HOUSE OF ASSEMBLY

Thursday 15 October 1987

The SPEAKER (Hon. J.P. Trainer) took the Chair at 11 a.m. and read prayers.

VICTIM TOYS

Mr TYLER (Fisher): I move:

That this House congratulates the Federal Government in establishing an inquiry into whether the characteristics of 'victim' toys are likely to have undesirable or anti-social psychological effects on children exposed to them and further this House urges the South Australian Government to cooperate fully with this inquiry.

It is a sad state of affairs, and an indictment on our community, when I have to stand and draw to the attention of this House the growing number of toys that symbolise, in fact glorify, violence and killing. There are a number of community groups (indeed, the *Bulletin* of 15 September described it as 'an alliance of community groups') becoming concerned that a violent subculture may be establishing a foothold with very young Australian children because of the linkage between aggressive television cartoons and toys produced in the United States.

In September, parent, teacher, church, medical and trade union groups staged a public meeting in Melbourne as a first step towards a national campaign to force Governments and politicians to ban the importation of certain television programs and toys. I join with that group in calling for the banning of these distasteful products. We have already seen the Federal Government respond to the concern that Australia's escalating violence may have origins in the estimated 2 000 hours of television soaked up by children before they get to kindergarten. I am aware that the Federation of Commercial Television Stations has been asked to refuse to purchase two new American toy/cartoon products, one of which has already been the subject of action by the Federal Minister for Consumer Affairs, Peter Staples. He should be congratulated for the diligent way in which he has approached this matter.

Members will recall that recently I drew to the attention of the public an article on this year's Royal Show headed 'Show bags provide bags of fun and variety'. The article advertised a dozen or more show bags containing material of a violent nature; for example, there were more than 30 different weapons including swords, darts, daggers, guns and hand grenades—they were commonplace. Some bags even contained such distasteful products as rubber vomit, bottled blood and one even advertised a bloody razor blade.

I said at the time that that represented an unfortunate paradox, because Governments and members of Parliament, church and community leaders were doing much to promote peace. In fact, we have just come from a year of celebrating and promoting peace in our community. There are others in our society, and I am certainly one of them, who call for the toughening up of our gun laws, particularly after the Rambo style massacres in Hungerford, Melbourne and Boston. It is a sad commentary about the world in which we live, and on some members in our society who are irresponsibly selling commando, Rambo and victim toys. Victim toys are particularly horrendous and are sometimes known as 'toy nasties'. They are small dolls which feature horrendous physical injury or abnormality. They are toys which glorify to our young violence, physical injury and killing.

I was interested to note that the Hon. Mr Griffin issued a press statement on the same day, on the same subject and came to the same conclusion as myself. I say it is interesting, because it would be fair to say that there would not be a lot of things that the Hon. Mr Griffin and I would have in common, but on this issue we are in total accord, and I hope that this Parliament would also agree with the sentiments that I am expressing. It is something that should be of a bipartisan nature. I can only describe the public feedback that I have had on this issue as staggering with the overwhelming majority of people supporting my stand.

It is true to say, and indeed the *Advertiser* said it in an article on 3 September, that we must not lose sight of kids wanting to be kids and wanting to have a bit of fun playing cops and robbers. Indeed, the *Bulletin* article that I referred to earlier states that retailers strongly contest claims that television associated toys are in any way harmful to children. Manufacturers insist that they encourage creativity and give children a focus for active play. A direct parallel was drawn between the cowboys and indians play of the 1950s and 1960s and it was further asserted that the entire toy industry is now tremendously dependent on these new products. What rubbish! We must question the psychological stability of people who trade in this type of sick product. But let me turn to the question of kids wanting to be kids and the parallel of victim toys and Rambos to cowboys and Indians.

To start with, I have no objection to kids wanting to be kids or playing cops and robbers or cowboys and indians. Indeed, I would encourage kids to be themselves. However, I believe there is a responsibility that we as adults have to our children. There is strong evidence in kindergartens that children act out what they see on television and I do not believe that Rambo can be compared in any way at all to the types of heroes that I grew up with—people like Roy Rogers, Superman and Batman.

Rambo symbolises characters who glorify killing and violence. Roy Rogers or Batman on the other hand are heroes that have always fought evil. When I grew up with the image of Roy Rogers as a hero I always understood the difference between good and bad, because Roy Rogers was on the side of good and declared war on those people that society deemed to be evil. They did not fight or kill for the sake of it. Indeed, I cannot remember the characters of Superman or Batman ever killing anybody.

I have noticed a very disturbing trend in our society involving the continual display of death and violence, whether it be in show bags, movies or news bulletins. People, particularly the young, are developing an immunity to the type of horror that we commit on each other. If we are not careful we will no longer have a compassionate and caring society. Some would argue that currently chivalry is a thing of the past. However, being an idealist, I believe that as a community, and as community leaders in this House, we ought to take a stand in the name of decency if we are to protect our caring society.

Hence, I would like to commend the Federal Government and congratulate the Federal Minister for Consumer Affairs, Mr Peter Staples, for establishing an Advisory Committee under the Chair of a former New South Wales Supreme Court judge, the Hon. R.G. Reynolds, QC. The committee will examine whether these victim toys, depicting such things as children with slivers of glass through them, are likely to have undesirable or antisocial psychological effects on children exposed to them.

I would also urge the South Australian Government to cooperate fully with this inquiry. I know from talking to the Minister of Consumer Affairs that he is as horrified as I am about this trend towards toy nasties. I have great confidence that the South Australian Government will

cooperate fully with this inquiry and I believe that both State and Federal Governments should be congratulated accordingly. I hope that such action will ultimately bring a ban on these unnecessary victim toys and set new standards that our toy retailers and toy manufacturers can follow. There are enough obstacles and pressures on our young without us as a community adding to their load. Our children deserve the very best start to life and we as community leaders must stand up and be counted. I commend the motion to the House.

Mr S.G. EVANS secured the adjournment of the debate.

POLICE COMPLAINTS AND DISCIPLINARY PROCEEDINGS

Mr S.G. EVANS (Davenport): I move:

That in the opinion of this House the implementation of the Police (Complaints and Disciplinary Proceedings) Act 1985 is having an adverse effect upon the effectiveness of the South Australian Police Force as a criminal investigating authority.

I want to make it clear at the beginning that nothing I say will have any bearing upon nor any reflection upon the person who at the moment is the Police Complaints Authority and the way in which he carries out his task when complaints are submitted to that authority against members of the South Australian Police Force. My attack, if it can be called an attack, is upon the effect that the authority has, just by being there, on our police officers, in particular in the criminal investigating area. We must realise that criminals who are either professional and/or habitual criminals are in many cases tough, ruthless, knowledgeable, and sometimes highly intelligent people.

They know how to play the game. They learn their rights very early: in some cases they never learn their public responsibilities. So, they operate on the basis, now we have a Police Complaints Authority, that if, in the opinion of the Police Force, a crime which has been committed follows the pattern under which certain criminals have been known to operate in the past, if the police officers interview persons they might consider to be suspects, those persons can quite easily say, 'Get lost: don't harass me. If you do, I will lodge a complaint with the Police Complaints Authority.'

An answer would be that that does not matter if that is the attitude of the professional criminal or the person about whom the police have doubts: if they do that too often the Police Complaints Authority will wake up and the officers will be safe. That is not what happens, in essence, I am told by members of the force. I raise this because certain members of the force have made the point to me that this situation is tending to create a climate in the criminal investigating area where, rather than take a punt and challenge a known criminal as to a crime that follows the pattern that he normally follows, it is better to shuffle paper around in the office and not take the risk of perhaps being reported to the Police Complaints Authority.

