a wonder that motorists do not rise up and demand that the Federal Government provide a fair share of funds to enable satisfactory roads to be developed.

In relation to the inadequacy of the entrance from Adelaide to the South-Eastern Freeway, I plead with the Minister and the Government, if the Federal Government will not provide more money, at least to build one or two passing lanes on that section of road so that the heavy hauliers can still earn an income. They are entitled to that because they pay high income tax and rates for their vehicles. The extra space on the road would mean that motorists would be able to get through and it would eliminate the frustration that in the end can cause accidents which can cause injury, suffering and even death. These things occur from the sheer frustration that exists only because the Government will not recognise that these improvements are necessary.

I said previously that I was privileged to have the opportunity to go to a Cabinet reception at Noarlunga that was held on Monday. I hope that my comments do not preclude my being invited in future, because I enjoyed the company. The Cabinet meeting was held at the wrong time. When travelling to the meeting, peak hour traffic was coming into town and, at the conclusion of it, those people at the meeting travelled back into town when the traffic was coming out of town. I suggested that perhaps next time the Cabinet could meet at a time when members of the Cabinet had to travel in the peak hour traffic each way and that might convince the Ministers (except the Minister for Environment and Planning, who lives down there) that a serious traffic problem exists in areas to the south of Adelaide. Something must be done about that, and the Federal Government should provide some of the money that has been collected from our motorists.

Another matter to which I want to refer concerns our suburban streets. The councils in the area that I represent, such as Stirling and Mitcham, need more money to enable them to upgrade urban streets. Some of those streets carry STA buses, delivery service vehicles, departmental vehicles and private vehicles. There is no way that the average motorist can pay through rates and taxes to council sufficient money to upgrade these roads while the Federal Government at the same time is taking $5.5 billion and not giving it back to the motorist. That is unfair; it is not equitable at all. If the Federal Government were not taking that sort of money and we were then saying that council could collect it through rates and taxes, that would be a different argument.

Many of our suburban councils are so short of money that they are unable to upgrade their roads and streets. If we do not do something about this matter within a few years, the cost of such work will not be simply immense, as it is at the moment, but will be astronomical. It will be beyond us as a Parliament to realise just how much it will cost to get all our streets and roads into a reasonable condition if we do not start a major upgrading programme now. I have not spoken about problems with roads in country areas; some of my colleagues will do that. However, I wish to speak about some figures in relation to money, but as I do not have the figures with me now, I seek leave to continue my remarks.

Leave granted; debate adjourned.

COORONG CARAVAN PARK

Adjourned debate on motion of Hon. Jennifer Adamson:

That this House condemns the payment of $194 000 to the Storemen and Packers Union for the redevelopment of the Coorong Caravan Park on the recommendation of the Federal and State Governments, overriding the priorities for approval of grants for the development of regional tourism resorts as laid down by the Department of Tourism and breaching the undertaking of the Minister of Tourism given in the 1983-84 Estimates Committee that Commonwealth job creation funds would be used to augment the inadequate Department of Tourism funds allocated for the purpose of assisting approved projects.

(Continued from 17 October. Page 1210.)

The Hon. G.F. KENEALLY (Minister of Tourism): At the outset, I say quite categorically that I reject this motion and the emotive terms in which it was moved. I totally reject the shadow Minister of Tourism's quite blatant politicising of an issue by trying to suggest three things. First, she accuses me, as a Minister, of instructing the Department of Tourism to support the granting of CEP funds to the Storemen and Packers Union for development of the Coorong Caravan Park. I categorically reject that and will address that matter in a moment.

Secondly, the honourable member also says that the granting of money to the Storemen and Packers Union for development of the Coorong Caravan Park reduced the capacity of the Department of Tourism to assist tourism development in other parts of the State, particularly the South-East. I reject that, and I will explain why. Thirdly, the honourable member suggested that CEP funds should not be available to unions for development of caravan parks and so on. I totally reject that proposition as well and I will address that matter.

The honourable member quite specifically accuses me, as Minister of Tourism, of instructing the Department to assist the Storemen and Packers Union in the development of the Coorong Caravan Park by supporting the merits of the CEP application. The Department of Tourism cannot, should not and will not ever be involved in discussing the merits of a CEP application with bodies outside those applications for which the Department of Tourism itself may be the sponsor.

The Hon. Jennifer Adamson: Did you say you refused to give advice if asked by the CEP?

The Hon. G.F. KENEALLY: No, I will get to that. The honourable member immediately points out to the House that she understands the system. She knows there is a difference between giving a technical assessment of a caravan park or tourist facility and saying whether or not an application for a CEP grant is meritorious or otherwise, because the Department of Tourism does not and cannot give advice about the merits of an application. It can give advice to anyone who wants to ask it to assess the value of a caravan park or what is needed in the future development of a caravan park.

The Hon. Michael Wilson: You're splitting hairs.

The Hon. G.F. KENEALLY: I am not splitting hairs; I will tell the House quite clearly what took place. In January (or it may have been December) the—

The Hon. Jennifer Adamson interjecting:

The Hon. G.F. KENEALLY: The honourable shadow Minister said quite clearly (and she should read her speech) that I instructed the Department to support the CEP grant. She said: 'It is a fine concept indeed to see the Minister of Tourism going down to the Coorong National Park taking advantage of a cheap fare or at a reduced cost.' I do not expect that I will be going down there, anyway, but, if I did, I would be quite happy to pay whatever the price was.

I want to point out to the House exactly what took place. It may have been in late December or early January this year that the Secretary of the Storemen and Packers Union (Mr Apap) rang me to ask some questions about the Coorong Caravan Park. I said:

George, I have never been there. I do not know whether it is good, bad or indifferent. You should ring Graham Inns, the Director of Tourism.

He did that, and Graham Inns referred Mr Apap to one of the officers of the Department. The questions were whether or not the Coorong Caravan Park was a good park and what sort of upgrading might be needed if the union was to purchase it. At that time Mr Apap informed the project officer of the Department that they were contemplating putting in for a CEP grant. He was told that the Department of Tourism could in no way discuss the merits or criteria involved for granting a CEP grant, which is outside the terms of reference of the Department of Tourism.

The Hon. Michael Wilson interjecting:

The Hon. G.F. KENEALLY: I will answer all the questions. At no time, other than that first discussion that I had with George Apap, did I ever discuss that project with any officer in the Department of Tourism—not until this matter was the subject of a debate in this House and I got a report on just what took place. That was the finish of it. George Apap discussed it with a project officer from the Department. Information was given about the standing or value of it as a caravan park—not in terms of dollars, but as a caravan park. Five months later my Department was contacted by the CEP unit.

The Hon. Michael Wilson: Department of Labour.

The Hon. G.F. KENEALLY: It is not the Department of Labour, it is the CEP unit.

The Hon. Jennifer Adamson: It is basically a Commonwealth Department.

The Hon. G.F. KENEALLY: Yes. There is a misunderstanding by members opposite about just how the CEP operates. It is not under the jurisdiction or instruction of Ministers of Government. There are a number of clear examples of that which I could recount to the House, as I guess I will. In May a phone call was made by a member of the unit to my Department asking for technical advice about what would be needed in an upgrading programme to make that caravan park of a standard that was acceptable to the Department of Tourism. That information was given, and it was purely technical. I have discussed the matter with my officer. He said that at no time was he asked to give any opinion about the merit of the application and, if he had been asked, he could not have given any advice.

The Hon. Jennifer Adamson: Of course he could. Good gracious me: they have a list a mile long of priorities down there.

The Hon. G.F. KENEALLY: Once again, the honourable member misunderstands what we are saying. It is the merit of that application by a body outside Government asking whether or not it would qualify for a CEP grant.

The Hon. Michael Wilson interjecting:

The Hon. G.F. KENEALLY: Just hang on a minute. That is the allegation, and I am saying quite clearly that there was never any request of the Department of Tourism about the merits of CEP grants, nor could there be.

The Hon. Jennifer Adamson: You knew that if there were it would have been turned down by the Department of Tourism officers.

The DEPUTY SPEAKER: Order!

The Hon. G.F. KENEALLY: The honourable member accuses me, as the Minister, of instructing my Department to give approval to a CEP application. The honourable member should read her second reading speech. That is exactly what she says.

The Hon. Jennifer Adamson: It's not.

The Hon. G.F. KENEALLY: I suggest that the honourable member read her speech again.

The Hon. Jennifer Adamson: Where did I say that?

The Hon. G.F. KENEALLY: I will seek leave to continue my remarks and get to that point. That is the first thing, and I totally reject that allegation. With respect to the CEP programmes themselves, I address the matter that the honourable member raised at the Estimates Committees 12 months ago, when I said that, because the subsidy line had not been increased, or increased marginally by 4.3 per cent, we would seek to use CEP funds to do some of the work that otherwise might have been done under the subsidy line.

The Department of Tourism and the Department of Local Government together put to the CEP unit a total programme that included about $2.5 million worth of projects throughout the State seeking the support of the CEP, and we thought that we had put up a rather admirable submission. Unfortunately, the CEP decided that our submission, supported by Cabinet, was outside the terms of reference for the CEP, and it was rejected. I point out to members that Cabinet and the Minister do not make decisions that are binding on the CEP unit. The CEP unit has its own terms of reference and makes its own decisions, and those decisions are for it and not for the Cabinet or the Minister to make. Decisions are made by the CEP unit because it has Commonwealth funds. The State Government has one officer on the CEP unit.

The Hon. Michael Wilson: Why do we write to Jack Wright about it?

The Hon. G.F. KENEALLY: The Deputy Premier in his capacity as Minister of Labour administers the scheme, but he does not make the decisions, and there is a distinct difference between making the decisions and administering the scheme. Because we applied for $2.5 million in funding and did not receive it, that did not put me in an embarrassing position, but it certainly cut back the programme of expansion of tourist facilities throughout the State which we were seeking to achieve. In the previous year $1 million went to Port Lincoln towards a project that fitted into a total tourism scheme. The application by the Storemen and Packers Union was quite independent and outside any priorities we had established.

Whether or not it was granted, it did not impact in any way on the priorities of the Department of Tourism. Because it was granted and money is funded in that area, it has not deprived the South-East or the tourist industry in South Australia of one cent of money that might otherwise have been gained through the efforts of the Department of Tourism. They are quite distinctly different applications, and they do not impact on each other at all. The shadow Minister well knows that. I do not blame her: she made a pretty strong political point at the time, and so did her colleague the member for Mallee. However, the truth of the matter is something that members have now admitted they know: that there is a difference between an independent application by any organisation in South Australia competent to apply for a CEP grant and the submissions, priorities and the support of the Department of Tourism for our programmes in conjunction with the Department of Local Government in the applications that we make.

Therefore, I put the lie to the suggestion that the South-East has suffered any reduction in its application for CEP funds through the Department of Tourism by the successful application of the Storemen and Packers Union. The other proposition of the honourable member is that unions should not be entitled to CEP funds, for what reason I do not know, as they come within the terms of reference established by the Commonwealth Government in setting out the programmes for CEP funds. Not one cent of State money is

involved in CEP grants, particularly the one that we are talking about. The funding that is made directly—

The Hon. Michael Wilson interjecting:

The Hon. G.F. KENEALLY: It seems that it was more than a suggestion: it was implied quite distinctly by both the member for Coles and her colleague that somehow or other the Department of Tourism was favouring the Storemen and Packers Union application. I think that this occurred because the officer, whose name will come to me, said that there was no objection by the Department of Tourism to the application.

The Hon. Michael Wilson interjecting:

The Hon. G.F. KENEALLY: That is right; the Director of the Department of Tourism said that there was no objection because the Department could not object, nor could it support: it was not within its capacity either to object or to support. Its only role was to provide technical information when requested—the same sort of technical information that the member for Coles knows the Department of Tourism, through its project officers, supplies to any organisation seeking to invest, upgrade or expand its tourist facilities. It is a service that we provide, and we provide it on request, to a union, the Chamber of Commerce, the CEP unit and any individuals with an interest in purchasing tourist developments or wanting to expand. It is a service that we quite legitimately provide.

We do not become involved in discussing the merits of CEP grants outside those matters in which we are involved—quite understandably, the Department of Tourism itself and the Department of Local Government working with the Department. The honourable member suggests that the Storemen and Packers Union, which is seeking to provide holiday accommodation for its members and other workers at somewhat cheaper rates than it can get elsewhere, is not in that category. Members of unions are members of the community. Members of unions are not some strange group of people shut off from normal life who ought to be regarded with some suspicion and who ought not to have the advantage of being involved in normal activities throughout the community. Members of unions are members of electorates of members of this House, and I think that every member on both sides of the House knows and respects members of unions.

Members interjecting:

The Hon. G.F. KENEALLY: The suggestion has been made that this is a pay-off to some union (that was the emotive term used) when the process of that application and the granting of the funds under the CEP programme went through the well tried system of the CEP. It is not an easy thing to get a CEP grant.

The Hon. Michael Wilson: Where would the CEP have gone for its advice if it had not gone to the Department of Tourism?

The Hon. G.F. KENEALLY: Whether or not there is merit in the application depends on whether it comes within the terms of the CEP formula. All it has asked the Department of Tourism is whether the caravan park is a viable caravan park and what improvements would be needed to bring it up to a standard that the Department of Tourism would approve.

Mr Oswald: It wouldn't have asked for priority?

The Hon. G.F. KENEALLY: No, and nor would we tell it what our priorities are in terms of an individual organisation seeking CEP funds. We have no responsibility, no authority and no influence over the CEP unit except—

The Hon. Jennifer Adamson interjecting:

The Hon. G.F. KENEALLY: No, it does not. What the member for Coles is saying is that any worthy organisation in South Australia which wanted to apply to the CEP for funds involving a tourist-oriented project should make a submission to the Department of Tourism for it to vet and to give it a priority—to prioritise it, as the current term is.

The Hon. Jennifer Adamson interjecting:

The Hon. G.F. KENEALLY: No; we do not give it a priority, nor would I approve of the Department's doing that.

The Hon. Jennifer Adamson: So, you see taxpayers' funds poured into projects and—

The Hon. G.F. KENEALLY: I see taxpayers' funds going into a project within the guidelines of the CEP scheme to provide low-cost accommodation to citizens of South Australia who would benefit by such low-cost accommodation because they generally belong to a wage group or a salary group that is fairly limited, and I must say that I have no objection to that at all. However, what I am doing today is putting quite clearly on the record that the Minister of Tourism did not, could not and would not instruct the Department of Tourism to become involved in discussing the merits of a CEP application by any organisation outside the Department of Tourism and the Department of Local Government.

I also put on record that no officer from the Department in any way gave any advice to the CEP unit about the merits of the CEP application. Officers of the Department gave advice about the technical position and value of a caravan park—as much as it would do regarding any request made to it. I think the honourable member should go back and read her speech if she says that the Minister to whom she was referring all the time was not me but another Minister. That does not come out clearly in the speech.

The contribution made by the honourable member was found to be offensive not only by me but by my officers, because it is a quite clear reflection on the Department of Tourism and its administration. I put that on the record to clarify the position. Having made that point, I have no objection to and, in fact, support unions that want to provide facilities for their members and other workers in the community. In South Australia we need more low-cost accommodation. I expect that caravan park to be an advantage to the region in which it will be established and it will not in any way (and I would like this to be repeated and reported quite widely, particularly in the South-East) affect the priorities of the request that we already have to hand in the Department involving funding priorities, as they are quite separate, and so they ought to be. On that note, I conclude my remarks.

The Hon. JENNIFER ADAMSON (Coles): I have listened with interest to everything that the Minister said in reply to my speech on the motion. We seem to be talking different languages. At no stage when moving the motion did I cast any aspersions whatsoever on officers of the Department of Tourism, nor would I do so as I have a great respect for those officers and, indeed, for the Minister. I have never seen the Minister or his colleagues look so discomforted as they appeared to be when this motion was being moved. There was a look of acute discomfort on the faces of all members of the Labor Party. The Minister looked embarrassed. The member for Florey, whom I have never seen look embarrassed, looked positively alarmed at what he realised were words that carried some considerable weight. In the course of that speech and subsequently through inquiries it has become abundantly clear that the Deputy Premier, who is the State Minister responsible for the administration of the Community Employment Programme, should be the real subject of this debate and is the culprit in terms of responsibility.

There can be no doubt, despite what the Minister of Tourism has said, that the grant of $193 000 to the Storemen and Packers Union was, in effect, a taxpayers' gift to a

union which could not, on any ordinary terms, have been justified when one looks at tourism priorities in this State. Nothing that the Minister has said can in any way detract from that. He made the point that the Department of Tourism put applications to the CEP seeking grants of the order of $2.4 million, and he has maintained that the criteria were not met. I can only say that that stretches credulity much too far. I am not saying that what the Minister has said is not right, but if the Coorong caravan park can meet the criteria of the Community Employment Programme and the Lady Nelson Park cannot, the credulity of this House is being sorely tested, as is the credulity of the taxpayers. There is no way that the tourism industry is going to swallow that—no way at all.

The Minister says that the decision did not impact in any way upon the priorities of the Department of Tourism. Let us inject a little common sense into the debate. We are talking about taxpayers' money. From whose pocket it comes is of no real consequence, because in every case it is the taxpayer—whether it be the Commonwealth or State Government that takes the money—who is footing the bill for this gift to the Storemen and Packers Union. As State Governments are involved in the administration of CEP grants, one would expect that State Government priorities should carry some weight with the CEP, all other criteria being equal. The Minister says that the criteria were not equal. There is a very nasty smell indeed about this grant, and nothing the Minister has said has dissipated that smell. He did not in any way deal with the question of what happens to the asset which will now belong to the Storemen and Packers Union and which will have trebled at least in value, its original investment being approximately $80 000.

If, in five years, the Storemen and Packers Union decides to sell the caravan park to some developer (and there is nothing to stop it from doing that), the union walks away with $193 000-plus in its pocket—a tidy profit as a result of the CEP being leant on by the Deputy Premier. That is a heavy lean. There is not time to go into all details of the Minister's speech. However, there is a bad smell about this matter: it smells crook, sounds crook and the tourism industry believes it is crook. I therefore ask the House to support the motion.

The House divided on the motion:

Ayes (16)—Mrs Adamson (teller), Messrs Allison, Baker, Becker, Blacker, D.C. Brown, Chapman, Evans, Goldsworthy, Gunn, Lewis, Meier, Oswald, Rodda, Wilson, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 6 for the Noes.

Motion thus negatived.

[*Sitting suspended from 6.2 to 7.30 p.m.*]

FAMILY RELATIONSHIPS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill will ensure that a child conceived following use of fertilization procedures of artificial insemination by donor and *in vitro* fertilization using donor gametes will be the child of the couple who have consented to the procedure and that other legislation will reflect the same position. For about 15 years the practice of artificial insemination by donor has been used as a means of overcoming infertility. The law has failed to respond to this development and continued to treat the genetic, or biological, father as the father, for the purposes of the law, of any child which resulted from the use of this procedure. It is plain that the social husband within a couple which takes advantage of this procedure should be treated for all purposes by the law as the father of the child.

The problem created by the failure of the law to keep pace with developments in medical science was first addressed by the Standing Committee of Attorneys-General in November 1977. The deliberations of the Standing Committee of Attorneys-General in respect of the status question had almost been finalised, when the practice of *in vitro* fertilization developed to the extent that successful pregnancies were beginning to be achieved.

The Standing Committee considered it appropriate to incorporate within any legislation provisions which dealt with the status of children resulting from the procedure of *in vitro* fertilization. This amendment to the Family Relationships Act, now before the House, deals with the status of children born either as a result of the use of artificial insemination by donor or as a result of the use of *in vitro* fertilization procedures.

This Bill deems a child born following IVF or AID procedures to be the child of a married couple or a couple living as husband and wife in a genuine domestic relationship. In relation to the position of the husband, the Bill states that he must have consented to the procedure. Furthermore, any woman who gives birth to a child will always be the mother of that child, notwithstanding that the ovum may have been donated by another woman. The Bill provides, in relation to a child born following use of donor gametes, that the donor is not the parent of the child.

The Bill confers legitimacy, for the purposes of State law, on children who are the product of the donation of ova. In this respect, this legislation is in line with the Victorian Status of Children Act but is in advance of the Artificial Conception Act, 1984, passed by the New South Wales Parliament which deals only with children born as a result of donor semen, whether the semen is used as part of an artificial insemination procedure or as part of an *in vitro* fertilization procedure.

There have also been developments, recently, at Commonwealth level in respect of these issues. The Family Law (Amendment) Act, 1983, which came into force in November 1983, added section 5A to the Family Law Act. That section deems children born of donor semen or embryo transfer to be the children of the husband and wife who have achieved pregnancy by use of the donated semen or embryo transfer. As honourable members will appreciate, the Commonwealth provision, because of limitations in respect of Commonwealth power, does not cover children conceived as a result of donated semen or embryo transfer who are born into a *de facto* relationship.

The Bill presently before the House does confer protection on children born within an established *de facto* relationship. The approach of the Standing Committee was that any legislation should relate to married couples or couples in genuine domestic relationships living as husband and wife. This recognises the value of providing a child with parents

who carry the responsibility for the emotional and physical growth and development of that child.

The Commonwealth Family Law Act does not deal generally with the subject of legitimation of children of a marriage. That subject is dealt with by the Commonwealth Marriage Act, 1961, Part VI. The Commonwealth Attorney-General has introduced legislation to amend Part VI to clarify the legitimate status of children born as a result of certain medical procedures (defined as AID or the transfer of an embryo into the womb) where the laws of a State or Territory make provision for the parentage of these children. The Marriage Act Amendment Bill provides for legitimacy in three separate cases: where the sperm is donated, where the ova is donated or where both sperm and ova are donated, provided the State law recognises the legitimacy. Other legislation in South Australia requires amendment to reflect the same approach to parenthood and legitimacy of these children as expressed in this Bill, and the necessary amendments are contained in the schedule to the Bill.

Finally, the Bill contains two amendments inserted in another place. One amendment restricts the operation of the legislation to 1 July 1986 and the other relates to the Sex Discrimination Act. The Government opposes any temporal restriction upon the operation of the measure and is most concerned about the implications raised by the Sex Discrimination Act. These matters will therefore have to be the subject of careful consideration in this place.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends that section of the principal Act that sets out the Arrangement of the Act. It is proposed that a new Part IIA be inserted in the Act, relating to the status of persons who have been conceived following medical procedures. Clause 4 makes two amendments to the definition section of the principal Act. The definition of 'child born outside marriage' is no longer appropriate in its present form as it refers only to children born as a result of sexual relations. Obviously, children are now being born by conception through other means. The definition of 'father' or 'natural father' will provide particular assistance to the operation of section 6 in respect of children born through artificial conception.

Clause 5 proposes an amendment to section 8. This section provides that, in the absence of proof to the contrary, a child born to a woman during her marriage, or within ten months after the dissolution of the marriage, is to be presumed to be the child of her husband. It is appropriate that the operation of this section be made subject to the provisions of the proposed new Part on artificial conception. Clause 6 provides for the inclusion of a new Part IIA, concerned primarily with the relationships that arise when a child is born by virtue of artificial conception. Proposed new section 10a provides the definitions necessary for the operation of the new provisions.

The definition of 'fertilization procedure' refers to the processes of artificial insemination and *in vitro* fertilization, these being the processes to which this Part will have application. References to the terms 'married woman', 'wife' and 'husband' are also necessary. In this Part, a woman who lives with a man on a genuine domestic basis as his wife will be referred to as a 'married woman'. The significance of this reference is that the 'husband' of such a woman may, under this measure, be considered as the father of her child born through artificial conception. If a married woman has a lawful husband and another 'husband' within the meaning assigned by this Part (being a man with whom she lives on a genuine domestic basis as his wife), that other husband shall be considered as the husband for the purposes of this Part to the exclusion of the lawful husband.

Proposed new section 10b provides that the Part applies to fertilization procedures, whether carried out before or after the commencement of this Part. In addition, for the purposes of the laws of this State, the Part is to apply to all children, whether born before or after the commencement of the Part, and whether within or outside the State. However, the Part will not apply after 30 June 1986. New section 10c provides that a woman who gives birth to a child is the child's mother, notwithstanding that the child was conceived from an ovum donated by another woman. This provision settles conclusively the issue of the maternity of a child born through artificial conception.

New section 10d relates to the paternity of children. It provides that where a woman is married, her husband may consent to her undergoing a fertilization procedure and will then be considered to be the father of the resulting child. It may be noted that the provision is directed to people who are within the definition of 'husband', and accordingly does not relate to a person who is not living with the woman on a genuine domestic basis as her husband, nor does it relate to a lawful husband if another man is living with his wife. New section 10e clarifies in all respects the status of a donor of gametes used in fertilization procedures by providing that such a donor is not a parent of any children born as a result of the use of those gametes.

Clause 7 proposes that section 11 of the Act be amended so that the relationship of putative spouse will arise between two people if one is the mother of a child born through artificial conception processes and the other is the father by virtue of the proposed new Part IIA. The section presently recognises the relationship of putative spouse if a child has been born to the couple, and the amendment provides consistency in relation to children conceived by artificial means.

Clause 8 refers to consequential amendments to the Adoption of Children Act, the Community Welfare Act and the Guardianship of Infants Act to revise the definition of 'child born outside marriage' appearing in each of those Acts. This is necessary as each Act only contemplates the birth of illegitimate children through sexual relations. The clause also refers to the Sex Discrimination Act, 1975. The amendment to that Act provides that reference to the provision of a service does not include the carrying out of a fertilization procedure. Accordingly, such a procedure will fall outside the operation of that Act. The Schedule effects the consequential amendments that have been mentioned above.

The Hon. H. ALLISON secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (No. 3)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the laws of evidence in relation to present controls on the examination of a complainant in a trial for a sexual offence and the present requirement that a judge warn a jury that it is unsafe to convict the accused on the uncorroborated evidence of the complainant in a sexual offence. Section 34i of the Evidence Act, 1929, was enacted in 1976 in an effort to prevent unnecessarily distressing, humiliating and embarrassing exposure of the sexual

past of the complainant in sexual offence proceedings and to reduce as far as practicable intrusions during the trial into her private affairs and sexual morality.

Prior to the 1976 enactment courts tolerated almost unlimited ferreting into a complainant's past sexual history and attacks on her character by direct question, by innuendo and sometimes by smear. Prior sexual experience by the complainant was treated as having a bearing on her veracity. Evidence of sexual experience or sexual morality of a complainant cannot now be adduced except by leave of the Judge. Leave to adduce the evidence cannot be granted except where the Judge is satisfied that an allegation has been made to which the evidence in question is directly relevant and the introduction of the evidence is, in all the circumstances of the case, justified.

Section 34i has now been tested in litigation and it has been effective, to some degree, in curbing the introduction of evidence of a complainant's 'prior sexual experience' and 'sexual morality'. In particular it precludes the use of sexual behaviour as a basis of an inference of unreliability of the complainant as a witness. Critics of the section argue it is ineffective for the protection of complainants because there is a tendency to grant leave to cross-examine about a complainant's previous experience upon being asked to do so.

A study of 77 Law Department files for the prosecution of rape in 1979 and 1980 showed that applications for leave to admit evidence under section 34i were made in about seventy per cent of cases where such application is theoretically possible. Eighty-eight per cent of defence applications were successful.

The frequency with which leave is granted is, of course, no indication of the strength of the applications. But the study showed that once evidence proposed to be introduced is shown to have some 'relevance', it is ruled admissible, generally, with little limiting effect being given to the second legislative requirement namely, that the Judge must be satisfied that its introduction is in all the circumstances of the case justified. It appears that where the evidence is regarded as having some probative effect it will be taken to be 'directly relevant' to a 'live issue' and therefore admissible.

Routinely evidence is admitted from the accused as to his belief that, because the complainant was a woman of easy virtue, she was consenting to the act of intercourse which took place. The defendant is entitled, it has been held, to prove his belief that the complainant was of such a sexual disposition that he had no reason to doubt that she was yielding to his advances. Under the provisions of this Bill such evidence will no longer be allowed.

One of the criticisms of section 34i has been that it does not give the courts any guidance as to what competing considerations are to militate for and against the admission of evidence of sexual experience of the complainant. The Bill provides that the principle which is to guide the court in deciding whether evidences should be admitted is that complainants in sexual offence proceedings should not be subjected to unnecessary distress, humiliation or embarrassment and that the evidence must be of substantial probative value or materially damaging to the complainant's credibility.

It is often argued that evidence of prior sexual experiences of the complainant should never be admitted where its purpose is merely to impugn the credibility of the complainant. There are, however, some circumstances where cross-examination as to credit, in a way which would disclose prior sexual experiences, is necessary if the jury is to be able to judge the case fairly. For instance, if it is alleged that the complainant has previously made a false report that she was raped, knowledge that such a false report occurred would be material in assessing the complainant's credit. It may, however, be impossible to establish that the report was false without eliciting that the alleged victim engaged in sexual intercourse willingly.

Accordingly the Bill provides that leave may be given to adduce evidence of the sexual experiences of the complainant if, in the circumstances, the evidence would be likely materially to impair the confidence in the reliability of the evidence of the complainant.

The Bill in substituting for the existing section 34i a new provision does not re-enact the provisions of present section 34i (1). Section 34i (1), which was enacted in 1976, provides that a self-serving statement made by a person who complains of the commission of a sexual offence against him is not to be admitted in evidence unless it is introduced by cross-examination or in rebuttal of evidence tendered by or on behalf of the accused.

Prior to 1976, upon a charge of rape the fact that a complaint was made by the prosecutrix shortly after the alleged offence, and the particulars of the complaint, could be given in evidence so far as they related to the accused, not as evidence of the facts complained of, but as evidence of the consistency of the conduct of the prosecutrix with her evidence given at the trial as negativing consent.

The enactment of section 34i (1) implemented a recommendation of the Criminal Law and Penal Methods Reform Committee (the Mitchell Committee). That Committee considered that there was no useful purpose in retaining the admissibility of a complaint of rape. Whether a person who is raped complains at the first opportunity or not depends largely upon her personality and her temperament. It is a false assumption to assume that every woman who is raped will necessarily immediately complain of rape. The fact that a woman may decide to give mature consideration to whether she will or will not report the rape does not of itself indicate that she is untrustworthy. The Mitchell Committee also considered that the jury was likely to be confused when it was told that the complaint is not to be taken as evidence of the facts contained in it, or as corroboration, but merely as evidence of the consistency of the complainant's story, and may be used to negative consent on the pact of the complainant.

However, the Chief Justice has recently expressed the view that the removal of the prosecution's right to lead evidence of a complaint made by the complainant immediately after the alleged crime, was a mistake and should be reversed. He considers that the present law puts the prosecution at a considerable disadvantage and deprives the complainant of the right to tell the court that she complained as soon as she could after the incident. The question of whether and when a complaint was made springs naturally to the mind of a jury considering the credibility of an alleged victim and causes confusion in their minds to the detriment of the case for the prosecution.

Prosecutors agree with the Chief Justice. To be unable to show that, for example, a 16 year old girl who alleges she was raped by the side of a road, complained of the rape to a driver of a car who came to her assistance, leaves a large gap in the prosecution case. The prosecution is unable to present the whole story. The 1976 amendment has the result that evidence favourable to the prosecution cannot be introduced by the prosecution but the fact that a late complaint was made by the alleged victim can be elicited by the defence. Thus the prosecution has the worst of both worlds.

South Australia is the only State to have amended the law in this way. Accordingly, the Bill restores the pre-1976 position. The Bill also abolishes the rule of law or practice which requires a judge to give a warning to the effect that it is unsafe to convict the person on the uncorroborated evidence of the complainant. It is often argued that the requirement that the judge must warn the jury against acting on the uncorroborated evidence of the complainant in rape

cases is grossly offensive to women, and discriminating, based as it is on the presumption that rape complainants are particularly prone to lying. In fact the rule also applies when the complainant is male.

Where there is manifestly an abundance of corroborating evidence—e.g. a record of interview with the accused, verbal admissions, bruises and cuts, the evidence of eyewitnesses, the advantage obtained by the accused in planting suspicion about the veracity of the complainant is considerable and this advantage may well be reinforced by a warning by the Judge that the complainant's evidence alone cannot be relied on. To demand a warning where there is little risk that the testimony of the complainant is suspect may mislead the jury and result in an unjustified acquittal of the accused.

Under the provisions of the Bill the judge will have a discretion to comment, when appropriate, upon the weight to be given to the evidence of the various witnesses. If the corroborating evidence is in fact flimsy the judge will, no doubt, be inclined to give the traditional warning. If there is substantial corroborating evidence, he will not be required to—although he still may—give the traditional direction.

Sufficient protection for the accused against the susceptibilities of testimony lies in the judge's duty to sum up fairly to a jury on the evidence, so as not to produce a miscarriage of justice. Where a statutory provision requires evidence to be corroborated, as for example section 13 of the Evidence Act which requires the evidence of a child under the age of ten to be corroborated in a material particular, the new provision will have no effect.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides for the repeal of section 34i of the principal Act and the substitution of a new section. The proposed new section does not make provision for the matter provided for present section 34i (l). That subsection provided that no evidence shall be admitted in proceedings in respect of a sexual offence as to a statement made by the alleged victim after the time of the alleged offence and not in the presence of the accused unless the evidence is admitted by way of cross-examination or in rebuttal of evidence tendered or elicited by or on behalf of the accused. Subclauses (l) to (4) make new provision in respect of the other matter dealt with in present section 34i, namely, the questioning of an alleged victim of a sexual offence as to sexual activities engaged in by the person.

Subclause (l) provides that in proceedings in respect of a sexual offence no question shall be asked or evidence admitted as to the sexual reputation of the alleged victim of the offence or, except with the leave of the judge, as to the alleged victim's sexual activities before or after the events of and surrounding the alleged offence (other than recent sexual activities with the accused). This provision differs from the present provision in several respects. Under the present provision questions as to the alleged victim's sexual reputation are not excluded absolutely. The present provision does not limit questioning as to sexual activities engaged in by the alleged victim after the time of the alleged offence. Nor does it exclude from the requirement for leave of the judge evidence as to recent sexual activities engaged in by the alleged victim with the accused.

Subclause (2) seeks to spell out the public policy upon which limitations upon the admissibility of such evidence is based. The subclause provides that, in deciding whether leave should be granted, the judge shall give effect to the principle that alleged victims of sexual offences should not be subjected to unnecessary distress, humiliation or embarrasment through such questioning or the admission of such evidence and that leave shall not be granted unless the evidence is of substantial probative value or would, in the circumstances, materially impair confidence in the reliability of the alleged victim's evidence and unless the admission of the evidence is required in the interests of justice. This again differs from the present position where the criteria for the granting of leave are, in effect, that the evidence of the alleged victim's sexual activities must be relevant and its admission justified in the circumstances of the case.

Subclause (3) spells out that leave shall not be granted authorising the asking of questions or the admission of evidence the purpose of which is only to raise inferences from some general disposition of the alleged victim. Subclause (4) provides that an application for leave shall be heard in the absence of the jury (if any). Subclause (7) defines expressions used in the preceding subclauses. 'Evidence' is defined to include a statement or allegation made by way of unsworn statement; "sexual activities" is defined to include sexual experience or lack of sexual experience. Subclause (5) deals with a new and separate matter in relation to sexual offence evidence. The subclause provides that in proceedings in respect of a sexual offence the judge is not required by any rule of law or practice to warn the jury that it is unsafe to convict the accused on the uncorroborated evidence of the alleged victim of the offence. Subclause (6) provides that subclause (5) does not affect the operation of any provision of this or any other Act requiring that the evidence of a witness be corroborated.

The Hon. H. ALLISON secured the adjournment of the debate.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

From reports of Royal Commissions and Commissions of Inquiry in recent years, it is evident that organised crime presents a real problem in Australia and that organised crime recognises no boundaries. The establishment of the National Crime Authority is the first attempt to establish a nation-wide Federal/State co-operative attack on organised crime and as such is strongly supported by the South Australian Government. With the enactment of this measure South Australia will be able to participate fully in the fight against organised crime. Every State and Northern Territory has notified its intention to participate. This national co-operation is fundamental to the success of the National Crime Authority.

The Government firmly believes that the National Crime Authority is an appropriate and effective body to tackle organised crime. The new body has powers not available to Royal Commissions. Royal Commissions have no legal authority or mandate to investigate matters outside the jurisdiction within which the letters patent are issued. The use of Royal Commissions does not necessarily lead directly to people being brought before the courts. In fact, criminal and civil charges arising out of Royal Commissions, on any significant scale, are a recent development. The National Crime Authority, on the other hand, is specifically designed to assemble evidence which can be used to obtain convictions against major criminals.

The Authority, when it has a reference to investigate a particular matter, has additional powers not available to a Royal Commission, for example, access to Commonwealth records not normally made public; power to apply to the Federal Court for a person's passport to be retained by the Court; power to apply to the Federal Court to issue a warrant for the arrest of a witness where there are reasonable grounds to believe that the witness is likely to leave Australia to avoid giving evidence.

Further, the National Crime Authority is not constrained by narrow terms of reference. Using its ordinary powers it can investigate any relative criminal activity. Once a reference is given it can use its special powers to pursue the full range of relevant criminal activity without hindrance. Evidence given before the Authority may be used in prosecutions except in criminal proceedings against any person who provided that evidence under indemnity and the Athority has power to enable arrangements to be made for the protection of witnesses.

The Federal Act makes it clear that the real task of the authority is to gather evidence for prosecutions rather than to produce reports. There is formal mechanism in the Federal legislation for achieving co-operation with law enforcement agencies. The Authority can arrange for the establishment of joint task forces and co-ordinate investigations by the task forces so that the national effort against organised crime is maximised. I can assure members that the Authority will receive the utmost co-operation from South Australian law enforcement agencies.

Much has been made recently of the power of a State to veto a reference for the Authority to investigate offences against the laws of that State. It should be noted that no State can stop the Authority from using its general powers to invesigate any matter anywhere in Australia. No State can veto references from the Federal Government which relate to possible breaches of Commonwealth law in a particular State. No State can veto references which relate to possible breaches of State law in another State. If a State does seek to use its veto powers it will have to face up to the political consequences of such action.

While, as I have said, the South Australian Government is firmly of the opinion that the National Crime Authority is an appropriate and effective body to tackle organised crime we will certainly be prepared to co-operate if it appears that its structure and powers need alteration. However, in the fight against crime we must not lose sight of our democratic traditions. Laws which transgress the accepted standards of civil liberties cannot be countenanced.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides definitions of expressions used in the measure. Subclause (2) provides that exprissions used in the measure that are also used in the National Crime Authority Act, 1984, of the Commonwealth ("the Commonwealth Act") have, unless the contrary intention appears, the same respective meanings as the expressions have in the Commonwealth Act. Attention is drawn to the definitions of "relevant offence" and "relevant criminal activity". "Relevant offence" is defined under the Commonwealth Act as meaning an offence that involves two or more offenders and substantial planning and organisation; that involves or is of a kind that ordinarily involves the use of sophisticated methods and techniques; that is committed or is of a kind ordinarily committed in conjunction with other offences of a like kind; and that involves theft, fraud, tax evasion, currency violations, illegal drug dealings, illegal gambling, obtaining financial benefit by vice engaged in by others, extortion, violence, bribery or corruption of public officers, bankruptcy and company violations, harbouring of criminals, forging of passports, armament dealings or illegal importation or exportation of fauna or other similar offences. The expression does not include offences committed in the course of a genuine industrial dispute (unless committed in connection with or as part of a course of activity involving the commission of a relevant offence); offences the time for the prosecution of which has expired; or offences not punishable by imprisonment or punishable by imprisonment for less than three years. "Relevant criminal activity" is defined under the Commonwealth Act as meaning any circumstances implying, or any allegations, that a relevant offence may have been, or may be being, committed against a law of the Commonwealth, of a State or of a Territory.

Clause 4 provides that the measure is to bind the Crown in right of the State. Clause 5 provides that the Minister administering the measure may, with the approval of the Inter-Governmental Committee, by notice in writing to the National Crime Authority, refer a matter relating to a relevant criminal activity to the Authority for investigation in so far as the relevant offences are or include offences against the law of this State. The reference is, under the clause, to describe the general nature of the circumstances or allegations constituting the relevant criminal activity; to state that the relevant offences are offences against the law of this State (but need not specify the offences); and to set out the purpose of the investigation. Subclause (4) provides that where a reference is in force in respect of a matter relating to a relevant criminal activity, it is a special function of the Authority to investigate the matter in so far as the relevant offences are or include offences against the law of this State. The term "special function" is defined by clause 3 accordingly; while "special investigation" is defined as being an investigation conducted by the Authority in the performance of its special functions. Under subclause (5), the Minister may, by notice in writing to the Authority, withdraw a reference. The Inter-Governmental Committee referred to above is established and its proceedings governed by the Commonwealth Act, in particular, sections 8 and 9 of that Act.