Every police officer to whom I have spoken has said that the present Police Complaints Authority, in their opinion, the person in charge has worked fairly, effectively, and there is no complaint about that person. However, there is a fear in an officer's heart that he should stop following something through at times when he believes that he has a clue. Quite often, the criminal then is prepared to take a punt on something worse, and the police have to sit back and wait until something more serious is done or until there is clearer evidence that that person is involved. Some of us might say, 'That is the way it should be.' I say that it creates a sense of mediocrity in the Police Force in the area where we need to be tough.

I am not suggesting that complaints to the Police Complaints Authority can come only from the criminal investigating area. There are other areas—traffic police, household disputes, and so on. I do not have any concern in that area, because I do not believe that the same risk is there of the offender exercising the right to tell the police to shove off and not harass them as would exist amongst the habitual and/or professional element of the criminal community. I ask members of Parliament to think how they would feel if they were a police officer, dealing with the toughest, roughest and most ruthless people in our society, having to question them about a crime, knowing that they are as intelligent in many cases as the police officer, and were told to shove off or they would be reported to the authority.

What would we do if we were members of the Police Force, no longer politicians, faced with that risk when our future livelihood and career prospects were as members of the Police Force? Would we follow it through to the nth degree, or would we back off? I know that within the Police Force there have been (and there most probably still are) a few ruthless men and women, who at times do no credit to the force or their fellow officers. They are a very small minority, but sometimes a couple of them might be needed in the criminal investigating area because of the type of people they deal with.

I am advised by some police officers that the type of officer ending up in the criminal investigating area is likely to stop before following things through and taking the risk of being reported. I do not say this as a reflection on the present officers. We all have different degrees of compassion, aggression and determination, but I have no doubt from what has been said to me that we need to look at finding a way to give the officers confidence to follow through on some of the tough nuts before they commit another serious crime against a family within the community, a common assault, or something else.

How can we solve the problem? I do not say that we should do away with the Police Complaints Authority. As I said, from the evidence given to me, I believe that the person in charge is doing an excellent job. We possibly need a method of, say, an investigating team of the Police Department looking at a crime. Where they have a doubt about a person or persons being involved, knowing they will have to interview the roughest and toughest of the crims, it is no good going to a more senior officer, such as a superintendent, and saying, 'We believe that this group of people are the ones involved in this crime. We want to interview them and we may have to get a bit rough with the questioning, but they are likely to tell us to shove off or they will report us to the authority.'

Having a senior officer say, 'Go ahead' is no good because it does not protect the police officer from the complaints. We perhaps need to set up some form of joint committee where the Police Complaints Authority looks at the situation before that final thrust to get tough with a couple of crims has to be taken. So, some guidelines must be made on how we approach it. It is a radical suggestion and some people may say that it compromises the person who acts as the Police Complaints Authority, and I agree with that. However, there must be a way of ensuring that the police, when dealing with the worst of our society, are given better backup to enable them to protect themselves. They need it and, if honourable members think about it, they will understand the point I am making, namely, that if we are fair dinkum about giving the Police Force and that section the support they need we must find the answer. I have not found the

answer to date; I have offered a very radical suggestion. But, there must be some way of doing it.

I raise the matter in this House so that other members might speak on it and the Government might look at it. If one goes to the Police Force and asks whether this is happening, how can it come out and openly say 'Yes', as automatically it is saying that mediocrity is coming into the criminal investigation area, causing confusion in the community. It is a reality and I ask members to support my proposition.

Mr DUIGAN secured the adjournment of the debate.

SEWERAGE ACT REGULATIONS

Mr MEIER (Goyder): I move:

That the regulations under the Sewerage Act 1929, relating to scale of charges, made on 18 June and laid on the table of this House on 6 August 1987, be disallowed.

Members may recall that I have also moved a motion for disallowance in relation to the complementary regulations under the Waterworks Act. Although most of my reservations were with the regulations under the Waterworks Act, I would like to make one or two points on the Sewerage Act while this matter is on the Notice Paper.

The new regulations introduce new charges, and for sewerage it means a connection fee of $2 300 (a charge that did not exist formerly) if a main does not come past one's property. Previously the amount charged was $150-odd. If a main comes past one's property the new fee will be $1 200 plus an additional charge of $170. I appreciate that these charges only apply to the greater metropolitan area and not to most small country towns, although I think that places such as Mount Gambier and I assume Whyalla and similar towns would be affected by these charges.

They are significant increases, and I believe that their full effect has not been considered by building contractors, subdividers and people who are planning to build on allotments where sewerage is currently not provided. My main concern, other than the fees in relation to sewerage, is that there seems to be an anomaly between the regulations under the Sewerage Act and those under the Waterworks Act. I refer to a case where a sewer main comes close to an existing property which is not connected. If a connection is sought and someone else's property, perhaps opposite, is already connected, there will be an entitlement to a rebate of $800 on the $1 200 fee. While everyone would welcome a reduction in the fee, in real terms I do not think that it covers the cost of the extension.

If one compares that with the situation under the Waterworks Act, one will find that no such rebate exists and that the full amount has to be paid for a water service. It is very strange that with new regulations and fees such an anomaly exists. If the Government is serious about implementing the user pays principle, this clear anomaly must be redressed. Most of my remarks will relate to the Waterworks Act, with which the House will deal later.

Mr S.G. EVANS secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 September. Page 897.)

Mr OSWALD (Morphett): This Bill, which was introduced by the member for Davenport, supports voluntary voting. While I support the member for Davenport's aim, I place on the record that voluntary voting is official Liberal Party policy and has been around for some time. In fact, the member for Davenport is hopping on the band wagon by introducing this Bill. I remind members that this Bill was first introduced in 1985. It followed our State election policy at the time which supports voluntary voting. This legislation was introduced in the Legislative Council on 1 April 1987 and it is currently before that place in the form of a Bill to amend the Electoral Act.

It is patently obvious why the Labor Party opposes the Bill and clings to compulsory voting: it sees some level of electoral security in clinging to the present arrangements. A respected former Labor Federal Minister raised the question of the motivation behind the Labor Party in retaining compulsory voting. James McClelland, who will be familiar to all members in this House, spoke in the context of the recent Federal election campaign and, in the *Sydney Morning Herald* of 12 June this year, he stated:

> The expensive propaganda campaign, including full-page advertisements in the metropolitan dailies urging people to give apathy away and enrol for a vote, which has been conducted by the Federal Government in recent days is worthy of a little scrutiny. Was it motivated by pure, unsullied devotion to the democratic principle of maximising the exercise of the right to vote, or was there a more political objective?
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> I make bold to suggest that the thinking behind it was that most of the apathetic, those who have to be urged to exercise their right to vote, will, if they bother to get their names on the roll, be more likely to vote for Labor than for any of the other Parties. The privileged, the educated, the holders of strong opinions can be relied on to vote. They welcome the chance to defend their possessions or their beliefs.
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> But what of the underprivileged, the two million or so estimated to be living below the poverty line? A lot of them feel anger at their plight and would like to see it improved. But probably just as many feel merely hopeless and lack faith in amelioration at the hands of any of the political Parties. It has always been an article of faith in Labor circles that those at the bottom of the heap have nowhere else to go but to vote Labor.
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> But first, you have to get their names on the roll and then the thinking goes the fear of a fine for not voting will make them vote to the benefit of Labor. That is why Labor has usually been stronger than non-Labor in its support of compulsory voting. But perhaps their assumptions are beginning to become a little outdated by the changing public perceptions of the role of the traditional Parties.

In relation to the introduction of voluntary voting at Federal level, he further stated:

> It is suggested that it was introduced not to honour some great democratic principle but as a contrived fix to make life easier for politicians by relieving them of the task of persuading the apathetic to vote at all.

These are the comments of an ex-Federal Labor Minister. He concluded by stating:

> Has it had the effect of making Australia a more democratically governed country than Britain or the United States to whom it has never occurred to adopt it?

He further stated:

> It can be argued that compelling uninterested reluctant and uninformed people to vote dilutes the value of the votes of serious and well-informed electors by the mass of votes from persons who are voting because they have to and could not care less about the result.
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> It has also led to the phenomenon of the donkey vote, that is the habit of the uninterested elector voting 1, 2, 3, etc., straight down the ballot paper without any regard to the merits of candidate or Party. This has been unscrupulously exploited by Parties selecting non entities because their names start with A or B.

I remind members that those are the words of a former Labor Federal Minister who is not uninfluential within the Labor Party. In any true democracy the right to vote should be accompanied by the freedom to choose whether or not to exercise that right. That is basic freedom, as I understand it. A person exercises that right by attending at the polling

booth, obtaining a voting paper, marking it and then placing it in the ballot box.

The majority of successful democracies in the world, certainly larger ones than Australia, do not have compulsory voting, so why should this country be any different from the rest of the world? For the information of members, voluntary voting exists in the following major countries: Canada, France, United Kingdom, West Germany, New Zealand, United States of America, India and the Philippines, to name a few.

I will briefly relate some of the advantages of voluntary voting. Voluntary voting avoids bringing to the polls voters who are uninterested, reluctant and uninformed on the issues at stake; it avoids bringing out those people whose only interest in the result is that their future leaders are charismatic, regardless of their policies; and, it increases incentives for political Parties and candidates to be more attentive to their electorates, which would be a good thing. Voluntary voting would force Parties and candidates to produce policies which could be better understood and which would have to be convincingly and vigorously sold to the electorate.

Present mass selling electoral campaigns on television are leading us more and more down the track to the razzamatazz, Presidential-style election that we see in the United States. They would largely become irrelevant, if we had voluntary voting, and the days of charismatic politicians would take a step backwards resulting in the electorate voting for persons, Parties and policies and not blow waves, TV make-up and presentation of candidates. Surely this would produce better Government for this State and for the Commonwealth.

I have noticed that the Federal Democrats, through Senator Janine Haines, are changing over. I will not quote from the paper concerned, but members would have noticed that during the last Federal election campaign Senator Haines was on record as saying that she no longer supported compulsory voting. In those countries where there is compulsory voting there are still regular swings from left to right, from Labor to Conservative and from Conservative back to Labor. Those Labor members who disagree with James McClelland and me continue to argue that voluntary voting plays into the hands of the Liberals. History has not proved that assertion correct; it is an insult to all thinking voters and has been put to rest overseas where one sees changes of Government when the Government in office loses the respect and confidence of its voters.

It is a fact of life that compulsory voting does not entrench Labor Governments; what it does is produce an administration and political Parties that put more work, time and effort into selling their policies and looking after their electorates. If it did nothing else, voluntary voting would enhance the political process in South Australia and would certainly enhance the performance of all parliamentarians. This has to be a step in the right direction.

Democracy is about allowing people freedom of choice to decide for themselves whether they think enough of the issues of the day to present themselves at a polling booth on polling day. It should not be up to a socialist political Party to order voters to do so, in other words to turn up at the polling booth and vote because a political Party fears for its own political survival if it allows the system to change. I support the Bill.

Mr HAMILTON secured the adjournment of the debate.

DEAF IMMIGRANTS

Adjourned debate on motion of Mr S.G. Evans:

That in the opinion of this House, Migration Regulation 26 explicitly discriminates against people with hearing disabilities in that it restricts their entry into Australia by placing them in the same category as those with leprosy and syphilis and that this regulation not only incenses those deaf people wishing to migrate to Australia but insults deaf Australians and their families who live normal lives and contribute to our society, and further, that until 'deaf mutism' is removed from the regulations it will continue to be a source of embarrassment, anger and insult to hearing impaired people and their families whether already living in Australia or hoping to do so,

which Mr Klunder had moved to amend by leaving out all words after 'That' and inserting the following:

this House supports the review of Migration Regulation 26 as part of the immigration review conducted by the Department of Immigration and urges the Minister of Immigration to consider, in particular, the deletion of that section of regulation 26 which deals with deaf mutism as this House believes that section to be unjustly discriminatory against those with hearing handicaps and subsequent speaking handicaps.

(Continued from 10 September. Page 899.)

Mr ROBERTSON (Bright): In rising to support the member for Todd's amendment, I am aware that he has a personal interest in regulation 26 and the problem of deaf mutism. I also have a personal interest in the operation of regulation 26, but my involvement derives more from my interest in Down's Syndrome. It is my understanding that regulation 26 has been used in the past to exclude certain families with Down's Syndrome children and relatives from immigration to this country. I know of a recent case of a British couple who applied to migrate to Australia and were initially rejected under regulation 26. I am led to understand that the couple had a guarantee of financial security.

When they applied to come to Australia they had one or two reasonably well paying jobs; they had youth on their side and expertise which was saleable and met all the criteria of this country; they had a supportive family to help them if they had any financial troubles; had in their favour both the good health of the parents and the rest of the family, but also, and more importantly, the good health of the Down's Syndrome child in question. It is my understanding that those people were initially rejected under regulation 26 and, following an appeal earlier this year, they have now been allowed to migrate to Australia. I am very pleased that that has happened, but it does show, in my view, some of the iniquities surrounding the misuse of regulation 26 as it has been occasionally applied in the past.

I do not want to see a migration policy in this country which requires one to have a handicap as a condition of acceptance, but neither do I want to see a policy which excludes the families of people with a physical or intellectual disability on the ground of that disability. I think that the criterion of disability, either physical or intellectual, should be a neutral criterion. There should not be any consideration given to whether or not a member of a family possesses a disability. I believe that that simply should not be taken into account at all.

It appears to me that in Australia we have the ability as a country, and we have the technical capacity within our health and support systems, to handle every known disability. We also have in Australia a public acceptance of various kinds of disabilities. We have a public understanding of what it is like to have a disability and what it is like to be the member of the family of a disabled person. The various organisations for the disabled in this country have worked very hard over many years to build this public acceptance of disability, and I think that we are a suffi-

ciently affluent and caring society to be able to accept people with disabilities who wish to migrate here. I would even go so far as to suggest that it is un-Australian to reject people on the grounds of a disability in the way that has occasionally been done under regulation 26. For this reason I support the member for Todd's call for the deletion of regulation 26, and I also support the amendment before the House.

Mr S.G. EVANS (Davenport): I want to briefly thank both the member for Bright and the member for Todd for their comments. The member for Todd's amendment is not objectionable to me; it is six of one and half a dozen of the other, so I do not object. We are achieving a goal and trying to get the message home to the Federal authorities that we are concerned about certain sections of disabled people in our community. I commend both members for their remarks and am happy to support the amendment.

Amendment carried; motion as amended carried.

SOUTH AUSTRALIAN ECONOMY

Adjourned debate on motion of Mr Duigan:

That this House acknowledges and supports the need for the South Australian economy to be restructured with greater emphasis being given to export oriented manufacturing industry initiatives and investment and gives its whole hearted endorsement to the Government sponsored trade and investment missions being taken to Asia and South East Asia particularly Japan, China and Malaysia and that the South Australian Parliament expresses its confidence in the economy of South Australia and its belief that the economy holds out the prospect of substantial investment opportunities, of greater employment opportunities and sustained and continued economic growth.