Clause 6 corresponds to section 12 of the Commonwealth Act and provides for the performance by the Authority of its special functions. The Authority is, under the clause, to assemble evidence of offences against the law of the Commonwealth or a Territory or a State and to furnish that evidence to the Attorney-General or law enforcement agency for that jurisdiction. The Authority is to co-operate and consult with the Australian Bureau of Criminal Intelligence and may make recommendations for reform of the law or administrative or court procedures or practices to the Minister, or to the Commonwealth Minister or the Minister of another State, as the case may require. Subclause (4) limits the power of the Authority to interview any person in relation to an offence that the person is suspected of having committed to a case where the person has been summoned to appear as a witness at a hearing before the Authority and has not yet so appeared. Under the measure, a "hearing" is a hearing convened under clause 16 relating to a matter referred to the Authority by the Minister under clause 5. Subclause (4) does not, however, affect the powers that members of the Australian Federal Police or the Police Force of a State who are serving on the staff of the Authority have in their capacities as members of those Police Forces.

Clause 7 provides, in effect, that the Authority may, with the consent of the Inter-Governmental Committee and the Commonwealth Minister, exercise powers and functions (such as those of a Royal Commissioner) conferred by the Governor or a Minister in relation to relevant criminal activities. Clause 8 limits the right of any person other than the Attorney-General of the Commonwealth or a State to challenge by legal proceedings the validity of a reference to the Authority by the Minister under clause 5. Clause 9

requires the Authority, in performing its special functions, to co-operate with law enforcement agencies. Clause 10 provides that the Authority has power to do all things necessary or incidental to the performance of its special functions.

Clause 11 provides that the Minister may arrange for the Authority to be given by any authority of the State information or intelligence relating to relevant criminal activities. Clause 12 provides for the issue by a Judge of the Federal Court or a court of this State, upon application by a member of the Authority, of a warrant authorising the conduct of a search, for the purposes of a special investigation. Such a warrant is to have effect for a period (not exceeding one month) specified in the warrant. The clause provides for the seizure and retention of anything found on a search that is connected with the subject matter of the special investigation or that it is believed on reasonable grounds would be admissible as evidence in a prosecution for an offence against any Commonwealth, State or Territory law. Under the clause, anything seized must be returned to the person apparently entitled to it unless its retention is necessary for the purposes of a special investigation or the investigation of offences against Commonwealth, State or Territory law or for civil proceedings by the Crown related to an offence to which the relevant criminal activity relates.

Clause 13 provides for an application for a search warrant under clause 12 to be made to a Judge by telephone. The grounds for the issue of a warrant upon a telephone application are, under the clause, to be verified by the applicant by affidavit which, together with the form of the warrant completed in the terms indicated by the Judge, is to be forwarded to the Judge not later than the day next following the date of expiry of the warrant. Clause 14 empowers Judges of the courts of this State to perform such functions as are conferred on them by sections 22 and 23 of the Commonwealth Act (the issuing of search warrants according to the same procedures as are provided for under clauses 12 and 13).

Clause 15 provides for a Judge of the Federal Court, upon application by a member of the Authority, to make an order for the delivery to the Authority of the passport of a person who has been summoned to appear at a hearing of the Authority or who has appeared at a hearing of the Authority where there are reasonable grounds to believe that the person may be able to give relevant evidence or produce any relevant document or other thing and reasonable grounds to suspect that the person intends to leave Australia. Clause 16 provides for the Authority to hold hearings for the purposes of a special investigation. At a hearing, the Authority may be constituted by one or more members or acting members of the Authority. A witness in a hearing may have legal representation, as may a person other than a witness where the Authority, by reason of any special circumstances, consents to such representation. Hearings before the Authority are, under the clause, to be in private and no persons (other than members or staff of the Authority or counsel assisting the Authority) are to be present except as directed by the Authority. Counsel assisting the Authority, legal representatives and persons authorised to appear before it may, so far as the Authority thinks appropriate, examine and cross-examine witnesses as to any matter relevant to the special investigation. The Authority may restrict publication of any matter relating to a hearing to prevent prejudice to the safety or reputation of a person or the fair trial of a person who has been or may be charged with an offence. Under the clause, the Authority, shall, on the certificate of a court, make available for the benefit of a person charged with an offence before the court, evidence given before the Authority that the court considers should in the interests of justice be available for the purposes of the proceedings before the court.

Clause 17 authorises a member or acting member of the Authority to summon a person to appear before the Authority at a hearing to give evidence or produce a document or other thing. Clause 18 authorises a member or acting member of the Authority, by notice in writing to a person, to require the person to attend before a specified member of the Authority or the staff of the Authority at a specified time and place and to produce any specified document or thing that is relevant to a special investigation. Under the clause, such a requirement may be made whether or not the Authority is conducting a hearing for the purposes of the special investigation. Subclause (3) provides that it is an offence punishable by a fine not exceeding $1 000 or imprisonment for a period not exceeding six months for a person without reasonable excuse to refuse or fail to comply with such a requirement. Subclause (4) attracts for the purposes of this clause the provisions of clause 19 governing the circumstances in which a person may refuse to comply with a requirement to produce a document or thing to the Authority.

Clause 19 provides for offences of failing to attend in answer to a summons of the Authority, to take an oath or make an affirmation, to answer a question or to produce a document or thing at a hearing. The clause permits a legal practitioner to refuse to answer a question or produce a document on the grounds that the answer would disclose, or the document contains, a privileged communication, provided that he may be compelled to identify the person to whom or by whom the communication was made. The clause permits a natural person to refuse to answer a question or produce a document (other than a business record) or other thing if the answer, document or thing might tend to incriminate the person except in a case where an undertaking that the answer, document or thing will not be used in evidence in criminal proceedings against the person is given by the Attorney-General, Director of Public Prosecutions, Crown Prosecutor or other authorised person for the jurisdiction in which the proceedings would take place. Under the clause, the Authority may recommend to the relevant authority the giving of such an undertaking.

Clause 20 provides for the issue by a Federal Court Judge of a warrant for the arrest of a person who has been ordered to deliver his passport to the Authority (whether or not the person has complied with the order) where there are reasonable grounds to believe that the person will in any event attempt to leave Australia. Clauses 21 and 22 provide that where a person claims to be entitled to refuse to answer a question or to produce a document or thing, the Authority shall decide whether the claim is justified, and that a person adversely affected by such a decision may have the decision reviewed by the Federal Court or the Supreme Court of the State. The effect of the clauses is that the Federal Court has jurisdiction to review the decision if the answer or document or thing is required for the purposes of a special investigation arising from a reference by the Minister that relates to a matter that is also a subject matter of a reference by the Commonwealth Minister or the Minister of another State.

Where there is no matter to which the special investigation relates that is a matter that has also been referred to the Authority for investigation pursuant to the Commonwealth Act or the Act of another State, then an application for review under the clauses may be heard by the State Supreme Court. Under clause 22, the Authority is required to make a determination on this question that has *prima facie* force and the Supreme Court may, when hearing an application, transfer the application to the Federal Court if the Supreme Court considers that it would be more appropriate for the Federal Court to hear and determine the application. On hearing an application, the relevant court may affirm the

decision of the Authority or set the decision aside. Where the court sets aside a decision relating to the production of a document, the court may nevertheless, if satisfied that an undertaking of the kind referred to in clause 19 has been given in relation to the production of the document, require that the document be produced to the Authority. Provision is made under subclause (8) of clause 21 for the court to order excision or concealment of incriminating matter contained in a document.

Clause 23 creates an offence of giving evidence at a hearing that is, to the knowledge of the person, false or misleading in a material particular. Clause 24 provides for a member of the Authority to make arrangements (including arrangements with the Minister or members of the Police Force) to protect a witness or person who has or is to produce a document or thing to the Authority from intimidation or harassment. Clause 25 provides for offences of obstructing or hindering the Authority or its members in the performance of a special function or disrupting a hearing before the Authority. Clause 26 protects a person from being punished both under this measure and under the Commonwealth Act for the same act or omission, while preserving the right to prosecute under both measures.

Clause 27 provides for the powers of acting members of the Authority. Clause 28 provides that the Minister may make an arrangement with the Commonwealth Minister under which the State will, from time to time as agreed upon under the arrangement, make the holder of a judicial or other office of the State available as a member of the Authority or make an officer or employee of the State or a member of the State's Police Force available to perform services for the Authority. Clause 29 provides protection and immunity to members of the Authority, to legal practitioners assisting the Authority or representing persons before the Authority and to witnesses before the Authority.

Clause 30 provides that appointment of a Judge as a member of the Authority does not affect the person's tenure of judicial office or his rank, title, status, precedence, salary or other rights and privileges. Clause 31 provides for secrecy in respect of information acquired by a member of the Authority or its staff in the course of the performance of duties under the measure. Clause 32 provides that the Minister shall cause a copy of each annual report of the Authority that he receives together with any comments made on the report by the Inter-Governmental Committee to be laid before each House of Parliament. Clause 33 provides that proceedings for an offence against the measure (other than the offence provided for under clause 23) shall be disposed of summarily. Clause 34 provides for the making of regulations. Clause 35 provides that the measure shall, unless sooner repealed, cease to be in force at the expiration of the thirtieth day of June, 1989.

The Hon. H. ALLISON secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill in the form in which it was introduced in another place, proposed amendments to the Prices Act, 1948, designed to remove certain restrictions upon the powers of the Commissioner in three areas.

First, the Bill proposed removal of a restriction upon the power of the Commissioner to communicate information to consumer authorities in other jurisdictions. Section 7 of the Act imposes an obligation of secrecy on the Commissioner but authorises him to communicate information to the Minister or any person concerned in the administration of a Commonwealth, State or Territory law relating to the control of prices. This reference to the control of prices is a carry-over from the days when the Prices Act dealt only with price control. The Act now includes all the principal consumer affairs powers and functions of the Commission for Consumer Affairs. The Commissioner should clearly be able to communicate to other consumer affairs agencies any information regarding the exercise of those powers and functions without risk of being held to have contravened the secrecy provision.

Although it is arguable that such communication would not infringe the Act because of other provisions, the rights of the Commissioner to provide confidential information to the Trade Practices Commission and the Corporate Affairs Commission has recently been challenged. The amendment proposed by the Bill would put the matter beyond doubt.

Secondly, the Bill proposed amendments which would remove certain restrictions upon the powers of investigation of the Commissioner. Under section 18a of the Prices Act the Commissioner may investigate 'excessive charges for goods or services or ... unlawful or unfair trade or commercial practices or ... infringement of the consumer's rights arising out of any transaction entered into by him as a consumer'. However, the section goes on to provide that the power of investigation may only be exercised upon the complaint of a consumer; at the request of a Commonwealth, interstate or Territory consumer authority; or where the Commissioner suspects on reasonable grounds that excessive charges have been made or that an unlawful or unfair practice or an infringement of a consumer's rights has occurred. Furthermore, the Commissioner is required to report to the Minister any case where he commences an investigation based upon a reasonable suspicion of the kind just referred to.

These provisions impose unnecessary restrictions on the ability of the Commissioner to conduct investigations. The requirement that an investigation should not be conducted unless the Commissioner 'suspects on reasonable grounds' that there is something which requires investigation is impractical; often it is not possible to establish such grounds until after an investigation has been commenced.

For example, where the Commissioner sees an advertisement which seems 'questionable' he is not necessarily in a position to prove that he has 'reasonable grounds' to suspect that the advertisement infringes the law. However, he should be able to investigate the matter immediately, rather than sit back and wait for a complaint to be received. He should not have to wait until the horse has bolted before he attempts to lock the stable door.

The provisions also prevent the Commissioner from conducting monitoring programmes to ascertain whether the law is being complied with. For example, it is arguable that an investigation officer should not call into a used car yard to make a random spot check of whether all cars have the correct notices displayed and that other provisions of the Second-hand Motor Vehicles Act are being observed by the dealer.

These provisions were inserted at a time when the consumer affairs function was relatively new and some concerns were expressed about the way in which the statutory powers under the Act might be abused. Also, when this proposal was last considered in 1977, the Commissioner was not subject to the jurisdiction of the Ombudsman, which may have added to the fears of abuse.

The Government believes that the consumer affairs function is now more widely accepted and respected and has greater credibility than may have been the case in 1977. Any fears about abuse of powers should have lessened considerably having regard to the way in which these powers have been exercised over the last seven years. The arguments raised in 1977 are not supported by experience. Furthermore, as stated, the Commisioner is now, and has been since January, 1981, under the jurisdiction of the Ombudsman. There is therefore a mechanism which operates as a restraining influence and under which action could be taken in the unlikely event of the Commisioner abusing his powers.

A recent report by the Australian Federation of Consumer Organisations on 'The role of prosecution in consumer protection' was critical of consumer affairs agencies for the lack of enforcement action taken by them. Although the report acknowledged that South Australia was the leader in this area, the report recommended that less reliance should be placed on complaints in the enforcement process and that consumer affairs agencies should undertake random or focused surveys of compliance with key laws.

The removal of these restrictions is a necessary step if there is to be clear power for the full and proper enforcement of South Australia's consumer laws.

Finally, the Bill proposed amendments to remove certain restrictions upon the Commissioner's power under the Prices Act to commence, defend or assume the conduct of civil proceedings on behalf of consumers. Under section 18a, the Commissioner may represent a consumer in legal proceedings where he is satisfied that there is a cause of action and that it is in the public interest or proper so to represent the consumer. He must have the consent of the consumer and also obtain the consent of the Minister.

The constraints referred to ensure that frivolous proceedings are not undertaken and that the procedure is not used as a means of providing legal aid to all consumers. As a result, the procedure has been used sparingly in the past—usually in test cases where the results of one action may benefit other consumers or in cases where a trader has persistently refused to negotiate satisfactory resolution of disputes and needs to be reminded of his obligations by a court order. However, section 18a goes on to limit the power of the Commissioner to represent consumers to cases involving a monetary amount of less than $5 000. The section also excludes the exercise of that power in relation to cases involving a consumer as a purchaser or prospective purchaser of land.

The monetary limit of $5 000, which was last increased in 1977, provides an arbitrary constraint with no logical justification. It operates as an unwarranted fetter on the Commissioner's ability to represent consumers in legal proceedings. The same can be said of the other restriction which prevents the Commissioner from representing a consumer in proceedings involving the biggest transaction he or she is likely to enter into—the purchase of a home.

The Commissioner is currently conducting an investigaton involving a large number of consumers who have monetary claims some of which are below and some above the $5 000 limit. It is highly likely that legal proceedings will be necessary to sort out the rights and obligations of these consumers—possibly by way of individual cases but more likely by a joint action seeking a declaration from the Supreme Court. Some of these consumers would qualify for legal aid, but others may not. In the event of a joint application to the Supreme Court, it would be highly desirable for the Commisioner to represent all these consumers in the public interest. He could then argue the case not only for their benefit but also to obtain a definitive interpretation of the applicable law which would assist with future cases of this kind.

It should also be pointed out that the Residential Tenancies Act contains a provision almost identical to section 18a (2) of the Prices Act, except that it applies only to residential tenancy agreements and there is no monetary limit on the amount which may be involved. There should be consistency in these matters.

The inability of the Commissioner to represent a consumer in legal proceedings involving his or her purchase of a house or land also has little justification in logic. It means, for example, that the Commissioner could represent a consumer in legal proceedings involving a contract to build a house on the consumer's own land for $75 000, but could not do so if the transaction was a package deal for the purchase of a house and land for the same amount. The Government is firmly of the view that it is now time to remove these arbitrary restrictions.

As a result of amendments passed in another place, the Bill bears little resemblance to the Government's original Bill, apart from the provision which clarifies the position regarding the communication of information by the Commissioner for Consumer Affairs to other similar officers and agencies. The Bill now contains provisions which would restrict the ability of the Commissioner to conduct investigations of his own motion. For the reasons set out above, the Government does not support these restrictions and will be seeking to amend the Bill to re-insert the provisions which were in the Bill originally. The provisions of the Government's Bill regarding the representation of consumers in legal proceedings have also been substantially amended in another place.

The Bill now provides an upper limit of $20 000 for legal proceedings involving a monetary claim, with a limit of $75 000 in the case of proceedings in which the consumer is involved as a purchaser or mortgagor of land. The Government does not accept that there is any logic in having a monetary limit in a provision of this kind.

The amended Bill now seeks to index the monetary limit. The Government believes that the indexation provision is quite inappropriate for legislation of this kind. It would create confusion and uncertainty in that the public would not know, at any given time, what the actual limit is without performing complicated calculations or checking with the Commissioner's office. The Government is opposed to there being any monetary limit in relation to these provisions, but believes that, if there must be a limit, it should be able to be adjusted from time to time by regulation. Any person may then ascertain at any given time what the position is, and the regulations would be subject to disallowance if Parliament did not agree with the new amount prescribed.

For these reasons the Government will be moving amendments at the Committee stage to restore the Bill to the form in which it was introduced in another place.

Clause 1 is formal. Clause 2 amends section 7 of the principal Act which prohibits the unauthorised disclosure of information acquired by any person in the course of the performance of powers or duties under the Act. Paragraph *(c)* of subsection (4) authorises the Minister or the Commissioner to communicate to the Minister or any person concerned in the administration of legislation of another State or the Commonwealth or a Territory relating to the control of prices any information which that Minister or person reasonably requires for the purposes of that legislation. The clause removes the reference to legislation relating to

the control of prices and replaces it with a reference to legislation relating to a matter of the same or a similar kind as a matter to which the principal Act relates.

Clause 3 amends section 18a of the principal Act which, *inter alia*, authorises the Commissioner to investigate excessive charges, unlawful or unfair trade or commercial practices or infringements of consumers' rights and to commence, defend or assume the conduct of legal proceedings on behalf of a consumer. Present subsection (1a) places a restriction upon the investigatory power of the Commissioner that an investigation is not to be conducted except upon the complaint of a consumer, or at the request of the counterpart of the Commissioner under the laws of another State or the Commonwealth or a Territory, or where the Commissioner suspects on reasonable grounds that an excessive charge has been made or an unlawful or unfair practice or an infringement of a consumer's rights has occurred. Present subsection (1b) requires that where the Commissioner conducts an investigation based upon a reasonable suspicion of the kind referred to above, he shall as soon as practicable after commencing the investigation notify the Minister of the substance of the investigation.

The power of the Commissioner to commence, defend or assume the conduct of legal proceedings on behalf of a consumer is restricted under present subsection (2) to claims involving an amount not exceeding $5 000. Present subsection (3a) provides that the Commissioner shall not institute, defend or assume the conduct of proceedings to which the consumer is a party or prospective party in his capacity as a purchaser or prospective purchaser of land. The clause removes the reference in subsection (2) to a monetary limit and deletes subsection (3a) and replaces these with a new subsection (3a) which prevents the Commissioner from representing a consumer in legal proceedings where the proceedings involve a monetary claim that exceeds 'the prescribed amount.' 'Prescribed amount' is defined by a proposed new subsection (3b) as the amount of $75 000 in any case where the consumer is or is to be party to proceedings in his capacity as a purchaser or prospective purchaser or a mortgagor of land upon which he resides or intends to reside, or, in any other case, as the amount of $20 000. These amounts are under the new subsection to be adjusted annually according to movements in the Consumer Price Index.

The Hon. H. ALLISON secured the adjournment of the debate.

MAGISTRATES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill proposes amendments to the Magistrates Act, 1983, relating to the office of Supervising Magistrate and the day-to-day management of magistrates courts. The Magistrates Act, 1983, authorises the appointment of Supervising Magistrates. The Attorney-General is able to determine the number of Supervising Magistrates and to nominate stipendiary magistrates for appointment as Supervising Magistrates.

In considering the number of offices of Supervising Magistrate that should be created, it has been recognised that it would be appropriate to provide for another group within the Magistracy. Members of such a group would be involved in day-to-day management of a court and other magistrates in that court but not carry the responsibilities that are intended for a Supervising Magistrate. Creation of this further category should, it is thought, ensure more efficient and economical administration of the Magistracy.