(Continued from 8 October. Page 1078.)

Mr DUIGAN (Adelaide): On the last private members day I took the opportunity of canvassing a number of the opinions of Professor Skinner which are now being adopted by a large number of manufacturers in both the United States and Australia about the importance of concentrating on management techniques and the development of skills for the work force in order to improve the output, efficiency and competitiveness of manufacturing industry.

I indicated also that that approach was being adopted and endorsed by both the Federal and South Australian Governments. I believe it is important that the Parliament recognise this new approach being taken by the manufacturing sector, as well as recognising the support being given by the Government. It is obviously critical that the manufacturing sector be able to reorganise itself and adopt new management, employment and skill development practices in order to take advantage of the opportunities that present themselves to South Australia, particularly in the Asian market.

The motion that I have put before this House concentrates on various elements of the Asian market and asks the Parliament to recognise the role being taken by the Government and, in particular, by the Minister of State Development and Technology in leading a number of missions to Asia—Japan, China and Malaysia. The importance of these missions should not be underestimated and, I believe, certainly needs to be endorsed. The missions are not, in a sense, only Government missions: although they are led by the Minister of State Development and Technology, they have the active support of all those people involved in State development programs, both at a private and at a public Government level through the Department of State Development.

Nevertheless, the importance of recognising the role of the Minister should not be underestimated. One of the business firms which recently visited the Province of Shandong with the Minister of State Development and Technology has indicated that, without the leadership role that was taken by the Minister, a number of doors would not have been opened to that mission and, as far as he was concerned, that was reaping some considerable rewards in terms of the contract that already was coming to South Australia as a result of that mission. At this stage it is not proper for me to indicate which company that is. However, it involves a multi-million dollar contract, and the only thing that really needs to be resolved is the extent to which we can find the skilled work force in South Australia to be able to capitalise on that export market.

A number of similar missions have been taken to other parts of the world, and they do not always result immediately in an economic return to South Australia. Those missions need to return once or twice in order to assure the countries concerned of our genuine interest. I think that that genuine interest was recognised by the Chinese Government through the medium of the ministerial statement made to the House yesterday by the Minister of State Development and Technology. That ministerial statement reported on a telex received from the Chinese Government as a result of, initially, the contribution by the South Australian Government to the Province of Shandong, which had suffered considerable flood damage in a recent natural disaster. But the telex also indicated that, of all the countries whose representatives have gone to Shandong Province and of all the propositions advanced for increasing trade links, that Province and, in fact, the Government of China placed the highest value on the role that has been played by the Government of South Australia.

That is, in essence, what this motion wishes the Parliament to do: to recognise that we need to restructure our industry; that we need to take advantage of the export opportunities available in the Asian market; and to acknowledge the role that is played by these vital trade industry missions which go to Asia. I seek the support of the House for the motion.

Mr OSWALD secured the adjournment of the debate.

BELAIR-BRIDGEWATER RAIL SERVICE

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

That this House, recognising the strong support on the part of Hills residents and the tourist industry generally for a train service between Bridgewater and Adelaide, calls on the Minister of Transport to introduce a rationalised Bridgewater rail service in line with the findings of the study carried out by the Federal Bureau of Transport Economics, that either 2000 or 3000 series rolling stock be utilised and that the service be adequately promoted to ensure that patrons are encouraged to use the service.

(Continued from 8 October. Page 1079.)

The Hon. D.C. WOTTON (Heysen): I want to conclude my remarks this morning regarding my desire to see a rationalised and much needed rail service between Bridgewater and Adelaide serving the people of the Hills. I recognise that there is strong support throughout the Hills from residents and from people who live in and visit this State and who have previously used and who now wish to use that service as part of the tourism industry. I am also aware of the need, should a rationalised service be introduced, for improved rolling stock, either 2000 or 3000 series rolling stock, and that service must be adequately promoted so that people know when the train is running and recognise the

advantages of using rail service over the many disadvantages that are now experienced by people who drive cars and travel in overcrowded buses on the now dangerous Mount Barker Road.

Last week, in speaking on this matter, I referred to what has become an absolute sham in relation to the study that has been carried out by the Federal Bureau of Transport. That matter has continued since last week with a number of issues having been raised, issues such as major discrepancies between draft and final reports and the leaking of the report by somebody—and it is strongly suspected that it was either the State Minister, the Federal Minister, or somebody in their departments. It was interesting that last week the Premier denied any knowledge of the leaking of the report and of the changes that were made in the reports as between the draft and final stages. He suggested in this House that, if anybody should accept the responsibility, it should be his friend and colleague the Federal Minister for Land Transport (Mr Duncan). It was interesting also a day or so after that to find that the Premier completely backed down from that position.

Originally he had suggested that, because the State Government and officers employed by the Minister of Transport in this State were totally clean on this issue, it must have been somebody who was working with the Federal Minister. He then suggested a little later on that that could not be right, because Mr Duncan had had a bit to say on radio and had obviously put the South Australian Premier in his place. So the riddle is still there. We still do not know who leaked the report or who changed the report. My major concern in all of that is that the major recommendation of that report has been totally overlooked, a recommendation that suggested a rationalised service between Bridgewater and Adelaide be reintroduced.

I refer to correspondence from the principal of the Heathfield High School before referring to a couple of newspaper articles on the same subject. The Principal of the Heathfield High School wrote to the General Manager of the State Transport Authority late in August this year stating:

> As you probably know, the outcry continues in this Hills area against the removal of the rail service between Belair and Bridgewater. The biggest single block of users of that service had been the 80 or so students travelling from the Blackwood-Belair-Upper Sturt direction to Heathfield High School... From the beginning parents have repeatedly claimed that the safest transport for students along this route is the train...
>
> It is clear that the only satisfactory transport between Blackwood and Heathfield is the train. The restoration of additional trains in the morning and afternoon would provide safe travel of students to and from Heathfield and Marbury schools and also give scope for excursions between the city and Hills schools, including the Arbury Park Outdoor Education Centre. I urge you to restore the rail services at the relevant times.

I know that the member for Davenport and I have certainly raised on numerous occasions in this House our concerns regarding the dangerous situation surrounding the Upper Sturt Road. It is an absolute scandal that no works have been carried out on that road. It carries STA buses and an increased amount of transport. Two reports have been prepared on work needed and the Minister has refused to release those reports or to indicate when it is likely that any major works will be carried out on that section of road.

I am only repeating myself if I again refer to the problems associated with the Mount Barker Road where we are seeing an enormous amount of cosmetic work being carried out with fancy signs being put up and a considerable amount of vegetation being removed from the side of the road, but very little active work being done to improve the conditions for those who use it. It is interesting to note some of the comments made in the media about the closure of the Bridgewater rail service. Some short time ago the *News*, in its editorial under the heading 'Is Cabinet on the wrong track?', stated:

> State Cabinet today was debating the train strike that has crippled Adelaide's commuter rail services. But was it making the classic mistake of missing the wood for the trees? The present strike was a response to the Government's closure of the Bridgewater-Belair section of STA services... if ever industrial action deserved sympathy, it was over this issue since the authority and its Government masters had proved obdurate in the face of sustained public protest.

It further stated:

> The dislocation, actual and threatened, is therefore out of all proportion to the matter in dispute. As to that, it has been shown repeatedly since the closure was announced that there is a real community demand and need for the service. The alternative is to put more pressure on the Mount Barker Road, already the scene of horrific accidents, the scene of another over the weekend, this time with a miraculous escape...
>
> Is there not something very strange about a year in which Adelaide's central railway station is lavishly upgraded and the STA moves to new headquarters while services [such as the Bridgewater line] are being cut? The best thing State Cabinet could do today is find a sensible compromise to restore train services, including Bridgewater. It should then embark on a rigorous study of how to get better use of a good but fast deteriorating public transport network.

That hits the nail on the head and illustrates why there is so much concern over this issue. We have seen extravagance in the redevelopment of the STA headquarters and an increase in staff at that level—a quite considerable increase—yet at the coalface, where services are provided, we have seen the cutting out of a couple of services. My main concern is the cutting out of the service to Bridgewater. I was interested in an article written by Tony Baker, who stated:

> Now the Belair-Bridgewater train service together with the latest suggestion that some bus services are going to be cut. If money is so desperately short why has the State Transport Authority just moved into new headquarters on North Terrace? More room to administer fewer services, a classic example of bureaucracy in action. If Mr Bannon really wants to save money, I suggest he calls in an outsider, a genuinely independent outsider, to wield the axe and tell him or her to look everywhere, the cosy pit management offices as well as the coalface.

That reiterates what I was saying earlier. The local Hills paper, the *Courier* contains a clear statement of its concerns in relation to the closure of the line. It states:

> The STA appears unable to think beyond well-travelled narrow lines. But as a Government instrumentality, it should be looking at the most efficient means of transporting people in the direction they wish to go. While it can't offer a door-to-door taxi service all over the State, surely it has a responsibility to provide a reasonable service to as many people as possible?
>
> The Government, through various policies, has actively encouraged people to live in the Hills—and Mount Barker is one of the fastest growing regions in the State—yet the Hills public transport service is far from adequate.

It goes on to reiterate the concerns that I have previously brought before the House and deals with the need to have the service reinstated. I could say a considerable amount on this subject. However, I express my concerns in regard to the railway stations which, as a result of the closure of this service, will now have no further use. I refer particularly to railway stations such as that at Mount Lofty, which is an important part of the State's heritage and which has been vandalised considerably in recent times. Regrettably, it now has no further use and no more trains will stop at that station.

I have made requests of the Federal and State Ministers about the future of those facilities, and those requests have failed to bring results. At this stage it appears that the STA does not know what will occur, and Australian National does not want to know much about it either. That is a very sad state of affairs. As I said, those stations are an important

part of our heritage and should be preserved. The best way—

Mr Oswald interjecting:

The Hon. D.C. WOTTON: I think that the Mount Lofty railway station would make an excellent restaurant, but I would prefer to see it used as a railway station to cater for a rationalised service, which I believe should be introduced between Adelaide and Bridgewater. That is the purpose of this motion, and I ask members of the House to support it.

Ms LENEHAN secured the adjournment of the debate.

OPPOSITION ROLE

Adjourned debate on motion of Mr Hamilton:

That this House registers disgust at the Opposition's tactics to lower this Parliament's standing in the community and further, that this House rejects the Opposition's role as 'Ambassadors of Despair' in South Australia, as part of their attack on the Government.

(Continued from 8 October. Page 1080.)

Mr HAMILTON (Albert Park): In speaking to this debate last week I mentioned some of the sleazebag tactics that have been employed by the Opposition, and today topped the cake. However, I will come back to that later. I remind the House that during the past couple of years attacks have been made by the member for Bragg on the Minister (Kym Mayes), and attacks have also been made on Frank Blevins, John Bannon, Barbara Wiese, John Cornwall and on my colleague Sue Lenehan. Let us return to the article by Randall Ashbourne.

Mr LEWIS: On a point of order, Mr Acting Speaker, could the Chair ask the honourable member to refer to members by the electorates that they represent rather than by personal name? As I understand it, it is disorderly to refer to an honourable member by their personal name.

The ACTING SPEAKER (Mr Tyler): The honourable member is quite correct. I did not hear any indiscretion from the member for Albert Park but, if he did so, I would ask him to bring himself back to proper Standing Orders.

Mr HAMILTON: I take the point of order, and the honourable member is correct. However, I will be equally correct in what I am about to say. Today's *News* really takes the cake. In my view, we are right down into the slime, the mire, and we are as low as you can go. Guttersniping tactics have been employed and statements have been made outside this place that horrify me, not in relation to an attack on me or other members of the House, but rather on the staff of those members. I find that disgusting, despicable and the most outrageous abuse by a member of Parliament during my eight years in this place. As a result of his attack upon those staff who have sustained an injury in performing their work functions, I believe that the member for Hanson would have the absolute guts of a louse.

I will now specifically refer to my own secretary, who has attended psychiatrists, doctors, specialists, lawyers—you name it—as a result of an injury that occurred as a consequence of performing the duties of her job. Disgusting and despicable as he is, he attacked a person who has no right to stand up and defend herself in this Parliament. It implies also (and this is the critical issue) that I, the member for Playford, the member for Bright, the member for Walsh, the member for Hayward and, indeed, the member for Mawson have some criminal intent, along with our staff and the Government, to defraud the taxpayers of this State. That is what has been implied in that article—a conspiracy to defraud the Government and the taxpayers of this State, and that is the disgusting part of it.

My secretary is currently defending her situation before the court. I would swear by her loyalty, her dedication to me and to my electorate. It is on public record that she has worked long hours. I remind the House that the previous Minister of Labour during the Tonkin Government (and I have this in writing) is on the record as saying that my electorate office is one of the busiest in South Australia—and that letter is signed by Dean Brown. The attack has been made by that fool over there—

Members interjecting:

Mr HAMILTON: Get back and play with your sheep, you clown! He is a disgusting idiot to carry on in that fashion. I am outraged that a man would carry on like that. It is a fair reflection—

The ACTING SPEAKER: Order! I ask the honourable member to come to order, and to moderate his language, which is leading to a situation bordering on the unruly.

Mr HAMILTON: I will endeavour to do so.

The Hon. D.C. WOTTON: I rise on a point of order, Mr Acting Speaker. I request that the member for Albert Park be asked to explain to the House to which member he was referring.

The ACTING SPEAKER: I do not uphold the point of order.

Mr HAMILTON: I thought I made that patently clear, but I am happy to remind the House. For those who have not read it (and I know that I cannot do that) the member for Hanson brandished the article. It is on the front page of today's *News.*

An honourable member interjecting:

Mr HAMILTON: It is written by Craig Bildstien. The comments of the member for Hanson are really quite outrageous.

Mr D.S. BAKER: I rise on a point of order, Mr Acting Speaker. I think the member for Albert Part was asked to explain to the House to whom he was referring, and I think I distinctly heard the member say, 'you should get back and play with your sheep'. I do not know to whom he was referring, but I would like to know. He was referring to a member on this side—and I would like that clarified.

The ACTING SPEAKER: I have already ruled on that question. There is no point of order. The honourable member for Albert Park.

Mr HAMILTON: Thank you, Mr Acting Speaker. It is obvious that I am drawing blood here today.

Mr LEWIS: On a point of order, Mr Acting Speaker, if it is not possible for the member of this side of the House to be identified, it can be expected that after I have taken my point of order and made my request other members on this side might do likewise. I ask in my own interest that any imputation directed at me about playing with my sheep or any other animals be withdrawn by the member for Albert Park.

Mr HAMILTON: I am quite happy to do so, because I do not know what he plays with. I will continue in terms of this article.