Accordingly, the Bill proposes an amendment to the Act under which the Chief Justice would be able, with the concurrence of the Attorney-General, to assign special responsibilities to a stipendiary magistrate to be in charge of a court as circumstances require from time to time. A stipendiary magistrate, while performing such special duties, would under the amendment, be entitled to such additional renumeration as may be determined by the Governor.

Linked with this is a proposal for more flexibility in relation to the number of Supervising Magistrates. The Bill, therefore, provides that a person appointed to be a Supervising Magistrate may be removed from that office by the Governor with the approval of the Chief Justice as circumstances require. Such a stipendiary magistrate would as a natural consequence lose his entitlement to be renumerated at the higher rate set for Supervising Magistrates, but under the amendment his office as a stipendiary magistrate would be unaffected.

Clause 1 is formal. Clause 2 amends section 6 of the principal Act which provides, *inter alia*, that a stipendiary magistrate may be appointed by the Governor, on the nomination of the Attorney-General, to be a Supervising Magistrate. The present subsection (4) provides that, subject to subsection (5), such an appointment is to be effective for so long as the person remains a stipendiary magistrate. The clause adds to the exceptions provided for in subsection (5) the further exception that, if a person appointed to the office of Supervising Magistrate is no longer required to carry out the duties of that office, his appointment to that office may, with the approval of the Chief Justice, be revoked by the Governor without affecting his office as a stipendiary magistrate.

Clause 3 amends section 13 of the principal Act which provides for the remuneration of magistrates. The present subsection (1) provides that the remuneration of the various categories of stipendiary magistrate shall be at rates determined by the Governor. The clause inserts a new subsection (1a) providing that a stipendiary magistrate shall, while performing special duties for the time being directed by the Chief Justice with the concurrence of the Attorney-General, be entitled to such additional remuneration as may be determined by the Governor.

The Hon. H. ALLISON secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The provisions of this Bill clarify the law relating to suppression of the publication of names referred to, and

evidence given in South Australian courts. The Bill ensures that a balance is maintained between two principles; the need for the courts to be open to the public and the need to protect the rights of individuals.

In response to concerns expressed by the public and in the press about the way in which courts were using their powers to suppress names and to hear proceedings in camera the Government carried out a review of the law of suppression. Interested persons were invited to comment on the need for change in the present law. Twenty-one written submissions were received and a report prepared in the light of those submissions. This Bill implements the majority of the recommendations in the report.

The Bill provides that when an order is made to clear a court, for instance, to avoid embarrassment to a victim in a case involving sexual violence, the court may provide a transcript of evidence taken in closed court to anyone who was excluded from the court, for example to press representatives.

Power to order that the public by excluded from a courtroom may presently be found in section 69 of the Evidence Act, section 74 of the Criminal Law Consolidation Act and section 107 of the Justices Act. It is undesirable that there should be more than one such provision. Accordingly, section 74 of the Criminal Law Consolidation Act and section 107 of the Justices Act are repealed.

Other provisions of the Bill ensure that interested parties may intervene to make submissions on any application for suppression of names or evidence, provision is made for appeals against decisions on suppression applications and judicial officers making suppression orders must give the Attorney-General a copy of the order and in the case of an order forbidding the publication of evidence, a transcript or other record of that evidence and a summary of the reasons for which the order was made.

In order that informed debate can take place on the question of suppression orders it is important that basic information is available to the public. Accordingly the Bill provides that the Attorney-General shall report annually to Parliament on the number of suppression orders made in the previous year, the courts in which such orders were made, and the reasons, in general terms, given for the making of the orders.

The provisions of the Bill also take account of the fact that a person charged with a crime is presumed to be innocent unless or until he or she is proved to be guilty and that the mere publication of the charge can do substantial damage to the person so charged. The fact that the person has been acquitted may never be published although the fact of the charge, details of the committal proceedings and trial may have been reported in detail.

Accordingly provision is made to require the fact of an acquittal to be published with reasonable prominence. If the publisher does not report the result of the proceedings he will be guilty of an offence.

Clause 1 is formal. Clause 2 provides for the insertion of a new heading in the principal Act. Clause 3 provides for the amendment of section 68 of the principal Act by inserting further definitions for the purposes of the Part:
'court of summary jurisdiction' is defined to include a justice conducting a preliminary examination; 'primary court' in the context of an appeal means the court which made the order appealed from. Clause 4 provides for the repeal of sections 69, 70 and 71 of the principal Act and the substitution of new sections 69, 69a, 69b, 70 and 71.

New section 69 provides that where a court considers it in the interest of the administration of justice, or to prevent hardship or embarrassment to any person, it may order any persons to absent themselves from the place in which the court is conducting its proceedings. Under subsection (2), the court may provide a person excluded from the court with a transcript or other record of the evidence taken in his absence. Subsection (3) provides for an appeal against a refusal by the court to provide a transcript.

New section 69a provides that where a court considers it desirable in the interests of the administration of justice or to prevent undue hardship to any person it may make a suppression order forbidding the publication of specified evidence or an account of such evidence or forbidding the publication of the name of any party or witness or any person alluded to in the proceedings and of any other material tending to identify such persons. A suppression order may be subject to exceptions and conditions (subsection (2)). Under subsection (3), where an application for a suppression order is made—

(a) the court may, without considering the merits of the application, make an interim suppression order, to have effect until the application is determined;

(b) the applicant, the parties, a representative of a newspaper radio or television station, and any person who satisfies the court that he has a proper interest in the question of whether or not a suppression order should be made, may make submissions and may by leave of the court, call or give evidence in support of the submissions;

(c) the court may (but is not obliged to) adjourn the proceedings to make possible non-party intervention.

A suppression order may be varied or revoked by the court which made it (subsection (4)). Under subsection (5), an appeal lies against a suppression order or a decision not to make a suppression order or the variation or revocation of a suppression order.

Under subsection (6), the following persons may institute or appear at the hearing of an appeal—

(a) the applicant;

(b) any party;

(c) a person who satisfied the primary court that he had a proper interest in the question of whether to make a suppression order; or

(d) a person who did not appear before the primary court but satisfies the appeal court that he has a proper interest in the subject matter of the appeal and that his non-appearance before the primary court is not attributable to any lack of proper diligence on his part.

Under subsection (7), when a court makes a suppression order other than an interim order, it shall forward to the Attorney-General a report setting out—

(a) the terms of the order;

(b) the name of any person whose name was suppressed;

(c) a transcript of the evidence which was suppressed; and

(d) a summary stating with reasonable particularity the reasons for the order.

New section 69b provides that an appeal lies to the court to which appeals lie against final judgments of the primary court and where there is no such court, the Supreme Court. Under subsection (2), an appeal must be heard as expeditiously as possible. Under subsection (3), the appeal court may confirm, vary or revoke the order of the primary court, may make any order that the primary court could have made and may make orders for costs and other incidental matters.

New section 70 provides that where a person disobeys an order under the division he shall be liable to be dealt with for contempt (if the court has power to punish for contempt) and whether or not the court has such power, be guilty of a summary offence punishable by a fine not exceeding two

thousand dollars or imprisonment for six months. Under subsection (2) a person shall not be proceeded against both for contempt and a summary offence. Subsection (3) deals with procedural matters.

New section 71 requires the Attorney-General to prepare an annual report in relation to end financial year specifying the total number of orders made, the number of orders made by each of the various courts and a summary of the reasons assigned for making the orders. The Attorney-General must lay the report before each House of Parliament.

Clause 5 inserts new headings into the principal Act. Clause 6 makes a minor amendment to section 71a of the principal Act which is consequential upon clause 7. Clause 7 inserts new section 71b into the principal Act. Under the new section, where a report of proceedings taken against a person for an offence is published by newspaper, radio or television; the report identifies the person against whom the proceedings have been taken; the report is published before the result of the proceedings is known; and the proceedings do not result in a conviction on the charge that was laid against the person to whom the report relates—the person by whom the publication was made shall, as soon as practicable after the determination of the proceedings, publish a fair and accurate report of the result of the proceedings with reasonable prominence. Where such a report is published after the result of the proceedings is known, the person by whom the publication is made shall include prominently in the report a statement of the result of the proceedings. In each case, the penalty provided for a contravention is two thousand dollars. Clause 8 inserts a new heading into the principal Act. Clause 9 provides for the repeal of section 74 of the 'Criminal Law Consolidation Act, 1935'. Clause 10 provides for the repeal of section 107 of the Justices Act, 1921.

The Hon. H. ALLISON secured the adjournment of the debate.

JURIES ACT AMENDMENT BILL

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

WHEAT MARKETING BILL

The Hon LYNN ARNOLD (Minister of Education) obtained leave and introduced a Bill for an Act relating to the marketing of wheat; to repeal the Wheat Marketing Act, 1980; and for other purposes. Read a first time.

The Hon. LYNN ARNOLD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill gives effect to decisions made by Australian Agricultural Council on new wheat marketing arrangements that will apply for five years from 1 October 1984. The Bill is complementary to the Commonwealth Wheat Marketing Act, 1984. The Bill maintains the basic elements of the wheat marketing scheme that has operated for the past five seasons. Growers net returns will be underwritten at the current 95 per cent level and a high proportion of this underwritten level will be paid to the grower on delivery of the wheat as a first advance from the Australian Wheat Board (the Board). Changes have been made to the bases for calculating the underwritten price to reduce the risk level to the Commonwealth Government. Export marketing will remain the prerogative of the Board.

New pricing arrangements for domestic human consumption wheat have already been given effect by the passage of the Wheat Marketing Act Amendment Act, 1984. Stockfeed wheat will be able to be traded direct between grower and end user via a permit scheme administered by the Board. The powers of the Board have been extended to give it greater commercial flexibility. I now wish to comment on the major components of the Bill:

1. Underwriting—first advance to growers.

The Commonwealth Government will continue to underwrite 95 per cent of net wheat returns. This underwritten price is given effect through a guaranteed minimum price paid for Australian standard white wheat. There is, however, a change in the method of calculating the guaranteed minimum price in that the highest priced year has been removed from the averaging formula. The basis will now be the estimated returns from the subject season and the lowest two of the previous three seasons. This avoids the triggering of a Commonwealth underwriting commitment because of a short term rise in prices, rather than a fall.

A further change is that only the subject season's costs will be underwritten rather than the current three-year moving average. This will ensure that the Government's liability is not increased by unusual circumstances such as occurred in the 1983-84 season with its record crop and high proportion of weather damaged wheat.

Once the guaranteed minimum price has been established for Australian standard white wheat, the Bill provides for guaranteed differentials for other specified categories of wheat based on the expected market value of those grades relative to Australian standard white wheat.

Instead of receiving the full guaranteed minimum price payment on delivery, growers will receive a split first advance. The Commonwealth Minister for Primary Industry will determine the interim guaranteed minimum price by 1 October each year. Growers will be paid on delivery of their wheat 90 per cent of the then estimated guaranteed minimum price and any quality differential.

Early in the season the Commonwealth Minister will determine the final guaranteed minimum price, at which time the remainder of the first advance will be paid to growers. The Bill provides that the final guaranteed minimum price be determined no later than 1 March.

However, it is intended that the final advance payment be made to growers during February.

2. Domestic Pricing and Marketing.

Domestic pricing arrangements for human consumption wheat under the new scheme have already been put in place by the passage of the Wheat Marketing Act Amendment Act, 1984.

The Bill enables domestic stockfeed wheat to be traded directly between growers and end users under permits issued by the Board. Permit sales will be outside the normal pooling arrangements. This system will operate under Ministerial guidelines. It is intended that the permit system be introduced in all participating States on 3 December 1984.

Direct grower to buyer sales through the normal pooling arrangements will continue to be possible.

3. Powers of the Australian Wheat Board

This new marketing plan increases the commercial flexibility of the board by enabling, for example, it to operate on the United States corn futures market.

These new marketing arrangements have been discussed extensively with all sectors of the wheat industry and have received broad industry support.

This complementary Bill is of great importance to the wheat industry and I commend it to the House.

Clause 1 is formal. Clause 2 provides that the proposed Act commences on the commencement of the Commonwealth Act. Clause 3 is an interpretation provision. Of significance is the definition of 'season'—meaning the period of twelve months commencing on 1 July 1984 and the next six succeeding periods of 12 months. Clause 4 provides that the proposed Act shall be construed subject to the Commonwealth Constitution.

Clause 5 specifies the functions and powers of the Australian Wheat Board ("the Board"). The functions include wheat marketing controls and the authority to determine wheat classification and quality standards for delivered wheat after consultation with the authorised receivers. The Board is also allowed to operate on futures and currency markets to help protect itself against adverse variations in the terms of its wheat sales and borrowings. The Board's futures operations include corn futures markets because of interrelationships between corn and feed wheat futures. Subclause 5 (7) provides for the determination of guidelines under the Commonwealth Act for the Board's futures operations.

Clause 6 provides that South Australian Cooperative Bulk Handling Limited ("the Company") is an authorised receiver, and makes provision with respect to operation and obligations of authorised receivers.

Clause 7 provides that the Board is subject to the direction of the Commonwealth Minister in the performance and exercise of its functions and powers. Clause 8 requires a person who is in possession of wheat to deliver the wheat (except exempt wheat) to the Board. Upon delivery in accordance with the clause, the wheat becomes the property of the Board absolutely. The exempt wheat is essentially wheat for farm use by the grower; wheat traded under the stockfeed wheat permit system and wheat sold by the Board. Clause 9 provides for the manner of delivery of wheat to the Board and for the furnishing of information by a person delivering the wheat.

Clause 10 enables a person to obtain from the Board, in respect of seed wheat or wheat of inferior quality, a declaration that the proposed Act does not apply to the wheat the subject of the declaration. Clause 11 authorises the Board to issue permits for the movement of wheat off-farm—

(a) for gristing so long as the produce of gristing is returned to the farm;

(b) for use on an associated farm where such movement is considered not to affect the orderly marketing of wheat;

(c) for the purpose of feeding stock owned by the grower and which are agisted on another property.

Subclause (6) defines what is meant by an associated farm.

Clause 12 provides for the operation of a stockfeed wheat permit system for sales direct from growers to users outside the normal pooling arrangements. Regular returns are required to be made to the Board, containing details of wheat purchased under permit. Provision is made for Ministerial guidelines concerning operation of the permit system. The permit system will operate under guidelines issued by both the Commonwealth and the State Ministers.

Clause 13 enables a wheatgrower to accept, upon being so authorised by the Board, an offer made by a third party to purchase his wheat. Any such sale forms part of the normal pooling arrangements. The price agreed by the grower and buyer is paid to the Board.

Clause 14 reinforces the Board's control over the marketing of wheat by detailing circumstances that constitute unauthorised wheat dealings. Clause 15 provides for the board to make interim and final advance payments to growers for the five seasons commencing 1 July 1984. Clause 16 provides for the final payment to be made for wheat referred to in proposed section 15. Clause 17 provides for the adjustment of the preliminary allowances in the payments made for wheat referred to in proposed section 15.

Clause 18 provides for an early estimated final payment in lieu of the final payment under proposed section 16. Clause 19 provides for the payment to be made for wheat acquired by the Board, where the wheat is wheat of one of the last two seasons commencing 1 July 1989. Clause 20 makes provision with respect to the rights of persons in relation to money payable by the Board pursuant to proposed section 15, 16, 17, 18 or 19.

Clause 21 generally makes provisions for the price at which wheat of various qualities and for various uses shall be sold by the Board for home consumption. Provision is made for an administered domestic price for human consumption wheat determined quarterly on the basis of an averaging of the Board's quoted forward Australian standard wheat export prices for the forward and past quarters, plus a margin—set by the Commonwealth Minister. Provision is made for the determination of the prices of wheat for stockfeed and industrial uses.

Clause 22 provides that the Board shall keep a separate account in respect of the allowance made in the price of wheat for the cost of shipment to Tasmania and makes provision with respect to the application of money in that account and certain other money. Clause 23 provides for the appointment of authorised persons for the purpose of various provisions of the proposed Act. Clause 24 empowers the Board to require persons to furnish information in relation to wheat and wheat products.

Clause 25 requires a person having possession of wheat which is the property of the Board to take proper care of it. Clause 26 provides that the Company shall notify the Board of the proportion of its income by reference to capital expenditure in relation to its facilities as an authorised receiver. Clause 27 enables authorised persons to have the right of entry to premises where there is wheat which is the property of the Board or which is required to be delivered to the Board or where there are books or documents relating to wheat. This right can be exercised with the consent of the occupier, or without his consent if a Justice of the Peace issues a warrant. The functions of an authorised person under this section are to search for and inspect wheat and documents. Clause 28 provides for summary proceedings. Clause 29 provides for the making of regulations. Clause 30 repeals the Wheat Marketing Act, 1980, but preserves its operation in certain respects. Clause 31 makes transitional provisions with respect to payments for wheat under the repealed Act.

Mr GUNN secured the adjournment of the debate.

CANNED FRUITS MARKETING ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to extend the operation of the Canned Fruits Marketing Act, 1980, which is due to expire on 31 December 1984, for a further period of three years

ending 31 December 1987, and to complement measures considered by the Commonwealth Government to be appropriate for greater flexibility of operations by the Australian Canned Fruits Corporation.

A Bill to amend the Commonwealth legislation was introduced in Federal Parliament during September 1984 and while that Bill covered matters unnecessary for the purposes of the South Australian legislation, honourable members nevertheless will appreciate the principles behind the complementary Commonwealth/State scheme. In particular, it will be known that the canned fruit industry is of much social and economic importance to the Riverland of South Australia, the Goulburn Valley in Victoria and the Murrumbidgee Irrigation Area of New South Wales.

Basically, since 1 January 1980 the marketing of canned deciduous fruit produced mainly in South Australia, New South Wales and Victoria has been controlled through the Australian Canned Fruits Corporation under the terms of agreements between canners and within the legislative framework provided by the Commonwealth Canned Fruits Marketing Act, 1979, and complementary legislation in this state and other states concerned. Under these arrangements, the corporation acquires and arranges the marketing of canned deciduous fruit, sets minimum selling prices, equalises returns to canners from domestic market sales and sales to certain export markets and arranges for the provision of seasonal finance to canners.

In addition to the extension of existing arrangements there are a number of planned changes to aspects of the Australian Canned Fruits Corporation which are designed to improve its operation performance and to enhance its commercial flexibility.

Although the South Australian legislation (and that of the other participating States) does not deal with certain matters dealt with in the Commonwealth legislation (for example, the establishment, powers and functions of the Australian Canned Fruits Corporation) some of the amendments made to the Commonwealth legislation in those areas will be of interest to honourable members.

First, the Commonwealth Bill provides for the appointment to the Australian Canned Fruits Corporation, of two more members who by virtue of their professional qualifications and business expertise will make a positive contribution to the broad workings of the corporation.

Secondly, the overall performance of the corporation and its ability to aid the industry in adjusting to changing market circumstances will be enhanced by a requirement that it develop a corporate plan setting out its objectives, including marketing strategy, for the three years ending 1987 and for this to be supplemented by annual operational plans. These plans or significant variations from them are to be approved by the Commonwealth Minister.

These plans will enable the corporation to address the strategy, structure and programmes for the marketing of canned fruit appropriate for the market circumstances that are likely to develop over the next few years.

The Commonwealth proposals provide expanded borrowing powers to the corporation, enabling it to raise finance by more contemporary methods, such as the discounting of commercial bills, the issue of promissory notes, or hedging operations or foreign exchange and financial futures markets. Such operations will be subject to approval by the Commonwealth Minister.

Both the Commonwealth and State measures contain provisions intended to introduce an element of flexibility in relation to the extent of insurance cover to be taken by the Australian Canned Fruits Corporation over canned fruit. The Commonwealth Minister may set guidelines in this respect and moreover, the corporation will be required to establish an insurance account that makes adequate provision in respect of risks to the extent that they are not covered by insurance. It is understood that the changes to the insurance provisions could reduce significantly the costs to the corporation and the industry of protection against risks of loss or damage of the canned fruits.

The Bills prescribe in detail measures empowering the corporation to allow canners and marketing agents to retain premiums obtained from the sale of canned fruit. As a general principal it is considered appropriate that premiums realised above the corporation's minimum prices be retained by the canners and marketing agents who earn them.

The statutory arrangements have worked well to date and a greater measure of stability in marketing has returned to the industry compared with the late 1970s. The industry has met a particularly difficult period of adjustment with a substantial cut in production but forecasts are for a continuing decline in sales to overseas markets. This indicates pressure will be maintained on the industry to adjust progressively the amount and composition of its production to meet the changing market requirements.