The ACTING SPEAKER: The honourable member for Albert Park will resume his seat while I deal with the point of order from the honourable member for Murray-Mallee. I did not hear the honourable member for Albert Park direct his comments to the honourable member for Murray-Mallee, so there is no substance to the point of order, and I do not uphold it.

Mr HAMILTON: Thank you, Mr Acting Speaker. I repeat that, if he takes offence, I will withdraw. On page 2—

Mr D.S. BAKER: On a further point of order, Mr Acting Speaker, the member for Albert Park said, 'you should get back and play with your sheep.' Not many members in this place would own sheep, for a start, and there are even fewer who would do what was suggested, so I think that that imputation should be clarified. I will not sit here and allow comments such as that to be made without there being some clarification.

The ACTING SPEAKER: The honourable member for Victoria does not have the right to seek clarification. I have already drawn the honourable member for Albert Park's attention to the language that he was using and asked him to temper it. There is no point of order.

Mr HAMILTON: Thank you, Mr Acting Speaker.

An honourable member interjecting:

Mr HAMILTON: It is certainly no joke. It may well be that the person responsible for this outrageous comment in the media will live to regret what he has said—and that is not a threat, intended or implied; I simply made that statement. An article on page 2 of the *News* states:

> Mr Becker said that in his opinion it was an 'incredible coincidence' that of all the House of Assembly MPs only secretaries to Labor members were suffering RSI.
>
> Mr Becker said it was his opinion the Government was using the cases as an excuse to 'prop up' its marginal seats with extra resources.

If my seat can be regarded as marginal, I am an elephant trainer. It is quite clear—

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the honourable member to resume his seat. I would like the House to conduct itself in the way that the people of South Australia would like to see it conducted.

An honourable member: Hear, hear!

The DEPUTY SPEAKER: Order! I do not want any 'Hear, hear!': I do not need any barracking teams. I want the House to come to order. I ask the honourable member for Elizabeth to resume his seat. I would like the House to conduct itself in the way in which it should be conducted; the debate should proceed in the way that people expect. Every member has the right, if necessary, to participate in the debate. I would like the honourable member for Albert Park to be heard in relative silence.

Mr HAMILTON: As I have said, this article, if it is reported correctly (and I have no reason to doubt that that is not the case), implies a conspiracy to defraud by my secretary, by me, as well as by other members and their secretaries, including the member for Playford and his secretary, the member for Bright and his secretary, the member for Walsh and his personal assistant, the member for Hayward and her assistant, and others, including, as I understand it, a member of the member for Mawson's staff, who is in the same position.

To imply that I would be a part of such a proposition is outrageous, and equally so for those staff members who by implication are mentioned in this article. I can recall being offered a $2 000 bribe a few years ago. That matter is on record; the Premier knows about it; and it is referred to in writing to the Attorney-General, as well. I refused that bribe; I will not be bought off, as my colleagues on this side of the House know. I am certainly not in this job for the money, although it does provide me with a better standard of living than I had when in the railways. However, I came here with the view that I could assist the community that I represent.

This article fails to mention the trauma that each and every one of these secretaries has gone through in terms of the pain and suffering and the effect that this has had upon their homes. It fails to recognise their contribution to their member of Parliament and, more importantly, to the electorate where they are employed as assistants to members.

I know that my secretary is held in high esteem in my patch, and the same would apply to many others. I challenge the member for Hanson, and the Liberal Party, to conduct a token survey of 100 people in my electorate to find out whether my secretary's name is known and, if it is known, whether people believe that she has looked after them when I have not been in the office. I condemn in the strongest possible terms this outrageous attack upon the staff. I care not for myself in this instance. I make no apology for defending my staff, because they have done tremendous work and given tremendous dedication not only to me but also to the electorate generally. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PARLIAMENTARY SALARIES

Adjourned debate on motion of Mr S.G. Evans:

That in the opinion of this House, South Australian Parliamentary salaries should be linked to Federal Parliamentary salaries.

(Continued from 8 October. Page 1080.)

Mr MEIER (Goyder): Last Friday I was privileged to attend an important function, the first meeting of the newly amalgamated former councils of Central Yorke Peninsula and Clinton. I had an opportunity while there to extend my congratulations to the new councillors, and to say a few words. In particular, I congratulated the new Chairman, Councillor Robert Schultze, and the Deputy Chairman, Councillor Alex Ferguson.

I was indebted when preparing my remarks to the work of Miss Beryl Neumann, who wrote a local history of Central Yorke Peninsula several years ago entitled *Salt Winds across Barley Plains*. The Central Yorke Peninsula Council came into being in 1969 on amalgamation of the Yorke Peninsula Council and the Corporation of Maitland. In digging through the minutes of the former council of Yorke Peninsula, Miss Neumann came across an extract from 1920 that I think has a lot of relevance to the motion before the House. It states:

> An increase in the salary of Federal politicians, referred to as the Federal Grab, caused council to place on record its 'strong condemnation and wholehearted disgust at the disgraceful action on the part of the Federal Parliament in openly abusing the confidence of the electors by increasing their salaries without having first raised the question of an increase to the electors and trusts that such perfidy will be remembered at the next elections with the result that men more worthy of trust will be returned in place of those members who voted in favour of the increase.' Local residents, too, were angry and when several were approached to serve on a Peace Loan Committee they stated emphatically that they were so disgusted with the Federal Grab that they would not sit on any such committee.

This extract was taken from the minutes of 1920, and I believe that it brings home forcibly the fact that the issue of parliamentary salaries was as topical then as it is today. However, the issue before this House is not whether to increase salaries but whether to have one or two bodies to determine the salaries.

Some years ago, before entering Parliament, I was under the impression that the Federal arena did determine salaries for all members of Parliament in Australia; to me that was logical. I perceived the work load of the State and Federal members as being similar, albeit that the Federal members had to travel to Canberra, that expense being covered by a travelling allowance. Nevertheless, I remember—I think it was in the 1970s—that there was an uproar about a pay

rise that the State members of Parliament received. Consequently, an independent tribunal was appointed and it would seem that it should have solved the problem, but it did not.

In late 1983, because the independent tribunal had not been called together for some years, a large 18 per cent increase was determined. Because the public understandably disagreed with the independent tribunal's decision, parliamentarians again had to step in with the result that in real terms an 11 per cent to 12 per cent increase was made.

I believe that most members of the public when they read a press report on a pay increase for members of Parliament believe it means an increase for all members, State and Federal. What this means is that when we as State members get a rise the public makes its comments known, and when Federal members get a rise some months later the public again makes its comments known. And why shouldn't they? After all, we must remember that we are servants of the people.

I believe tying our salaries to Federal salaries will help clear up this misunderstanding that currently exists. What does it mean in real terms? The current Federal members' salary is $46 065 and the current salary for a member of the House of Assembly in this State is $41 378. It is generally assumed that the 4 per cent second tier adjustment will also flow on, taking the figure to $43 033. If salaries of this House of Assembly were set at 10 per cent below the Federal rate we would be receiving $41 459, which is virtually identical to our present level and, if they were set at 5 per cent below the Federal level, that would result in a salary of $43 762 or close to the salary expected if the 4 per cent second tier adjustment flows on. It should be remembered, as the member for Davenport pointed out, that both Victoria and Western Australia are already using this system. I believe those States are tied to the Federal salaries by a fixed amount, which of course is another possibility.

What about members' salaries in relation to other salaries? That is probably an academic exercise, and I do not intend to launch into a tirade of figures for a multiplicity of occupations, but I would like to refer to a set of figures relating to Public Service salaries ranging from positions of administrative officer, grade 4 (AO4) to executive officer grade 6 (EO6). I seek leave to have a table of purely statistical information incorporated in *Hansard.*

Leave granted.

PUBLIC SERVICE BOARD SALARIES

Executive Officer

		$
EO6		76 528
EO5		69 551
EO4		63 998
EO3		58 441
EO2		54 038
EO1		49 637

Administrative Officer

AO5	2nd Step	$44 123	(1st Step $42 561)
AO4	2nd Step	$40 454	(1st Step $39 270)

Mr MEIER: Looking at this table and comparing State members' salaries, one may note that they are below level 7 on the Public Service scale and would remain so even if the salaries were tied to 5 per cent below the Federal salaries. As the member for Davenport said in moving his motion:

> The general view now is that we in this State should try to take the decision-making process on what our salaries should be from time to time out of State politics and away from the political points scoring arena as it has been in the past, and tie it to the Federal scene.

I believe that it is a logical proposal and should be given every consideration.

Mr DUIGAN (Adelaide): We are asked in this motion currently before us to approve a principle. I would like to state on behalf of members on this side of the House that we acknowledge and support that principle, which concerns the process by which the salaries of South Australian Parliamentarians ought to be established. I also indicate that that principle will need to be worked through once we have a Bill that determines the exact way in which it will be given effect. Obviously, there will be some considerable debate when we get to the point at which a Bill is before us, but at this stage we are quite happy to indicate our support for the principle, while leaving open the question of the details and mechanisms of the Bill, some of which have been referred to by the member for Goyder.

In preparing my speech, I took the opportunity of going back over the debate which took place when the Remuneration Bill was brought into this Chamber in February 1985, and of reading the speeches by the Minister of Labour, who introduced the Bill, as well as by other members. The feature of all the speeches made, both in the second reading and Committee stages, was the need to establish an independent tribunal for the purpose of determining the remuneration payable to three general categories of people on the public payroll, namely, members of Parliament, statutory office holders and heads of Government departments, and members of the judiciary.

The process that has been followed by the tribunal established for the purpose has been undertaken independently. However, it has not been the case that the actual recommendations of the tribunal have been able to be accepted either by the Parliament or by the Executive, because of the intervention of factors outside the scope of the Remuneration Act, and that is unfortunate. What it has meant is that, on the three occasions on which a determination has been made by the tribunal, there has simply been a recognition of the general wage constraint which has been operating within the community in accordance with national economic objectives. The tribunal made a determination of the salaries for members of the judiciary which was published in the *Government Gazette* of 28 May 1987; for members of Parliament, which were determined and published in the *Gazette* of 2 April 1987; and for statutory officers who came under the ambit of that Act which were printed in the *Gazette* of 2 October 1986. The salaries of all three categories of people covered by that Act are on the public record for all to see.

However, the issue of independence has not yet been fully accepted in terms of Parliamentarians. One of the most interesting features of the Remuneration Act is the principles to be applied by the tribunal in respect of members of Parliament when determining their salary. Section 14 (3) of the Remuneration Act, 1985, states—and this is a sentiment that I think would be applauded, acknowledged and supported by all members in this House:

> The Tribunal shall, in determining the remuneration of members of Parliament, have regard not only to their parliamentary duties but also to—*(a)* their duty to be actively involved in community affairs; and *(b)* their duty to represent and assist their constituents in dealings with Governmental and other public agencies and authorities.

Section 14 (3) therefore recognises three particular aspects of our responsibilities and obligations. First, we have an obligation to represent our constituents in this place; secondly, it recognises an obligation and, in the words of the Act, a 'duty' for us to represent and assist constituents in dealing with public agencies and to act as their advocates; and, thirdly, it recognises an active duty to be involved in community affairs. It recognises, therefore, that the hours to be spent and the range of duties to be exercised by a

member of Parliament will go well beyond the hours of duty and the normal responsibilities associated with people in public positions, because it recognises that to be an effective member in this place, members of Parliament must support their local communities, sporting, cultural and other organisations, be actively involved in their various efforts, contribute to those efforts in terms of time, money and support, as well as represent those agencies where they have difficulties or even where they need other sorts of support. They are the issues to be examined by the tribunal in determining—independently—an appropriate level of remuneration for the duties and obligations imposed on us.

However, despite the best will in the world and the best intentions expressed by members on both sides of this Parliament in the debate on that occasion, the process has not been seen to be independent and has been subject to the outside forces of the community. I believe that the proposition currently before the House attempts once again to establish that the independence may be better effected if State political concerns are taken away from the whole issue of salaries. That is not to say that the tribunal itself would not be involved in it, but it would make a reference to a national determination in order to remove the events surrounding not the determination of the tribunal but the acceptance by the Parliament of the recommendations of the tribunal. Members who have been here much longer than I would be aware of the way in which the Parliament and the Executive has had to respond to previous recommendations of the tribunal which have accepted all the principles laid down. The tribunal has acted independently but, notwithstanding that, the decisions and recommendations of the tribunal have not been acted upon.

I acknowledge some of the points made by the member for Goyder in terms of salaries paid to members of the Public Service and indeed, last Tuesday, the report of the Commissioner for Public Employment was tabled in this House. I am sure that members have looked at the salary classifications, particularly all of those 220-odd members of the Public Service who are in the executive officer range, together with the 47 members of the Public Service who are in the AO5 category range, all of whom are currently receiving remuneration in excess of that paid to members of Parliament, notwithstanding that many of those officers do not have some of those obligations and duties imposed on us by the statutes and by the tribunal.

I do not want to get into any argument about comparative wage justice (because the responsibility and obligations of the different categories of employees are obviously very different). The Parliament has already indicated the need for an independent mechanism to be established whereby the politics can be taken out of our acceptance of the decision of the tribunal. On behalf of this side of the House I support the principle and look forward to contributing to a later debate on how that principle might be given effect.

Mr PETERSON (Semaphore): I congratulate the members for Goyder and Adelaide on their contributions. They have taken much of my thunder as they have stated much of what I was going to say. We are currently discussing the principle, which is a good one in the sense that it takes the politics out of the decision. On many occasions since I have been here I have seen decisions taken and then a member stand up—a senior member of the Government or Opposition—and for some electoral advantage has knocked it or screamed about it.

I have never heard of any other organisation or body that has knocked back an award that has been granted. We go to an independent tribunal, get an award and then knock it back! The matter should be taken out of the local arena and we should align ourselves with the Federal award. That is not an unknown principle and it makes sense. The sooner every other State has it, the better. In 1968 Victoria aligned itself with the Federal award as such. Now the Western Australian parliamentary salaries, awards and additional payments are linked to the Federal system and the sooner South Australia follows suit, the better. The debate on the margin and how we will link into it is another debate for another time as it may be more messy. However, the principle of aligning ourselves with the Federal salary assessment system is one with which I agree.

Mr BLACKER (Flinders): I indicate that it is wise to take the determination of parliamentary salaries out of the political arena. No other business or profession is subjected to scrutiny in this way. I am not suggesting that our salaries should not be subjected to scrutiny, but the principle of members voting on their own salary, having the determination or perceived input, needs to be changed. I support this measure in principle, as we should have our salaries tied to another level. This motion states that we should tie it to the Federal parliamentary level. Whether that is the correct way to go or whether we should be tying it to a certain level in the Public Service, I am uncertain.

Mr Lewis: To a common factor.

Mr BLACKER: Yes, to a common factor. We need to tie it to another common factor to take the politics out of the issue. Personally, I have never had any problem with my constituents being critical of the salaries of members of Parliament because those with whom I have a close contact understand the situation, having seen some of the work that I do. Therefore, I get little criticism. The only comment ever made to me came from someone outside the electorate, and that person did not have a close association with their member of Parliament and was therefore unaware of what really went on. I support the motion.