Thus there is a need for continued recognition of those adjustment pressures and for on-going stability in marketing to allow this adjustment to occur in an orderly manner. Following its review of the Industries Assistance Commission report on the industry, the Commonwealth decided that the statutory marketing arrangements required a three year extension to December 1987 by which time it is judged that industry should be in a position to manage its own marketing without the benefit of statutory arrangements. The extension of the statutory arrangements and improvements to certain functions of the Australian Canned Fruits Corporation are supported by Local Industry.

It is of interest to note that the Commonwealth has taken this opportunity to specify that in terms of the Australian Canned Fruits Industry Advisory Committee, the representative of growers of canning apricots, peaches and pears be appointed from among persons nominated by the Australian Canning Fruitgrowers' Association.

Finally, it will be noted that increased penalties are proposed for contraventions of the Act.

The legislation has no financial implications for the States or Commonwealth. The corporation's marketing and related costs are met from the proceeds of sales of canned fruit while its adminstrative and promotional costs are met by a levy on canned fruit production. This complementary Bill is of significance to the industry concerned and I commend it to the attention of honourable members.

Clause 1 is formal. Clause 2 provides that the measure commences on the first day of January 1985. Clause 3 makes amendments to section 4 of the principal Act, which deals with interpretation of expressions used in the principal Act. Most of the amendments are consequential upon other amendments contained in the Bill. Of significance is the amendment of the definition of 'season' presently defined as the period of twelve months commencing on the first day of January 1980, and the next four succeeding twelve months. The last of those next succeeding periods of twelve months ends on 31 December 1984, and the effect of the amendment is to extend the application of the principal Act to the period of twelve months commencing on 1 January 1985, and the next two succeeding periods of twelve months.

Clause 4 amends section 6 of the principal Act. That section sets out the powers of the Australian Canned Fruits Corporation. New subsection (1a) provides that so far as is practicable, the Corporation that endeavours to exercise its powers under the principal Act with a view to giving effect to the corporate plan determined under the Commonwealth Act and the annual operational plan determined under the Commonwealth Act. Subsection (3) is struck out. Clause 5 inserts new section 7a in the principal Act. Under subsection

(1) "relevant risk" is defined as the risk of loss, deterioration or damage to canned fruits acquired by the Corporation. Under subsection (2) the Corporation is empowered to insure against relevant risks.

Under subsection (3) the cost of such insurance shall be met out of the proceeds of the disposal of the canned fruits covered by the insurance and for that purpose, the Corporation shall fix an insurance reimbursement rate. Subsection (4) provides that during any time when the Corporation does not have full insurance cover against all relevant risks, the Corporation must maintain an account (the "insurance account") for the purposes of making provision against such risks as are not covered by insurance. Under subsection (5) the Corporation shall pay into the insurance account sufficient amounts to provide adequate cover against relevant risks not covered by insurance. Under subsection (6) payments by the Corporation into the insurance account shall be paid out of the proceeds of the disposal of canned fruits being canned fruits against relevant risks in respect of which the Corporation was not fully insured—for that purpose the Corporation may fix an insurance account reimbursement rate.

Under subsection (7), money in the insurance account may be applied only in payment of loss by reason of a relevant risk not fully covered by insurance and such amounts as are appropriate to make provision for expenses incurred in maintaining the insurance account. Under subsection (8), the Commonwealth Minister may, by determination in writing, set guidelines for the Corporation to follow in exercising its powers under this section and revoke or vary such guidelines. Under subsection (9), the Corporation must exercise its powers in accordance with such guidelines.

Clauses 6 to 8 amend sections 9, 10 amd 11 by increasing the penalties provided in those sections. Clause 9 provides for the repeal of section 12 of the principal Act. Clause 10 inserts new section 13a into the principal Act. Under the new section, where the Corporation has determined a minimum price for which particular canned fruits are to be disposed of and those canned fruits are disposed of by a marketing agent at a price that is higher than the price so determined, then unless the Corporation otherwise directs, the amount of the difference between the amount actually obtained and the amount that would have been obtained if they had been disposed of at the price determined by the Corporation, shall be disposed of in accordance with arrangements between the marketing agent and the person to whom the amount payable by the Corporation under section 13 or 14 in respect of those canned fruits is to be paid in accordance with section 15 and for the purposes of section 4 (3), shall not be taken to be part of the proceeds of the disposal of those canned fruits. Clauses 11 to 13 amend sections 18, 22 and 23 of the principal Act by increasing the penalties provided in those sections. Clause 14 amends section 25 of the principal Act, the regulation making power. Penalties that may be prescribed for breaches of the regulations are lifted from two hundred dollars to five hundred dollars.

The Hon. TED CHAPMAN secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

In Committee.

Clause 3 passed.

New clause 3a—'Commissioner of Police may authorise breath tests.'

The Hon. R.K. ABBOTT: I move:

Page 1, after line 29—Insert new clause as follows:

3a. Section 47da of the principal Act is amended by striking out from subsection (7) the passage "on the first day of January, 1985" and substituting the passage "on the thirtieth day of June, 1985".

I do not think that it is necessary for me to indicate the need for this amendment; that has been done. It relates to the Select Committee report from the Upper House and, in view of the delay, this amendment is now necessary.

New clause inserted.

Clause 4 passed.

Clause 5—'Right of person to request blood test.'

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

Page 2, lines 6 to 10—Leave out subclause (2) and insert subclause as follows:

(2) Where a request is made by a person under subsection (1), a member of the Police Force shall do all things reasonably necessary to facilitate the taking of a sample of the person's blood—

(a) by a medical practitioner nominated by the person; or

(b) if—

(i) it becomes apparent to the member of the Police Force that there is no reasonable likelihood that a medical practitioner nominated by the person will be available to take the sample within one hour of the time of the request at some place not more than ten kilometres distant from the place of the request; or

(ii) the person does not nominate a particular medical practitioner,

by any medical practitioner who is available to take the sample.

I urge the amendment standing in my name. The Bill no longer gives the right to an individual to select whether or not a doctor should take the blood sample but gives that power to the police to say where the blood sample should be taken and who shall take it, provided that the person who takes it is a medical practitioner. In other words, it is up to the police to nominate the nearest hospital or doctor to which the blood sample will be taken.

That removes a fundamental right that a person should have, so I propose that there should be an amendment which would retain the present right for the motorist who is accused of having a positive alcotest and breath test also to be able to nominate his doctor and where that blood sample should be taken, provided that the person does not have to travel more than 10 kilometres and provided that the blood sample is taken within one hour.

I understand that the police have been consulted on this matter and that they are quite happy with the amendment. In other words, under the proposed change a person, having been found to have a positive breath test, would then be given the right to ask whether or not he wanted a blood sample taken and, if he said 'Yes', he would be asked by which doctor he wanted the blood sample taken. He would have to find a spot within a 10 kilometre radius where the blood sample could be taken and it would have to be taken by the doctor within one hour. It does not mean that the doctor has to be within a 10 kilometre radius—the doctor could be 30 kilometres away and drive to within 10 kilometres of where the request was first made that the person involved wanted a blood sample taken.

It will not tie up police resources. The person, I imagine, would sit at the point where the breath test was taken until a suitable doctor and location had been found and he would then be driven there. Members can see that it will not take a great amount of time to drive 10 kilometres once a doctor and place have been found. I have moved the amendment knowing that it retains the right of the individual, an important right, as the blood sample is to be used to incriminate that person for possibly driving under the influence of alcohol.

The Hon. R.K. ABBOTT: The Government supports the amendment. As a matter of fact, it is an improvement, and I give credit where credit is due. We had the amendment checked out with the Police Department, which indicated that it was a matter perhaps that they should have thought of themselves. It does restore some of the right to the individual, and that is necessary. The Government therefore supports it.

Amendment carried; clause as amended passed.

Clause 6 and title passed.

Bill read a third time and passed.

GOLDEN GROVE (INDENTURE RATIFICATION) BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 1594.)

The Hon. D.C. WOTTON (Murray): This Bill ratifies the indenture agreement that will finally mean, I hope, that the Golden Grove development will get off the ground. It comes after a very lengthy period of time since the first concept of the Golden Grove development was envisaged. I have had a very long involvement with the Golden Grove project. I was on the original Select Committee that looked at preparing the ground work for this project. That Select Committee went for quite a considerable time and took much evidence. Following the presentation of that report, which Opposition members and I supported, we waited for some action on the part of the Government. For quite some time, the lack of action by the Government was very obvious. It was very obvious that, if it was going to move, it was going to move very slowly. We then had the opportunity to do something about it when we came to Government in 1979. One of the election policies of the previous Liberal Government was that it would review the operations of the Land Commission.

The Premier and members of the current Government take great delight in criticising the previous Government for the changes that were made. They do not take into consideration the effect, particularly in regard to monetary terms, that the Land Commission was having on the State's economy. We were concerned at the scale of the Commission's land holdings and operations and the resulting adverse impact on private investment. No-one can deny that at that time private developers were leaving this State in droves and were winding down. It was quite obvious that that was of course the intention of the then Premier in introducing legislation to set up the Land Commission: he wanted the Government to take over the complete role of development in this State. We were concerned at the difficult financial situation faced by the Commission as a result of a continually increasing debt interest burden.

Let us trace very briefly the history of this situation. When the Commission was established in 1973, its function, we were told, was primarily that of a land banker. It was clear from the documents surrounding the establishment of the Commission that its principal function was to be the assembly, holding and management of large parcels for development by private enterprise. In this regard the then Premier (Mr Dunstan) made several statements. For example, on 16 May 1973, he said:

> A Land Commission designed to control the price of building blocks would be established. The Land Commission would act as a land bank.

In a signed four page advertisement in the *Advertiser* of 10 October 1973, the then Premier stated:

> The Land Commission will buy or acquire broad acres and release it as demand requires to help keep land prices down.

We saw what happened as a result of that. Former Premier Dunstan went on to say that,'In most cases the Commission's land will be privately developed,' which is a very interesting comment. However, the facts are that the former Labor Government never observed the main thrust of the Commission's charter. Had it done so it would not have been necessary to change the role of the Commission, as occurred under the previous Liberal Government. Following the establishment of the Commission the Government at the time undertook an unprecedented programme of allotment construction, in which the Land Commission became the major and dominant land developer in Adelaide. Its peak annual production at that stage reached something like some 3 000 allotments.

In 1977, large numbers of Government allotments were added to those being placed on the market by the private sector. At the same time, metropolitan market demand began to contract sharply. In a few short years a supply situation had been produced in which the opportunities for the private sector to invest and market had been virtually wiped out. Of course, as I said earlier, that is when the private developers began to leave the State. Not only did that Government operate as the major developer, contrary, I would remind honourable members, to its charter, but also it failed to discharge its major obligations to act as a land banker. Notwithstanding its ownership of some 4 000 hectares, costing some $50 million, the Government did not sell broad acres for private sector development.

These serious departures from the legislative charter were not the sole problem, however. An equally critical problem concerns the method adopted by the previous Government to finance the Commission. As I pointed out earlier, the Commission was funded entirely by debt financing. In the period 1973-74 to 1977-78 the State Government borrowed some $52.7 million from the Commonwealth. The conditions attached to those loans were that interest would accrue on a long term bond rate and that repayments for the first 10 years from the date of each loan would be deferred and interest would be capitalised on the combined liability of principal and accrued interest. Before very long accrued interest on those loans was standing at something like $28.1 million. In addition, loan liabilities to the State and sundry lending institutions rose dramatically. The aggregate debt, including interest was also a very major problem and reached the stage where it ran into something like $100 million—and so I could go on about the problems.

As Minister, by way of a Ministerial statement made at a time when we were looking at negotiating with the Federal Government to try to get the State out of the incredible financial position that it was in as a result of the stone that was around our neck in regard to the Land Commission, I said that apart from some of the small grants the Commission's activities had been financed by repayable loans from both the Commonwealth Government and the State Government. Loans provided by the Commonwealth Government amounted to $54 million and those made by the State Government amounted to $11 million, of which $8 million had been provided by borrowings from various financial institutions. As at 30 June 1981 the debt to the Commonwealth including capitalised interest amounted to almost $89 million, and had existing arrangements continued—in other words, if the Liberal Government had not stepped in—the debt to the Commonwealth would have been something like $122 million by the time the first repayments were due to be made this year.

As members would know, the Government in which I was a Minister was not prepared to have the taxpayers of this State meet this escalating cost. So, in regard to the Premier's going off at a tangent, criticising the previous Government's actions in changing both the responsibility

and financial arrangements of the Land Commission, I can assure the Premier and the House that we have no regrets about taking that action. I am sure that the majority of people in South Australia very much appreciate what we did. As our term in Government went on, we made a decision, a commitment to seek involvement of private developers in the Golden Grove development, and as I said when asking the Premier a question the other day, it is rather ironic that it was exactly two years ago, in October 1982, that we called for the registration of interest from the private sector: in fact, registration closed in February 1983.

We were well down the track. We had provided information and had invited the private sector to register its interest, and we were prepared to accept registrations. But of course the change of Government then occurred. However, I want to remind the House that when we left office we were well down the track of the development's proceeding with the help of private development. When the Labor Government assumed office, it put the development on the skids, and it was again obvious that the present Government was not prepared to move very quickly. In July 1983, I called on the Government to make quite clear its intentions concerning the future development of land at Golden Grove. At that time I said:

> The absolute silence on the part of the Minister for Environment and Planning on this subject can only mean one of two things: either the Government has gone cold on the project or its intentions are to have the Housing Trust carry out the development, and that would be disastrous.

That is what I said in July 1983, and it is only now that we can realise how close to the mark that statement was. I explained that we had launched a development prospectus inviting the private sector to become involved and I indicated that much interest had been shown by the private sector.

However, as a result of some seven months of silence by the present Government at that stage, no-one knew where they were going. I called on the Government to make clear to private developers exactly what the future of the Golden Grove development was. I indicated that we needed to know and that private developers needed to know to what extent the private sector was to be involved in the project. I indicated, too, that it was the intention of the Liberal Government that the future development of the area be of a high standard. I reiterated that the former Government had already moved to ensure that adequate community recreation services, facilities and open spaces were provided. At the time of launching a prospectus, I made quite clear that the development arrangements would involve close liaison between the State Government, the Tea Tree Gully council and the developers. My colleague the member for Todd indicated in this House only yesterday the concern of the Tea Tree Gully council about what has been referred to as a lack of consultation by the Government with the council, particularly relating to bringing down the final indenture.

In the middle of last year I again indicated that if the Government was properly monitoring the land and housing situation in the north-east it would have known that more land for development was required urgently. I suggested that it was a unique opportunity for the private sector to work with the Government and the council to achieve a skilfully planned, high quality urban development.

The previous Liberal Government, in deciding to seek private enterprise involvement in the project through a formal development agreement which would ensure that community interests were protected, showed its confidence in the future prosperity of that development area and in the ability of the private sector to manage very successfully indeed the future development of Golden Grove. Then, after some time, as I indicated before, the Minister for Environment and Planning finally came out and made a commitment. He indicated that a decision had been made that the Government would proceed to involve the private sector in this development.

Yesterday, in answer to a question that I asked seeking clarification, the Premier asked the Opposition whether or not the Liberal Party wanted Golden Grove to go through. If the Premier had recognised what we have been saying in Opposition prior to going into government last year, during the period that we served in government and since that time, he would have known that we made a very real commitment to the Golden Grove development and to the inclusion of the private sector in that development. In his answer, the Premier stated:

> Finally, let me talk about the question of control. This is a joint venture, and it is a very sharp contrast to the Opposition's proposal which was that the land be sold off in large parcels at the cheapest rate possible to a developer to do what he liked with it.

I refer to my statement made in July 1983, which puts a direct lie on all that has been said in answer to that question by the Premier, because I made very clear at that stage—and we will continue to make clear—that we were very intent on that development going ahead and that the private sector would play a substantial part in that development.

I have already indicated our commitment to private involvement. If the truth is known and if we had had our way, we would have had the development well and truly off the ground more than 12 months ago. It is rather stupid for the Premier to sit down there and ask us whether we will support this combined venture. Of course, we will support it.

An honourable member: We initiated it.

The Hon. D.C. WOTTON: We initiated it.

Mr Groom: That's not right.

The Hon. D.C. WOTTON: It is right. The honourable member has obviously been asleep or something, because I have explained in detail how we became involved in initiating the scheme that included both the private sector and Government. There is no doubt that the Government has procrastinated over this situation. As I said the other day in this place, it has been in and out of Cabinet with monotonous regularity to try to get Cabinet to agree to the final indenture.

I know why that is and I have indicated publicly before why it took so long for Cabinet to come to an agreement. The whole truth of the matter is that it just could not get its act together. It was yet another example of faction fighting within the Cabinet—of the left versus the right. It was an in-house dispute. We know the demands that were being placed on the Cabinet by the Housing Trust, for example. We know that the Housing Trust said, 'No. Look, now that we have a change of Government, now that we have a socialist Government, we do not want to have any involvement on the part of the private sector; we want to handle it ourselves.'

The Minister has gone very quiet on that one. We know it and we know the pressure that was being placed on certain individuals from within the Housing Trust to ensure that that happened. In fact, we know that Cabinet had a three-way problem at that stage, because the Minister had made a commitment that it would involve private developers. The Housing Trust made clear that it wanted all its cake. On top of that, we had the two Labor Party candidates in the seats out there who wanted to have their say as well.

The Hon. B.C. Eastick: How many times was it announced?

The Hon. D.C. WOTTON: The project itself? I have lost count. I think it must have been announced at least three or four times by the present Government, which has come out with much fanfare in announcing this new proposal. We recognise the problems that the two Labor Party can-

didates had, because the last thing that they wanted was a whole lot of Housing Trust construction going on out there, upsetting the local residents. That is the last thing that they wanted, so they had their say as well.

Mr Ashenden interjecting:

The DEPUTY SPEAKER: Order! The Chair has not called the member for Todd yet.

The Hon. D.C. WOTTON: Let us look at the incredible situation that we have seen over the past few days. We go back to last Thursday when the Minister for Environment and Planning gave notice that he would introduce a Bill to ratify the indenture. We then saw the indenture signed with much fanfare yesterday in the upstairs conference room with anybody who was anybody being invited to witness this great event, yet we had another major announcement. We had the Bill introduced yesterday. Now, of course, we have the second reading debate tonight in moving the Bill into a Select Committee.

Mr Ashenden: What about Question Time today?

The Hon. D.C. WOTTON: I will get on a little later to the gagging of the Opposition in Question Time today. We have a situation now where the Bill was introduced yesterday and we are expected to go through the second reading speech tonight. That does not worry me because I want to see the thing on the road. I hope that that is the Government's attitude as well. We want to see the project proceed; we want to see houses; we want to see some alternatives provided and some variety for people who are looking to build their own homes. That is why the Opposition is quite happy to go along with the need to go through the debate this evening, although the Bill was only introduced yesterday.

Of course, yesterday was a big day for private sector involvement in the Golden Grove development for Delfin Management. I am aware that there are few companies in South Australia that are able to tackle a project as large as Golden Grove. Delfin Management certainly has the runs on the board. The development in which it was involved at West Lakes is known throughout Australia and, I suggest, even further afield than that. I know that when I have had people visiting South Australia on matters relating to the planning portfolio, they have wanted to look at West Lakes. It is recognised as an excellent development. However, I know that that company has certainly had frustrations in trying to reach agreement through negotiations in trying to put together this indenture. They are hard business people (I do not blame them for that) and they are hard negotiators. At any rate, the negotiations have taken place.

The Hon. D.J. Hopgood: So are we.

The Hon. D.C. WOTTON: We can go into that, too, a little later. However, negotiations have occurred and the indenture has now been signed. While all the celebrations were going on in the second floor conference room, with television lights glaring, etc., we learnt that the board of the Housing Trust was holding an emergency meeting, and it was not very long before we realised why it was having an emergency meeting. When its two paragraph statement came out it became obvious that the Housing Trust had picked up its bat and ball and gone home. It was totally dissatisfied with the arrangements that had been reached and it made clear that it was pretty sour about it. That only backs up what I said earlier regarding the fact that it was looking to have a bigger slice of the cake than it finished up with, that it did not like the arrangements, and that it wanted to make that quite clear.

Yesterday the board of the Housing Trust refused to comment further and my colleague the member for Light questioned the Minister of Housing and Construction to try to seek clarification and the reason why the board of the Housing Trust had taken the actions that it had taken. We asked the Minister whether he would request the board of the Housing Trust to make it known why it had made that decision. The reply we got to that was a flat 'No'—no explanation whatsoever; no clarification. He did not see any need to clarify a situation which had become evident and which was causing much concern.

On top of that we find the Premier calling a press conference at 3.15 p.m. yesterday to say that, because the board of the Housing Trust had a few concerns and because there were a few things that needed to be considered, he would have a full investigation into all this, he would set up a committee, and in fact we would have a Select Committee. We all knew that the matter would have to go before a Select Committee, and I believe that the way the Premier announced it—and the way that he indicated that, because of the concern that had been expressed, it would have to be investigated and it would be investigated through this committee—seriously misled the public and again put some sort of a slur on the overall agreement that had been reached.

Yesterday I sought clarification from the Premier following a series of questions posed on the Trevor Ford programme on 5DN on Monday. I made quite clear that the reason for asking the question was again to seek clarification and to have the Premier state exactly what the situation was, because until that time no-one had been prepared to answer questions that had been posed (and for everyone's sake and I would have thought that that included the Government) it was necessary that some of the points that had been raised, some of the allegations made and the questions asked should be answered. However, again the Premier went off at his predictable tangent with accusations, etc., suggesting that we were offside with the developers and continuing to make all sorts of allegations. Again, we found that the Government was not prepared to clarify those matters.

Today in Parliament we sought further clarification from the Minister of Housing and Construction and, as usual, there were no results. However, I would indicate that it was pretty obvious from this side that the Premier was uncomfortable about what the Minister was saying, little as it was. He was not too sure how the Minister of Housing and Construction would handle it. I do not think that he is very sure, but—

Mr Groom: He looked very confident to me.

The Hon. D.C. WOTTON: He might look confident from the backside, but he certainly does not from this side of the House. He sits there and squirms whenever the Minister of Housing and Construction stands on his feet. Then, as the member for Todd indicated, we attempted to ask further questions, and at that stage we were gagged from doing so: we were not allowed to proceed. There was some dispute about whether we were gagged or not and that resulted in a row erupting in regard to the Speaker's ruling, although I do not intend to say any more about that.

The DEPUTY SPEAKER: Order! I hope that the honourable member does not intend to say anything more about it, because the honourable member is reflecting on both the Speaker and the House, so I hope that the honourable member does not continue in that fashion.

The Hon. D.C. WOTTON: The point I am making is that the Opposition felt that it was necessary to seek information from the Government, which obviously was not prepared to make that information available. Then, later today we heard of the resignation from the Urban Land Trust of the General Manager of the Housing Trust. I can only suggest that there must be something about the Minister of Housing and Construction. If one looks back to when he was Mayor, he ran into problems, and the Clerk of the council disappeared from the scene at that time.

Mr Ashenden: He was sacked.

The Hon. D.C. WOTTON: I think that we can say he was sacked. Then, of course, the honourable member became Minister of Local Government, and then his Director at that stage, through the Grants Commission, was sacked—he was put off—and now Mr Edwards has gone and—

An honourable member interjecting:

The Hon. D.C. WOTTON: Well, he resigned: he stood down from an important position that he was holding in the Urban Land Trust.

The DEPUTY SPEAKER: Order! If interjections do not stop someone else will go.

The Hon. D.C. WOTTON: Much of this has happened over the past couple of days and we just wonder where it will finish.

Mr Ashenden: Perhaps the Minister will get sacked.

The Hon. D.C. WOTTON: Well, perhaps he might—that might be a good thing. However, I was alarmed to learn about the very grave concerns that Mr Edwards expressed in his letter to the Minister for Environment and Planning in regard to his resignation.

Mr Klunder: Do you share them?

The Hon. D.C. WOTTON: It is not my place to say whether or not I share them, but I am concerned that a person in that position should feel as Mr Edwards does and that he should have to make the decision that he has made. In his letter, he spells it out very clearly, and let me quote as follows:

> I would like to emphasise at the outset that the criticism which I have expressed about the terms and conditions of the Golden Grove joint venture are in no way influenced by the fact that the State's public housing authority was not asked to play a development role.

The Hon. D.J. Hopgood: Right!

The Hon. D.C. WOTTON: It is fair enough to say that, but let us see what he says a little further down:

> The terms and conditions of the joint venture also provide that the Urban Land Trust will receive over the whole period of the development only $20 million for land which was valued by the Valuer-General at $21.7 million for the purposes of the Urban Land Trust Annual Report for the year ended 30 June 1984. This report has received the Auditor-General's certificate as a fair presentation of the financial position at that date. I have been advised that subsequently the Valuer-General placed a value of $25 million on the aggregate of individual titles in Golden Grove and of $12 million if sold as one parcel.
>
> It is not, in my view, appropriate to use the one parcel basis in considering the Golden Grove arrangements. The land is not being sold as one parcel at one time, but as a series of parcels over 15 years with payments to the Urban Land Trust at varying dates over that period. The Urban Land Trust does not have the benefit of early receipt of the total amount of cash for reinvestment at market rates; the joint venture does not have the burden of the carrying costs of the land.

The letter further states:

> The aggregate effect of the terms and conditions of the joint venture will, in my view, be increasingly adverse on metropolitan land markets; on South Australia's traditional advantages in relatively low land and house prices; on access to home-ownership by low income households, and on the State Budget.

That is a serious indictment, I suggest, and so I could go on. It is very sad when we reach a situation where a person in Mr Edwards' position has to take that line and bring to the notice of the responsible Minister the concerns he has expressed in that letter.

It is not my intention to go into detail in regard to the indenture. The opportunity will be provided for us to look closely at the indenture during the sittings of the Select Committee, and we will have the chance to debate in full the attitude expressed by the committee after hearing evidence from those people who wish to contribute. We support the legislation and the fact that it is going to a Select Committee. Personally, I will be very interested to see who will make up the development body that will have the final responsibility for the ongoing project.

We learn that there are to be three Government representatives, three private sector representatives and an independent Chairman. A great deal will rest on the shoulders of those people as to the future success of that development. No doubt exists in my mind or in the mind of the majority of people in South Australia that that development is urgently needed. How many times has the Opposition been critical of the lack of action by the Government in making available more building allotments? I guess that we will continue to be critical, because it will take some time before the Select Committee meets and brings down a report and it is acted upon. It will be some time before work commences on the Golden Grove site. In the meantime, the need for more building allotments will become more critical. The Opposition supports the legislation and looks forward to having a very full involvement in the workings of the Select Committee.

Mr ASHENDEN (Todd): I refer to concerns expressed to me by both residents and elected representatives of the City of Tea Tree Gully. Yesterday I asked a question of the Minister because I had been approached by a number of elected members of the Tea Tree Gully council who expressed concern to me that, although the Minister and his officers had consulted with them in the preliminary stages of the development of the indenture agreement put before Cabinet and signed yesterday, they were extremely concerned—in fact, angry—that they had not been consulted on the final format of the indenture agreement signed.

It was put to me by elected members of the City of Tea Tree Gully that they had been given an assurance by officers of the Minister for Environment and Planning that they would be provided with a copy of the final indenture agreement before it went to Cabinet. Unfortunately, that promise was not fulfilled, and a number of the elected representatives to the City of Tea Tree Gully are upset that it was not. As representatives of the council in whose area the development will occur, they believe that they should have been consulted finally and not simply in the early stages.

In the Minister's reply to my question yesterday, he was very careful in that he stated that he and his officers had consulted with the Tea Tree Gully council. The elected members who have approached me do not deny that the Minister and his officers did consult with them in the early stages. However, those representatives of the Tea Tree Gully council are concerned that they were not provided with a copy of the indenture before it went to Cabinet. They believe that that courtesy, as promised, should have been extended, because they are concerned at some aspects of the indenture upon which agreement has now been reached.

I have been advised that the City of Tea Tree Gully will be appearing before the Select Committee set up to consider the indenture and that it will certainly be placing before that committee a number of concerns that the council has. There are some areas with which it is not happy. I have been contacted today by a number of elected representatives on that council who have individually put to me a number of points which, when one looks a them, add up to the fact that these people are concerned as a group about certain points in the indenture. The issue of most concern to those who have contacted me is what is going on with the Golden Grove triangle, a triangle of land bounded by Golden Grove, Hancock and Yatala Vale Roads. On the southernmost section (or the south-eastern corner) of that triangle is Tilley Park.

I have raised this matter with the Government both in questions and also in debate, pointing out to the Minister that representatives of the Tilley Park Trust and of sporting

bodies and also residents of the City of Tea Tree Gully who utilise the park believe that Tilley Park Reserve itself needs expansion. The council has been advised that the Minister is prepared to provide an additional 3.3 hectares of land to the Tilley Park Trust to enable expansion to occur. However, the Minister did not state in his press release to the *North-East Leader* or acknowledge in other areas that this is less than half the area that the City of Tea Tree Gully and sporting bodies wanted to have added to the Tilley Park recreation area. No doubt exists that the 3.3 hectares granted will be of value, albeit limited value, and they have put to me that, if the full area they were seeking had been provided it would have been much more valuable.

That is one aspect of the Golden Grove triangle that is of concern not only to the Tea Tree Gully council but also to many sporting bodies, the Tilley Park Trust and local residents. I am sure that that aspect will be raised with the Minister in the Select Committee proceedings: that is, whether the Government would be prepared to increase the allocation of land granted to Tilley Park. The other aspect of extreme concern to those elected members who have contacted me is the disappointment that that triangle is to be used in the way presently planned. The Golden Grove development covers a large area. Most of the development is outside the new electorate of Newland. The only area within the new electorate of Newland is the Golden Grove triangle. We find that the present Government intends that triangle to be utilised for public housing and for low cost sale of land for first home buyers. It has been put me not only by the Tea Tree Gully council but also by a representative of Delfin that, in fact, this area was originally to be used for a prime real estate development.

It is undoubtedly one of the, if not the, most attractive areas of the entire Golden Grove development region. It is an area which, elected members of the Tea Tree Gully council who have approached me have put to me, is one which would have proved to be a real show place. It is undulating. There are a lot of large gum trees, and the members who have approached me have stated that they believe that this area should have been subdivided in a manner that would have allowed a first-class residential development to have occurred.

What do we find? I have been advised by elected members that in fact this area has been subdivided into lots which are considerably smaller than the remainder of the residential lots in the Golden Grove development. In fact, the lots which have been subdivided in the Golden Grove triangle are between 560 and 600 square metres in size, with the vast majority less than 600 square metres. When we look at the residential subdivisions in the remainder of the Golden Grove development we find that the smallest lot is 600 square metres, with the largest being in excess of 1 000 square metres. The average size of lot in the remainder of the Golden Grove development works out on average to be in excess of 800 square metres. In other words, we find that the lots outside the Golden Grove triangle are approximately 50 per cent larger than are the lots inside; we find that the lots outside the new electorate of Newland are approximately 50 per cent larger than the lots inside that new electorate. By coincidence we also find that the Minister's assistant is the Labor candidate in the new electorate of Newland.

The Hon. D.C. Wotton: That is a coincidence, isn't it?

Mr ASHENDEN: Yes, it is a strange coincidence and one wonders whether the decision which has been made relating to the subdivision of the Golden Grove triangle is political rather than economic. I just leave the point at that.

Mr Meier: You have certainly raised a relevant point.

Mr ASHENDEN: I agree with my colleague: it is a relevant point. We find that the lots outside the new electorate of Newland are approximately 50 per cent larger on average than those within the new electorate of Newland. The elected members of the Tea Tree Gully council have said to me that they are extremely disappointed, because this area, which is in the Golden Grove triangle, is one which is closest to the present residential areas of Surrey Downs and Fairview Park. I am sure the Minister would be well aware of the feeling that has been generated by his Government's decision to impose a Housing Trust development in the suburb of Surrey Downs. These very same residents are of course now going to find that right next door to them they have a development of which elected members from Tea Tree Gully who have contacted me have indicated that their city is not in favour. So, I am expressing a number of concerns this evening on behalf of members of the public who have already contacted me and certainly elected members of the city of Tea Tree Gully who have also contacted me and indicated their very real concern at the first stage of development and the way in which the Government is going about it.

There is no doubt at all that the city of Tea Tree Gully has long been looking forward to a Golden Grove development. The previous Liberal Government had intended that this would be a development which would have been led by private enterprise and which would involve only private enterprise. This Government has changed that. We now find of course that there is to be a much larger impact in relation to public housing in the area. We also find that the Government has imposed its will, and 'imposed' is the word that has been put to me by elected members of the City of Tea Tree Gully. Those members feel they have been imposed upon, because if the City of Tea Tree Gully had been given the privilege of viewing the final indenture before it went to Cabinet they would have pointed out to the Government that they believe the Golden Grove triangle is not, for a number of reasons, the area in which the presently proposed type of development should go ahead. It could and should have been the show piece of the Golden Grove development.

There are many other issues that I am sure will come out over the coming days and weeks. As the public becomes more aware of the way in which the Golden Grove development is to proceed I am sure that I will be contacted at my office and that many more points will be put to me. It is only the elected council members who have been granted the privilege of viewing the indenture itself, and the Mayor, aldermen and councillors were given the indenture only on Monday evening. They are the only ones who have had an opportunity to view it. In their preliminary readings they have expressed a number of concerns to me, the major ones which I have raised tonight. It is unfortunate that what could have been a magnificent development is being effected in the way it is. I can only hope that as a result—

Mr Ferguson: You supported the Bill.

Mr ASHENDEN: The member for Henley Beach is once again showing his absolute and abysmal ignorance of what is going on.

The Hon. D.C. Wotton: And he has been absent.

Mr ASHENDEN: Yes, he has been absent; he has just walked into the House. The Opposition supports the Golden Grove development, but the point I am making is that the Government has forced upon the private company which is in partnership with it and has forced upon the City of Tea Tree Gully a number of decisions with which certain elected members of Tea Tree Gully do not agree. They are the points I am speaking on tonight. I can only hope that the Government will take note of the evidence to be given to the hearings of the Select Committee which are about to proceed and that it will listen to the objections that will be put to that Select Committee. One can only hope that afterwards the Government will realise it has made some

mistakes and that it will make changes that will make the Golden Grove development the magnificent development that it could and should be.

Mr KLUNDER (Newland): I must admit that I rise to my feet tonight with a certain sense of deja vu. I was a member of the Select Committee that looked at this very same development in 1978, as indeed were the members for Murray and Fisher. I think I am the only one who survives on the Government benches from that committee. I expect to be here for a long time, but I do hope that we do not again have to consider this Bill at some other time.

There are a couple of minor details that I noticed in the speech of the member for Murray. I noticed that the Minister was taking notes and I will try to avoid covering the same ground because I am sure it will be answered by the Minister at a later time, but it struck me as rather odd that the delay from the Select Committee in 1978 to the loss of the Labor Government in 1979 was apparently a very long period. Then the delay from September 1979 until November 1982, that is, a little over three years, was apparently a very short period, and of course the honourable member did not have enough time to do what he wanted to do. Since then the delay from November 1982 until October this year is slightly under two years, and that is again an incredibly long period. The member for Murray indicated that if his Party had not lost Government in 1979 the Golden Grove development would have gone ahead two years ago. That indeed might be so, but if the Labor Government had not lost power in 1979 the development would have gone ahead in 1980.

Members interjecting:

Mr KLUNDER: I think what the honourable member is trying to tell this House is that he is sorry he took on Government and delayed the development of Golden Grove by another two years!

Members interjecting:

Mr KLUNDER: The Bill is in fact an indenture for a joint venture in a very full sense. The Government retains a development right until the end, 15 years from now. The Government retains an equal share in the decision making, as the member for Murray has pointed out. The ruling body will consist of three Government members, three members from the Delfin Group and one independent Chairman. The Government also takes equal financial risks with the Delfin Group and the Government in fact retains the land until the very last moment.

It is a partnership with private development in a very full sense over a very long period of time and it will be a most interesting long-term partnership. I hope that it flourishes. The joint venture will be a planned exercise; it is an ordered and staged development and that means that the infra-structure will be provided as required. As I said six years ago, that is such a nice new thing to many of the people who came to Tea Tree Gully, as I did in the 1960s, that I am sure there would be wholesale welcoming of that particular thing. I do not want to hark back too much, but in the 1960s one got a house, seven or eight years later one got sewerage, gas another five or six years after that and telephones came occasionally.

Mr Ashenden interjecting:

Mr KLUNDER: Yes, several areas in my electorate, such as the old parts of Ridgehaven, still do not have gutters on the edges of the roads and do not have footpaths. Much of that was under a Liberal Government, but we will not be too nasty about that.

Mr Ashenden: What has that got to do with gutters in the council areas?

Mr KLUNDER: The member for Todd implies that Liberal Governments and gutters go hand in hand. The infrastructure that will be provided by the joint partners as they move into this development will not be merely the power, water, telephones and various other commodities such as that; they will also include the educational, health and welfare agencies as necessary and indeed sporting and recreational agencies.

One feels that if this development had been pushed on a piecemeal basis—that is, one piece of land would have been sold now and an agreement of some kind made, and another piece of land sold in five years time and another agreement made—a number of things would have been pushed into the 'too hard basket', and things such as street diversion, major stormwater management, and so on, would never have been done because no agent we would have got into a joint venture which would have been happy to take on such expensive items. Under the single project venture, such as this one, I think those problems can be seen to be needed to be tackled and are, in fact, being tackled.

Under the indenture, large reserves are set aside for public use; about 240 hectares out of the 1,200 hectares is set aside for some kind of reserve. As the member for Todd has already pointed out, about 3.3 hectares has been added to the Golden Grove Tilley reserve making it 50 per cent larger and allowing for an extra soccer oval, equestrian area and car park. I could not help but recall when he was talking that the 1978 report that came back from the Select Committee had in it that that particular area of Golden Grove was going to be developed not as a residential area but as a mining area to quarry the fine white clay seam that runs under that area. Fortunately, that has gone by the board somewhere and I am rather pleased about that. Also, the 240 hectares that has been set aside for reserves does not include all the road reserves, the screening reserves along arterial and collector roads.

There is also in this indenture a major breakthrough in public housing. We finally have a proper mixture of public and private housing in such a way that we do not create, as the Playford era did, the areas which contained only Housing Trust houses with all of the problems because people who had the problems enough to be put into Housing Trust houses were concentrated in one area. Having taught for some 15 years out of my total 18 years teaching experience in Housing Trust areas, I can tell honourable members of this House that those problems were fierce and caused very largely by the high concentration of people whose individual problems might not have been so great but who, when they met up only with people with similar problems, ended up very much in the doldrums. It is not easy to teach classes of children where the norm for the area is that those kids come from single parent families, as they did in street after street in some of the areas I lived in. I am very pleased that we now will have a sensible mix of people from different lifestyles. In this context I cannot see the argument by the member for Todd of there being such a marked difference in size of blocks being so great.

Mr Ashenden: Are you saying the elected people who contacted me aren't telling the truth?

Mr KLUNDER: I have no idea who contacted the honourable member. As far as I know, most of the Golden Grove area has not even been notionally subdivided and it is therefore fairly difficult to pick out what the average size of block will be over the whole Golden Grove area; that worries me. I will certainly look into it and I will ask the Minister to look into it at some stage or another.

The Hon. D.J. Hopgood: I might be able to reassure you in a minute.

Mr KLUNDER: I take that interjection in the spirit in which it was intended from the Minister and I look forward to the answer. The shortage of land that has cropped up in the last couple of years has hit Tea Tree Gully particularly hard. I have an *Advertiser* editorial which states that land

in that area has roughly trebled in price since 1980. It was not hard to predict that as long as five years ago; we were told and warned that there was only about 18 months supply of serviced blocks in the Tea Tree Gully area.

Nowadays, to all intents and purposes, there is no major supply of developed blocks left in the area. This has pushed the cost of land up very largely indeed. In that respect, I come back to a comment made by the member for Murray, who said that the Land Commission in the late 1970s put a very large amount of land on to the market, a very large percentage of the total blocks. He was right; he was certainly right, and the price did not rise very rapidly in the late 1970s, either.

To pick that up a little further, I would like to read to the House a letter from Mr Hugh Stretton, of the University of Adelaide, that appeared in the *Advertiser* of 9 October 1984. I will quote that letter in full. I am not sure that I can actually ask to have it inserted in *Hansard* without my reading it, because it may be longer than the page we were told last week was reasonable.

The Hon. D.C. Wotton: Do you think Mr Stretton supports this indenture?

Mr KLUNDER: Mr Stretton's argument on land supply is certainly worth listening to and, if the honourable member has not read it, I hope that he will listen so that he will learn what Mr Stretton, who is a reasonable expert in these matters, has to say about land prices.

The Hon. D.C. Wotton interjecting:

Mr KLUNDER: I also have letters from the people who oppose Mr Stretton, and since the honourable member is keen for me to quote from them, I will do so. The honourable member may be surprised in that some of the people who ostensibly oppose Mr Stretton's argument are still fairly keen on the kind of work done by land commissions and other people. The letter from Mr Stretton states:

> The new report on house prices signals a crisis in Adelaide land prices. It is vital that its cause be understood. Tom Playford industrialised and developed South Australia chiefly by restraining the price of land. He believed land profiteering was destructive, an enemy of every other kind of enterprise.
>
> His method was decisive. The land market should be open and competitive. But by itself that is not enough as experience in Perth and Sydney and elsewhere proves. Even if the private developers get their broadacres cheap, they can't be expected to restrain prices and profits voluntarily, to their own disadvantage. It is their duty to their shareholders to do the best they can, and take advantage of shortages and booms in a regular commercial way.
>
> Playford combined open marketing with low prices by guaranteeing a keep a competitive public supplier in the market, offering enough low-priced housing or developed blocks to keep the whole market efficient.
>
> For 30 years the Housing Trust supplied up to 40 p.c. of Adelaide's new land housing. That competition restrained the prices of the other 60 p.c., too.
>
> When the Trust cut its sales to concentrate on rental housing, the Land Commission took over as public supplier of low-priced blocks to home-buyers and private builders.
>
> By those means prices throughout the market were effectively restrained through housing booms and shortages much more severe that the present one.
>
> So what has caused land prices to more than double since 1980?

The member for Murray's comments that the Land Commission did this only in the 1970s are obviously contradicted here by the claim that this has been going on for 40 years.

Mr Ashenden: Come on, John!

Mr KLUNDER: I am sorry, I take the honourable member's point—it is 30 years.

Mr Ashenden: Is that irrefutable, John?

Mr KLUNDER: I take it that the member for Todd is disagreeing with Mr Stretton.

Mr Ashenden: Yes.

Mr KLUNDER: When the honourable member next contributes to a grievance debate he can put the reason for that disagreement to the House. Mr Stretton's letter continues as follows:

> For the first time in 40 years, the Tonkin Government stopped the public supply. And that Government still rules from the grave. Its Act of Parliament which turned the Land Commission into a Land Trust forbids it to supply developed blocks direct to builders and homebuyers.

At this point I pose the rhetorical question: who might have caused this drying up of supply from this source? Which group in the community might have had an interest in leaning on the Liberal Party to actually stop that? The answer of course is given in a letter, namely:

> Instead, by sale or joint venture the land has to go to private developers, who then price their blocks as high as the market will bear in a normal commercial way.
>
> Thus the whole purpose of the public land supply was destroyed. The effect on prices in just four years has proved that Playford, and Dunstan, were right: private competition alone, without a public competitor, does no better than it does in Sydney or Perth. What can be done?
>
> There is an urgent need for a supply of developed blocks at low prices from some of the public and land holdings at Golden Grove, Munno Para, Hackham or Seaford. Then in due course the public supplier should be re-established in a permanent way. A return to the effective Playford/Dunstant policy should appeal to people on the Labor side, and to all new homebuyers, for obvious reasons. It may be opposed by private land developers, but is very far from being a Socialist policy.
>
> - Low-priced land benefits industrial investors.
> - Through its costs-of-living effects it benefits all employers.
> - It especially benefits private builders—$10 000 off the block price is $10 000 more house their customers can afford to buy.
> - It benefits the Housing Trust's hard-pressed tenants and waiting lists.
>
> Please by one means or another, through Land Trust or Housing Trust, can we put the competitive public supplier back into the market?

The letter is signed by Hugh Stretton, University of Adelaide.

Suggestions have been made that profiteering by the joint venturers will occur, that is, that the Delfin group will buy the land cheaply, that the joint venturers will then spend some $16 000 or more on developing and holding costs for the land, and then sell it at the average cost applicable in Tea Tree Gully which at the moment is about $31 000 and which, of course, will be considerably more by the time the land comes on to the market next year. If that were so, I would vigorously oppose that aspect of the indenture, because it would penalise the Housing Trust and limit its capacity to buy land or housing for people on its very extensive lists. However, that is not the case. The Premier gave some indication yesterday that the cost of land to the Housing Trust and to first home buyers next year will be of the order of $19 000 to $22 000. I shall read to the House a letter which is part of the indenture package: this is a side letter to it, and it comes from Mr Brian Martin Managing Director of Delfin Property Group Limited. The letter written to the Premier is as follows:

> Dear Mr Premier,
>
> Further to disucssions on the Golden Grove draft indenture and related documents, I wish to confirm that Delfin Property Group Limited will act in the following manner in interpreting the paramount objectives contained in the indenture and in particular those aspects relating to:
>
> (i) fair and reasonable prices, and
>
> (ii) the supply of serviced allotments to purchasers especially for public sector housing and first homebuyers,
>
> and recognising the necessity to provide serviced allotments for a full range of accommodation needs, Delfin will seek to pursue, within the joint venture, a broad programme defined by the following indicative parameters:
>
> - A first stage of about 250 allotments in 1985-86 commencing in about November 1985;
> - A price for serviced allotments for the public housing component in the first stage within a range of the order of $19 000 to $21 000;
> - A price for serviced allotments for the first home buyer segment in the first stage within a range of the order of $20 000 to $25 000;

- An annual production level of the order of 500 to 700 allotments, to be achieved within about two years, recognising that the needs of purchasers and availability of services will influence the level of production to be achieved in any one year; and
- In the context of the paramount objectives, the pricing of allotments in subsequent years will be governed by the considerations inherent in both the first stage pricing strucutre and the feasibility summary attached and as refined throughout the life of the project.

I further confirm that this letter should be treated as an adjunct to the Indenture for the purposes of its interpretation.

I do not doubt that other blocks in the Tea Tree Gully will not drop in price as a result of this. There are far too few of them and in fact they are already amongst established houses, but I assume that the introduction of land in the $19 000 or $25 000 range should stop a further rapid increase of land prices in that general area.

I wish to remark on several other matters. First, the heritage items in that particular development, namely, those at Surrey Farm, Ladywood Farm and Petworth Farm are to be maintained, which I think is excellent. Secondly, I refer to the concept of the community fund for the development of the area. In this fund both the joint venturers and the council will each pay 45c per $100 of the selling price of each allotment for residential land into a common fund which will be controlled by a committee comprising the joint developers, the council and the State Government. That will amount to about $180 on each $20 000 block; of course, as the inflation rate pushes up the cost of blocks the actual levy will also increase. Those funds will be used within the area for the development of various amenities.

I believe that the joint venture development is infinitely preferable to selling lumps of land to developers to use as they wish. I believe that the joint venture over 15 years will result in a far better residential development than would be the case if the Government had merely tried to make a quick buck out of the sale of the land. I believe also that the Housing Trust mixture will produce a community that will break new ground that other States will envy and wish to follow. I support the Bill.

The Hon. B.C. EASTICK (Light): I believe that the appropriate time at which to further address this issue is after the completion of the Select Committee. Every member will have the opportunity before we get into Committee to debate the substantive motion that will come from the Select Committee. I rise at this moment only to indicate that it would be the direct wish of Opposition members that we not be subject in that Select Committee to the inane comments that the member for Newland has just exhibited and that there will be a genuine interest in all aspects of the conduct of the Select Committee.

Very vital issues need to be addressed and very vital questions will be asked. Those questions will be asked because there has been denial from the Minister of Housing in this place and from the Premier to answer in a civil manner properly constructed questions that have been put to them in the past two days. If the Government believes that there is to be unnecessary opposition or questioning by members of the Committee who come from this side of the House, it is something that it needs to wear because of its inability to take its position responsibly on the floor of this Parliament at Question Time.

The media see it that way. Most recently in a contribution in *Nationwide* only a matter of minutes ago they clearly understood that the Government knows it is hiding something and that it is unable and unwilling to come clean with the public in a manner that should be expected of it. I support the referral of the Bill to a Select Committee, but I believe that it is extremely necessary to put into proper perspective the attitude that is required of all members who serve on the Select Committee.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I suppose that in this situation what a Minister really ought to do is thank the Opposition for its support of the Bill and sit down while he is still ahead. However, my colleague the member for Newland anticipated that I would canvass certain matters because of the copious notes I took when honourable members were on their feet. I guess I would disappoint those honourable members if I did not respond in the way that my colleague canvassed.

The member for Murray (the shadow Minister) began his comments by saying that it had been a very long time indeed from the assembling of the parcels of land to this point where we were considering legislation for its release. Of course, that is very true, and it indicates to me the foresight of that earlier Government that got into the act of land assembly to enable us to be able to do what we are doing today. It is a great pity, in some respects, that the market conditions were not there three or four years ago for something like this to happen or, indeed, something a little closer to what former Minister Hudson had in mind when he occupied the sort of position that I occupy today. However, I will expand a little on that point as I proceed. I simply point out that it is important that the Government continues to act in such a way as to reassure people that it has learnt the lessons that were understood by that earlier Government and that we need to acquire land very early indeed to assemble it into proper parcels for eventual development. The member for Murray then felt that he had to defend the record of the Government of which he was a part in relation to the dismantling of the Land Commission.

The Hon. D.C. Wotton: That's clear in the record.

The Hon. D.J. HOPGOOD: I think members would agree with me that the honourable member confused the record somewhat. For example, he said that at one point the Liberal Party in Government had been concerned at the scale of the Land Commission's land holdings. Of course, the Liberal Party did nothing about the scale of those land holdings. That was one of the matters that remained intact as a result of legislative changes which occurred and which addressed, first, the mechanism whereby further land would be assembled because the rights of compulsory acquisition were taken away from the Land Commission.

Secondly, it addressed the mechanism whereby such land as was already assembled would be put on the market. It is important that that be recognised, because the honourable member now seems to be coming out and saying that the Liberal Government would have supported a joint venture, but it left the Urban Land Trust (the successor to the Land Commission) bereft of any legislative capacity to joint venture. Are we now being told that, had those people been in Government a little longer, appropriate legislation would have been placed before us? We were never given any indication of that, either during the term of the Tonkin Government or in any of the utterances of the member for Murray during the election campaign. Never mind, let us proceed. He says that private land developers at the time were leaving the State. It is true that there was a considerable rationalisation of the industry. But, why was that? The answer was, of course, that private developers at that time could not make a quid: the land market was so depressed here and elsewhere that it was not possible for them to put land on the market competitive with the unsold blocks of land that were already there.

Of course, the Urban Land Trust was not completely immune from those same pressures, and it is true that a very favourable financial restructuring of the Urban Land Trust took place under the previous Government, for which I give it credit. In effect, we can say that there have been two bouts of generosity from the Commonwealth Government: first, from the original Whitlam Government, which

provided the front end money for the assembling of the land to take place, without which that could not have happened; and, secondly, the financial restructuring that occurred.

We would look for further generosity from the Commonwealth Government with a view to additional money being made available at some time in the future for further large scale purchases of land as broad acres for eventual development. However, there was never any doubt—getting back to one of the thrusts of what the honourable member said about the Dunstan Government's intention—that that Government intended that the Land Commission should act as a developer of land. There was never any intention of that at all.

I wrote down these very words. The honourable member said that the Land Commission departed from its legislative charter. What does that mean? The only meaning I could give to a departure from the legislative charter is that it broke the law and that somehow in selling serviced blocks of land the Commission was going beyond what the Statute enabled it to do. That is patently nonsense. The legislation was there that enabled development to occur, and development did indeed occur.

During this whole debate references have been made to what the Playford and Dunstan Governments did to keep land prices down. My colleague, the member for Newland, has quoted from Mr Hugh Stretton's famous letter. This has led, in some quarters, to people actually assuming that the Land Commission was a creature of the Playford Government. Letters have been sent to the editor along those lines, and others have spoken with that assumption in mind.

I can find no evidence that the Playford Government addressed the question of land prices, except in relation to the Housing Trust, in any way whatsoever. Of course, it is true that in those days—in the early 1960s or 1950s—there was no Planning and Development Act and that in those days, if one could get a surveyor to put the pegs in the land, one could flog off the land without a water supply, sealed roads or deep drainage. Even as late as 1970, when I inherited the seat of Mawson, the major task to which I had to address myself was how to catch up with the backlog of unsewered areas which covered at least half my new electorate.

That was one of the few matters over which I have received a favourable mention from the famous Mr Wallace Brian Wreford, of Morphett Vale, who on more than one occasion has written to the papers congratulating Corcoran and Hopgood on what they did in those days in catching up to that backlog. They are not my words: they are Mr Wreford's words. However, I simply make the point that it is true that in those days the financing of infra-structure occurred in a different sort of way but in a way that was often very painful to people who had to wait years and years for that backlog to be caught up. Do we want to get back to the days before the Planning and Development Act? I am quite sure that we do not; I am sure that we accept that these days when blocks of land are marketed they should be marketed fully serviced. However, I reckon that the test of what the honourable member is saying about the impact of the Land Commission on the market here, on the industry and on the price of blocks of land is the effect of reining in the Land Commission.

The Liberal Party entered this debate with the presumption that all our woes about the land market had been created by the fact that there was a Land Commission. That is nonsense. However, the test would be what happened when the Liberal Party came along and applied its prescription. Did the private developers then jump up and down and say, 'Yippee! We can now go full speed ahead because we no longer have a Land Commission in the way'? Of course they did not. They did nothing, because they did not have the capacity to make a profit. Of course they applauded what the honourable member did because they were looking a long way ahead when the good old days could come back. However, in those critical years—1980, 1981 and 1982—with the Land Commission out of the way, here was an opportunity for private enterprise to show that it could do the job. It did nothing, as could be expected, because the plain fact of the matter was that during those years there were fully serviced blocks of land on the market and available far cheaper than one could service new blocks of land.

Who, in business to make a profit, would produce blocks of land in those circumstances? The only possibility would be for a Government instrumentality to be able to perform that function, yet that was done away with, because we no longer had a Land Commission, so we had tragic flagrant uses, as a result of which the sort of stocks of land which should now be available on the market and which could have been produced through a mechanism that had been in place for some years, were not produced because that mechanism had been done away with.

Mr Baker interjecting:

The Hon. D.J. HOPGOOD: The honourable member knows that what I am saying is absolutely true; the lack of runs is on the board, and he knows it. The blocks were not produced by private enterprise after the capacity of Government through an instrumentality to do it had been taken away by the Party that the honourable member supports.

Let me turn to the matter of registration of interests, which also relates to the same matter. The honourable member says that there was a call for registration of interests: of course there was, and there were people who registered interests, but I must say that they were not at that stage particularly enthusiastic about the whole thing. They were all scratching their heads and saying, 'How will we as private enterprise entrepreneurs be able to make anything out of this?' They were saying to me that there would have to be some considerable Government involvement in this matter before they could possibly make it work, and that was for those very same reasons that I have just spelt out.

The Premier asked the Opposition today whether the Opposition was satisfied with the broad thrust of the arrangements. The honourable member has now said, 'Yes', and I welcome that. However, what I find interesting is that the Opposition is in effect now implying that had it remained in office it would have introduced joint venture legislation and would have gone down this track. If the honourable member is not saying that, what he is really saying is that all the Opposition would have done would have simply been to sell off the land to private developers and let them do their own thing, and that would have precluded any influence that the Government would have had in the setting of land prices. It is logical—what is the other option available? Either the Government is involved in the way we are now or else the Government is not involved, because the land is being sold off to private enterprise.

If there were some way in which the honourable member thinks that he can squirt through that logical eye of the needle, I would like to know what it is. The honourable member said that the Opposition would have given a substantial role to the private sector. I think that what the honourable member is really saying, by his denial of my accusation about 30 seconds ago, is that the Opposition would have given the total role to the private sector and ruled out the possibility of Government having any influence on prices.

The honourable member is also quite wrong as to his reconstruction of history and the concerns that have been expressed from time to time by various bodies, as it were, within Government. For example, one of the things he said was that what the Housing Trust really wanted was to do

the whole thing itself: that it said that. All I can do is quote, as the honourable member has, from the letter to me from the General Manager of the South Australian Housing Trust resigning as a member of the Urban Land Trust. The General Manager of the Housing Trust said:

> I would like to emphasise at the outset that the criticisms which I have expressed about the terms and conditions of the Golden Grove joint venture are in no way influenced by the fact that the State's public housing authority was not asked to play a development role.

I rest my case. The honourable member then referred to the $20 million that was included in the General Manager's letter of resignation. I think that it is important that we dwell on this at least for a little while, because I can only assume from the content of the letter that what Mr Edwards, wearing his former hat as a member of the Urban Lands Trust Board, was really arguing was that the land should be transferred from the Urban Land Trust to the joint venture at an amount higher than the $20 million level at which it is being transferred, but the obvious effect of that would be that the ultimate price of those blocks of land to the end consumer would be higher.

There is increased cost—the cost of the raw land to the joint developer—and that cost, or a component of it, has to be passed on, and therefore the net effect of that is higher land prices. I really cannot understand that attitude on the part of a person who is General Manager of the South Australian Housing Trust, which has a vested interest in getting its land at the lowest price possible. I do not see how one can possibly have it both ways. In setting the $20 million, the Government was concerned as to a proper valuation for the liquidation of a public asset and at the same time ensuring that the end product would be competitive.

The member for Newland has already read out a letter from the joint venture partners which makes clear that the end product will be competitive. Those figures would have been more difficult to achieve if in fact we had sold the land to the joint venture, which is 50 per cent Government of course, at a higher level than the $20 million that is set out in the matters that we have before us.

I now turn my attention to the member for Todd, because he had one or two interesting things to say. He is quite wrong in his claims that the Tea Tree Gully council was not further consulted on the Golden Grove indenture following my earlier round of consultation with it. As recently as two weeks ago a representative of the South Australian Urban Land Trust, Mr Russell Thomson, and a representative of Delfin, Mr Mike Green, who the honourable member would know at one time was a planner for the Tea Tree Gully council, discussed with council the detailed proposals and had with them a copy of the document.

As a result of those discussions a number of suggestions of the council were incorporated in the amended documents, and there have been numerous discussions with the Tea Tree Gully council, and quite properly so. Let me say that the Tea Tree Gully council—

Mr Ashenden: Did they see the final indenture?

The Hon. D.J. HOPGOOD: Do not let the honourable member nitpick: let me continue. I understand that the Tea Tree Gully council has one remaining concern that will be raised with my Director-General tomorrow, and that relates to engineering work, the payment for which council will be responsible and for which the indenture provides that it will be entitled to tender. I understand that the council believes that the provision is a mistake. Obviously, that discussion will take place and I understand that it will be possible to resolve the matter, but the best advice I can get is that that is the only outstanding matter of dispute between the council and the Government.

Mr Ashenden: Did they see the final indenture?

The Hon. D.J. HOPGOOD: The honourable member is not prepared to address the nub of this question. He wants to carry on like a parrot.

The SPEAKER: Order! I am forced to call the member for Todd to order. The honourable Minister.

The Hon. D.J. HOPGOOD: The honourable member goes on to talk about the Tilley triangle. That is also important because the Mayor and staff of the council advised us yesterday that both the council and the Tilley Park Management Committee were very happy with the 50 per cent expansion of the Tilley recreation park offered by me at no cost to the council. We have made that offer and it has been accepted. There is the opportunity, as a result of that 50 per cent expansion, for two additional soccer pitches, a possible equestrian area and a car park to cater for the Golden Grove show which I believe is a very important annual event in that area. At last night's council meeting—

The Hon. D.C. Wotton interjecting:

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

The Hon. D.J. HOPGOOD: At last night's meeting the Tea Tree Gully council formally agreed to the offer of a 50 per cent expansion of Tilley recreation park at no cost to the council. The matter was agreed to with no objection or dissention from any member of the council. So, the sources of the member for Todd seem to be badly misinformed—unless he has made it up.

Let us talk further about the Tilley triangle as a development option, because the honourable member seems to be saying that, on the one hand, the whole of the Tilley triangle should be available for recreation and, on the other hand, it should be available for top market housing. He has lauded and said how attractive the area is. The Golden Grove area generally is attractive for housing, but the Tilley triangle to which we refer is an area bounded on one side by a proposed light industrial zone and, on the other side, by extractive industry—hardly what one would call a dress circle area. I have had nothing to do with the size of allotments in the Tilley triangle area.

Mr Ashenden interjecting:

The SPEAKER: Order! The member for Todd has been mentioned once.

The Hon. D.J. HOPGOOD: The situation that has been drawn to my attention only this evening is that Delfin has provided the City of Tea Tree Gully with two notional plans of subdivision which affect only a very small part of the total development site. The honourable member speaks as though they covered the whole development site and that there was now available a map to show exactly how every block from north to south would fall into the mozaic. That is not true. Two notional subdivisions have been placed at the suggestion of the private enterprise party, which has largely, as the active component—the developer—in the whole matter, determined what should be the disposition of the blocks.

The Grenfell Road area is a complete mix of block sizes, and the Tilley triangle tends to be a more uniform mix of sizes. I make the point, which must be made and made again, that the indenture requires a complete integration of public and private housing. Certainly, there will be some range of provision of blocks to suit either end of the market, but that does not necessarily always relate to block size at all. It would be quite opposed to the spirit of the indenture for there to be a large aggregation of public housing in any one area of that size.

Mr Ashenden interjecting:

The Hon. D.J. HOPGOOD: It is not going to happen. The honourable member who again interjects in a disorderly way does not know what he is talking about.

Mr Ashenden interjecting:

The SPEAKER: Order! I warn the member for Todd.

The Hon. D.J. HOPGOOD: I am calling the honourable member an abusive handler of the truth if he likes, because at this stage there have been no discussions between the joint venture and the South Australian Housing Trust as to what blocks will proceed for Housing Trust use, and that is it—that is the whole point. The Tilley triangle and Grenfell Road subdivision concept plans were both considered by the Tea Tree Gully council last night. As I understand it, the majority supported the concept. The detailed plans will go to the council at a later date, but the concepts have been endorsed.

Delfin Marketing advisers have stated that the Tilley triangle land is readily serviced and ideal for first home buyers. The adjoining existing suburbs of Surrey Downs and Wynvale are also predominantly of the same market segment. So much for the concerns of the honourable member! He has made it all up, somebody has been telling him stories or else somebody has misunderstood the thrust of what is being done.

Mr Ingerson interjecting:

The Hon. D.J. HOPGOOD: I have completely dealt with that matter. It is interesting that the member for Murray did not even bother to raise it among his concerns, despite the fact that the Opposition was white heated about it this afternoon and got itself into a complete knot. It is a non issue.

Mr Olsen interjecting:

The Hon. D.J. HOPGOOD: The Leader of the Opposition has suddenly woken up like Rip Van Winkle. I thought that he may have assisted us by putting himself on the Select Committee, but apparently that will not happen. It is a totally integrated development, and it would be quite opposed to the spirit of the indenture for things to be arranged in such a way that there was be a noticeable difference between the public and private components. That is the fact of the matter as will become abudantly clear to the Leader's two colleagues on the Select Committee.

Finally, I do not think I have to say much at all about the lecture given to us by the member for Light. The way in which one or two of his colleagues have been carrying on during my speech suggests to me (addressing myself not so much to the member for Light but to the Opposition) that, when people criticise the mote in others' minds' eyes, they should be careful of the beam in their own.

Bill read a second time and referred to a Select Committee consisting of Messrs Eastick, Gregory, Hopgood, Klunder, and Wotton; the Committee to have power to send for persons, papers and records and to adjourn from place to place; the Committee to report on 4 December.

HOUSING AGREEMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

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

That the House do now adjourn.

Mr MAYES (Unley): I bring before the House tonight a matter of grave concern to me and to a constituent who has raised the issue with me. It relates to the interpretation of employment within the meaning of the Conciliation and Arbitration Act, in particular, the interpretation of contract of services as against a contract for services. To give the issue more understanding to members of the House, I was approached by a constituent in May of this year. That person had worked for a prominent Adelaide sports store. He is a prominent sportsman and has been involved for many years in supporting the sporting community and participating as an active sportsperson within the South Australian sporting community. For seven and a half years he has worked for this large prominent Adelaide sports store which has recently gone into receivership. He had an employment contract. He was of the impression and opinion that he had a contract of employment with this sports store whereby he sold the range of goods marketed by the store to the South Australian community.

That included selling to schools, sporting clubs and individual members of the community as a salesperson. He had worked particularly from an agenda set by the sports store and he also worked off a stores list or a general sales list provided by the company. When the company went into receivership he of course thought he had a reasonable claim for salaries, leave, sick leave, long service leave and superannuation payments. To his surprise he found, after approaching me, a solicitor and the Department of Labour, that all the advice and opinions given to him were that he was to be listed as a normal creditor with no preference under the receivership arrangements. This was a severe blow to him, because he was owed many thousands of dollars in outstanding wages, leave, sick leave and long service leave payments.

It is a serious problem that many members of the community may in fact face. In relation to people who work as commission agents believing they are employees of a company, if a company is unfortunate enough not to be able to meet its commitments and goes into receivership, then these people who feel they are employees find they have no preferential treatment under the Companies Act but are treated as ordinary creditors subject to the provisions of the scheme of arrangements, the regime which the receiver establishes.

I want to refer to the correspondence between my office, my constituent and the Minister of Labour's office (now the Deputy Premier's office). On 30 May I wrote to the Attorney seeking his advice as to the interpretation of the employment arrangement which the constituent had with the former sports store and I raised in particular the question of the arrangement of payment. I stated in my letter:

> My constituent was paid on a commission basis for sale of goods purchased by [the particular store]. However, he used only [the store's] invoices and prices, and was reimbursed for the use of his vehicle. He worked for [that store] for over seven years.

I sought from the Attorney's office advice as to what the arrangement of services was. The matter was referred to the Minister of Labour's office and I received advice from that office which stated:

> An officer of my Department has conducted a thorough investigation into the matters relating to this particular case. His report shows that the terms and conditions of—

then my constituent's name is mentioned—

> employment contract indicate that he was engaged as an independent commission agent under a contract for service, and not as an employee under a contract of service.

There are many people in this community who would be of the view that they were employees being subjected to a contract of service as against a consultant or commission agent suffering under the misapprehension of their employment arrangement offering contract for services. It is something that people who are involved in the business community or in the union movement come across on a daily basis, but for the ordinary citizens who may not have

every day contact with this area of law it comes as quite a surprise and in many cases they are considerably disadvantaged.

In the situation I refer to, my constituent is out of pocket many thousands of dollars and I think it is important that one should then direct attention to the area of the Industrial Code which deals with this aspect of commission agency or contract for services. We have had before us previously amendments placed before the House by the Minister of Labour which dealt with this question of subagency or subcontracting and which would have thrown, I believe, a tight net around this issue of contract for services as against contract of service. It would have in fact tightened the arrangement, I believe, for my constituent who faced the arrangement, and it would have caught him within that scheme so that he would have been treated as a preferential creditor as against a general creditor faced with being way down the list after other claims that were being made by the director or owner of this business, who himself was listed as an employee and of course thereby had a preferencial claim on those outstanding funds which were available through the liquidator's scheme of arrangement.

I think it is important that we home in on that issue, because I see it as a shortcoming in the Industrial Code in special cases where we find arrangements where employees have been given to understand that they are working for a company and then discover, generally through unfortunate circumstances, that they are not an employee. The Opposition opposed that legislation, as did the Australian Democrats in the other place. I would ask them to consider these aspects. They may themselves face complaints and inquiries from constituents who are subject to the disadvantage that I have cited tonight in relation to my constituent. It is something worthy of review in regard to arrangements that employees or agents suffer with an employer.

The scheme of employee arrangements as clearly set out by my constituent to me did not encompass set hours of work; there were no specific directions as to which schools, clubs or suppliers were to be approached, so that in effect the arrangements which the company had made for my constituent were so open as to not define an employee contract of employment. If that person had had a legal background or had been involved in industrial affairs, he probably would have seen that as a danger sign and approached the employer to have a tighter legal contract drawn up, but we cannot assume that every member of the community can have that access to legal advice, nor can they have that experience that so very few people in the community are privileged to have, so it is an onus upon the legislators to ensure that people have that advice and are protected from these situations. I draw this matter to the attention of the House because I believe it is something that must be corrected for the safety of not only employees, but employers, so it is quite clear as to their legal obligations and their commitment to each other in a tight contract of employment as against contract for services.

Mr OLSEN (Leader of the Opposition): I want to take up a number of recent statements by the Premier about the Government's financial position. These statements have shown just how desperate this Government is becoming. They confirm the Premier's total failure to justify his revenue raising measures, the eight tax increases by a Premier who promised not to raise any taxes during the term of this Parliament, or the 154 increases in charges by a Premier who promised he would not use State charges as a form of back-door taxation. This House has been treated to a smorgasbord of misrepresentation, selective quoting and half-truth by the Premier in his attempts to hide the fact that under his Government South Australia is now locked into a tax spiral, that with his policies rising taxes are now more inevitable than death itself. For his latest feast of falsehood at the end of the Estimates Committee debate the Premier quoted from various Treasury minutes prepared by the former Government. In doing so, and let me quote his words, he said:

> There must be considerable care with the use of documents of a previous Government and discretion in the way matters of policy should be handled.

However, that pretence to proper behaviour was mere humbug because no sooner had he uttered it than the Premier proceeded to throw care and discretion out the window. He quoted from a Treasury document dated 2 June 1982 containing the forecast of the Budget deficit of $18 million.

Mr Baker: That is almost 2½ years ago.

Mr OLSEN: Indeed, two years ago. He suggested that this was a disaster, yet it is less than one third of the deficit which his Government ran up in the first year in office—a deficit it is not attempting to reduce this financial year.

The Premier also claimed that this Treasury forecast was further proof of the dishonesty of the former Government. That is patently untrue. What the Premier deliberately ignored was what the former Government did about the situation. He did not go on to concede—and this is important to recognise—that the former Government obtained from Canberra an extra $20 million at the 1982 Premiers Conference to help out its budgetary situation, to ensure that other funds remained available for the projects which he listed as being unfunded. It is a half truth. He tells half the story. It is tantamount to being totally dishonest. In that respect the Premier was, because he did not tell the whole story, the other side of the coin, and it suits his argument not to tell the whole story, because it demolishes his argument.

The Hon. B.C. Eastick: He conveniently lost $20 million.

Mr OLSEN: He conveniently lost $20 million because it suited his argument. So much for this squeaky clean Premier who wants to demonstrate to the electorate how honest, sincere and genuine he is. His own actions, which is the track record of any person, will show him up for what he is.

Now, given all the failures that this Premier has had in negotiations with Canberra, I am not surprised that he did not mention the success of the former Government. Nevertheless, it defeats the basis of his latest argument. Nor did the former Government attempt to hide bugetary difficulties, as this Premier continues to allege. The former Premier's last Budget speech in this House on 25 August 1982 proves that point: that speech is replete with warnings about the very difficult financial circumstances facing South Australia; expenditure cuts were confirmed. They were not popular with some groups but they were responsible. If there was anything the former Government was, it was basically economically responsible.

All that the present Premier did at that time was complain that we were not spending enough. On this point as well, the Premier's credibility is not totally exposed—certainly totally exposed at this stage—because in his latest dishonest attacks on the former Government he says that too much rather than not enough was committed in forward spending. He sought to rest that case on other Treasury papers containing various options. He dealt with Treasury forecasts of revenue returns some years into the future as though they were inevitable, when his own experience with stamp duty receipts last financial year demonstrates the extent to which Treasury forecasts can change within a relatively short period. In this case, the Premier got a windfall of an extra $36 million in stamp duties. That was the amount by which actual stamp duty receipts exceeded the budget estimate made only nine months before the end of last financial year,

yet the Premier criticises the former Government for not being prepared to accept every piece of Treasury advice based on forecasts over a period of three and four years. What he even now completely fails to comprehend is that it is a natural function of Treasuries at all levels of Government to suggest ways of raising money. But no Premier in South Australia's history has seized on Treasury recommendations as eagerly as he has without looking at other ways—better ways, fairer ways to present economic circumstances.

In becoming a prisoner of Treasury, and there is no other way to describe it, the Premier has evaded his own responsibilities. He has turned a blind eye to the other option—the opportunity to limit Government revenue raising by cutting Government spending. This option remains the core of the difference between the Government and the Opposition—and the real reason, the only reason, why the Premier has put up taxes. Figures continue to confirm an upward trend in public sector activity under this Government. For example, figures just released this week by the Bureau of Statistics show that, last financial year, employment in the State public sector in South Australia grew by 3 600, or 3.5 per cent—more than twice the national average, in terms of public sector growth in South Australia under this Administration. I invite the House to compare that with the record of the former Government, which was the only Government in Australia to significantly reduce public sector activity. In the four years to May 1982, public sector employment in South Australia fell by 4.4 per cent, while all other States showed increases, with Western Australia having the smallest, 3.2 per cent. That is a 7.6 percentage points difference between South Australia's performance in reducing public sector activity and the record of the next State.

The Premier has tried to make much of what he claims to have been the employment generating impact of his financial policies but, again, we see clearly that those policies are not working. The Premier has tried to make much of it, but the figures tell a different story. Clearly, the record shows a different story. Since this Government came to office, unemployment in South Australia has increased by 7 900. One in 10 of the work force cannot find a job. That is the highest rate on the mainland. The problem of long term unemployment has become a catastrophe under this Government. Those who have been looking for a job for nine months or longer now number 24 844 in South Australia, according to the just released figures of the CES. This is 36.6 per cent of all registered job seekers, compared with the national average of 29.1 per cent. During the last 12 months, long term unemployment has reduced in New South Wales, Victoria, Western Australia and Tasmania, but South Australia's upward trend indicates that we now have a pool of permanently unemployed people. Yet this Premier stands up in this House day after day and makes smug statements about how his economic policies are working.

His policies may be working for people going into the comfort and protection of Government employment—but they mean less work for the 75 per cent of the work force who have to rely on the private sector for their livelihood and their future. The plain facts are that he and his Government are ignoring the fact that those people can no longer afford enough electricity, water, and bus fares in this State. He is collecting $2.38 billion from the public to fund the day to day running of the Government. That is $460 million more than in the last Budget introduced by the former Government. By far the largest component of this increase is in State taxation. Tax collection this financial year is estimated at $766.8 million—almost $220 million more than in the last Budget of the former Government.

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

Mr GROOM (Hartley): In the time available to me in this debate, I wish to say something about the way in which this Government has assisted small business since coming to office in November 1982. The Government has a very good record—

Members interjecting:

The SPEAKER: Order!

Mr GROOM: —in the small business area. The recognition of the role of small business was highlighted during the 1982 election campaign. Small business dominates the retailing, wholesaling and manufacturing sectors of our economy. It is a major employer: some 60 per cent of total employment in the private sector is as a consequence of the activity of small business. This Government has embarked upon a range of initiatives since coming to office, such as the lifting of the pay-roll tax exemption, the establishment of the Small Business Corporation, and the establishment of the Enterprise Fund. There have been initiatives in the building and housing sectors which have continued to greatly assist those sectors of the economy.

These initiatives have contributed to the current economic position in South Australia where unemployment is falling and where employment has increased. However, small business has continued to be very vulnerable, particularly leasehold businesses. I want to illustrate their vulnerability by the following example. A person sought my assistance this week. He is the proprietor, that is, the lease owner, of a business in an eastern suburbs shopping centre. He purchased the business about four years ago; I will not say the exact amount involved, but it was in excess of $100 000, plus the stock. The owner-manager of the shopping centre is seeking to take advantage of a technicality in the lease in the worst possible way.

This person's lease will terminate on 1 December 1984, but he has the right to renew for a further two years. Needless to say, ordinarily he must agree on rental, but with the normal arbitration clauses inbuilt. The lease stipulates that not less than six nor more than nine months notice of intention to renew must be given to the shopping centre owner-manager. The person involved did not give notice, although it was quite evident to the shopping centre that he would continue in business, because it is a very viable business with a significant turnover, as is illustrated by the purchase price plus stock. The shopping centre owner-manager is seeking to take advantage of this omission and is demanding an increase in rent of something like 69.4 per cent: he is demanding an increase in rent from $1 400 a month, in round figures, to $2 400 a month, plus rates and taxes.

This has occurred as a consequence of the owner-manager's seeking to take advantage of a technicality. He has indicated that, in the ordinary course, had the person involved just sent a simple written letter saying that he wanted the business for another two years, the rent might have been something like $2 100 a month (which in itself is about a 51 per cent increase, as opposed to the 69 per cent now being demanded). In the ordinary course, if a proprietor is secure in regard to his lease, of course one can arbitrate the rent and, on information that I have received, at this stage valuers are not conceding more than 10 per cent or 15 per cent rental increases. One must also bear in mind that rates and taxes rise also and that there is a doubling up. If one's base rent goes up, say, to allow for CPI movements, of course, one's rates and taxes, which are a component of that, equally have gone up. So, this person is being told that advantage will be taken of his omission and that his rent will go up some 69 per cent.

However, in addition to that, last Monday when the small business person went to talk to the owner-manager after receiving a letter saying that as from 1 December he would have no lease, he was told that if he wanted his lease it would be under the terms that I have just outlined and that in addition he must make a monetary offer. This person asked the owner-manager what he meant, what offer he had to make, and was told that he had to make the owner-manager a monetary offer. He subsequently sought clarification of that (because he had indicated that he did not have the money) and the owner-manager of this eastern suburbs shopping centre told this small business person that he would have to pay him $30 000. That is nothing more than thuggery of the worst possible kind.

Mr Olsen: Like the Government with its taxes and charges on small business people.

Mr GROOM: The honourable member should not mix up his debates.

Mr Olsen: Go and talk to your small business man about land tax—you'll get the message.

The SPEAKER: Order!

Mr GROOM: The member may find the predicament of this small business person amusing—so amusing that the honourable member has to interject and bring other matters into the debate. This person has five children. The effect of what the landlord is saying is that he intends to take advantage of a technicality and that, if the small business person wishes to continue his business, which is a significant employer, he must pay him $30 000. That is thuggery. It should not be condoned in any quarter. The taxes that the Leader of the Opposition talks about pale in significance alongside a demand for $30 000 and an extra $12 000 annual increase in rent. This owner-manager is demanding $41 000 or $42 000, and it is this small business person, the leaseholder, who has built up the business into a viable one.

The Hon. B.C. Eastick interjecting:

Mr GROOM: I am monitoring the situation very closely. It is one of the worst examples that has ever been drawn to my attention. As I have said, it is nothing more than thuggery. Yesterday, I contacted a legal practitioner whom I know and who practises in this area to ascertain whether he knew of any similar examples. He told me that in the past six years he has had frequent examples of this type of thuggery. No right-minded person could condone any owner of a shopping centre holding a small business person to ransom in this way. Members are going on about taxes and charges, but one should add up these costs. How can a small business person find $30 000 for what amounts to the pleasure of buying back his own business from the landlord. Quite clearly, this situation is intolerable. Such things have been going on for a long time in our community, and it is time that they were ended.

The Government has sought to assist small business in a variety of ways and will continue to do so, and it is determined to rectify this type of problem. As I have said, I have monitored this situation. I have spoken to the person involved and his legal advisers. I have his authority to raise this matter in the House. I want to put on record that, if that shopping centre seeks to continue to try to rip off this small business person in the way that I have outlined, I will name that shopping centre in the House and let those involved justify their action publicly. There is no way in the world that any right-minded person would justify the actions of a landlord acting in this way.

I am told that this sort of thing is rampant in the community, although probably not to the same degree as $30 000. I originally became involved in this area because of my experience with clients in this regard where sums of money were being demanded. But this case involving the demand of $30 000 is the worst example that has ever been brought to my attention. As I have said, I know that small businesses face numerous hurdles. The Government has done an enormous amount to encourage small businesses since it came to office in December 1982. I have only very quickly outlined some of the means by which the Government has assisted small businesses. Much more needs to be done, and the Government is determined to do more to ensure that small business gets a proper and fair deal and that those in small business can negotiate with owners on an equal footing.

Motion carried.

At 9.59 p.m. the House adjourned until Thursday 1 November at 2 p.m.