Mr S.G. EVANS (Davenport): I thank members for their contributions, and will make a couple of points as a result of them. The member for Flinders suggested that there might be another area we could tie into, but he was unsure of which area. I offer a word of caution if we look at some profession other than politicians. If one picks another common factor it is possible that that might move at a greater rate than, say, Federal politicians' salaries or other State politicians' salaries, and one would then have a community outcry that our salaries are suddenly a lot higher than those of, say, Federal politicians. I think that the correct thing is for us to follow Western Australia and Victoria—tie our salaries to Federal salaries by whatever amount this Parliament may decide. We could then hope that Queensland and the other States will do the same. If all States are tied to an amount on or below—and I believe it should be below—Federal politicians' salaries we will never have public disquiet.

Most members realise that I will introduce a Bill next Thursday. It will not be the same as the one I originally suggested, but will involve a phasing in process. I look forward to seeing what will happen with that measure. I thank members for their support of this motion. At least we are establishing a principle in relation to State parliamentary salaries.

Motion carried.

The DEPUTY SPEAKER: Before calling on the next matter, I believe that this is the time to mention that, when in this Chair from time to time, I have been concerned about the provisions of Standing Order 78, which states:

Every member of the House, when he comes into the House, shall take his place, and shall not stand in any of the passages or gangways.

A habit has been developing in this House with members standing up and having conversations with other members while someone is speaking. This is a gross discourtesy. I believe that perhaps the younger members of the House do not realise the significance of this Standing Order, which I forewarn members I will be using from now on.

WATERWORKS CHARGES

Adjourned debate on motion of Mr Meier:

That the regulations under the Waterworks Act 1932 relating to scale of charges made on 18 June and laid on the table of this House on 6 August 1987 be disallowed.

(Continued from 8 October. Page 1082.)

Mr MEIER (Goyder): I previously introduced this motion a matter of moments before midday when we had to change from Notices of Motion: Other Business to Orders of the Day: Other Business, and my contribution at that stage was limited. I was halfway through a sentence when I was asked to stop. Therefore, I will deal with this matter now for some minutes. I moved this motion because these charges are new and did not previously exist. The standard contribution for a water main will now be $1 200.

Previously, no official fee was set down. Some charges were—and still are—made for connections, most (in fact, I think all) of which have been increased with these regulations. Probably the question whether the charges have risen excessively is another issue in itself, but certainly in most cases they have risen a lot more than the CPI has over the same period. The concept of a $1 200 charge by itself may not sound anything out of the ordinary and, in fact, for most metropolitan blocks, I would say that it is probably not an unnecessarily—

The DEPUTY SPEAKER: Order! I ask the honourable member for Bright to take a seat. The honourable member for Goyder.

Mr MEIER: In normal circumstances that is probably not out of the ordinary, but let us relate the value of land blocks, particularly in the city, to those in many country towns. I know that city values range from about $25 000 to $30 000 and upwards, but, often that is not the case in country towns. In fact, it has been pointed out that the council for a town on Yorke Peninsula valued the land in question at $500, but a prospective buyer offered $1 000 for it. The owner of the land said, 'Yes, at $1 000 I will sell.' I suppose that one could say it is a 100 per cent increase on the going rate. Nevertheless, $1 000 for a block of land is not too expensive.

However, the prospective purchaser first checked to see what it would cost to provide water to that block and he was told that, because the pipe did not run past the block (it was in the adjoining street), in the first instance, if he wanted a temporary extension, he would have to pay about $450, but that would not be for a full service. If he wanted the full service from the main, he would have to pay $1 200, so that person had to decide whether he wanted to spend only $450 and make that do for the next year or two and then get the full service, in which case it would cost a total of $1 650, which is nearly double what he paid for the block. Understandably, he decided that he would not buy the block. He said that the block was very reasonably priced but that the cost to provide water to it was just out of the question.

I believe that this area should be addressed by the Government in these new regulations. Certainly, these figures would seem realistic for blocks valued at, say, $10 000 to $15 000 or more and they add a percentage that is not prohibitive. I think that the Government should be aware that many people go to country areas with the idea of incurring lower living costs. Whilst I could argue on that very point because of higher transport costs, higher petrol costs and higher costs for certain other items, that is irrelevant to this debate. However, if we encourage these people to buy in the country, then let us ensure that the rates for services are not prohibitively expensive. I believe that the way to go on this matter would be to introduce decreasing scaled charges for values of blocks from, say, $10 000 down, so that you might find in relation to the block to which I referred (the one for $1 000) that, if one took 10 per cent over each $1 000 drop, the new owner would be required to pay only 10 per cent of the $1 200, namely, $120.

That would probably relate very much to the value of the block, and also to the person's ability to pay. It is only one of several factors in these regulations. I know that at least one other member wants to comment on them. I hope that the Government will reconsider the regulations pertaining to this and that it will bring in a scaled charge. Earlier, I referred to the regulation relating to the Sewerage Act. In this instance, it seems very strange that for the connection of a water service the full charge is made, irrespective of how close one's property is to the water main, whereas for a sewerage connection, if the property opposite is already connected, one can get a rebate of $800. It seems that there is a dichotomy of charges here and, again, this matter should be addressed by the Government. It is for that reason, together with the other reasons that I have outlined, that I have moved for the disallowance of the regulations.

Mr S.G. EVANS (Davenport): I support the motion which relates to regulations which, in essence, provide a backdoor taxation method for the Government. A matter of concern, in particular to a constituent of mine, and it would be of concern to many other people throughout metropolitan Adelaide, is that for land on which a house is situated in an existing, developed and fully serviced suburb, which for whatever reason one wishes to subdivide, a charge of $3 500 is made for creating a separate allotment. This is apart from the $800 that one has to pay to the State Planning Authority to go towards the recreation reserve fund, or whatever the term is that one uses for it. So, this involves a $4 300 penalty on the creation of an allotment, on which one has been paying rates and taxes on capital value to council and to the Engineering and Water Supply Department for as long as one has held the title and had the services past the door.

All such an owner is asking for from the Engineering and Water Supply Department is a sewer and a water connection to the main going past the door. No extension of main is involved; there is no other encumbrance on the Engineering and Water Supply Department at all. However, before getting a title an owner must find the $3 500 Engineering and Water Supply Department charge, effective as from when these regulations came into operation.

Wearing another hat, namely that related to his planning responsibilities, the Minister has stated that the Government wants to consolidate and increase the density of population in established suburbs, and one automatically reads into that what sort of skullduggery is going on. It means that in suburbs like Unley, and others, where there are narrow-fronted, elongated blocks, if people want to open up

the rear access of those blocks, commensurate with the sort of consolidated development of the inner areas, which the Minister is now advocating and which his department is planning and pushing for, each time they create another allotment or another housing site, not involving any extension of mains to any great degree, perhaps just to service the rear of the block—and there could be up to 10 or 20 sites in the area—the Government wants $3 500 per allotment, plus $800 to go to the parks fund. As well, for individuals such as the person in my electorate to whom I referred there are surveying costs.

The Surveyor-General's Department and the Land Titles Office say, 'We want a certified survey because of errors in the area. We registered the titles years ago and we accepted the surveys as right. We have a reserve fund set up within the Surveyor-General's section to correct titles, but we will not use that, but we will ensure that the individual owner of the block is charged to pay for the cost of the surveyor.'

Under this regulation the department can ask for $3 500 automatically, even though all the services pass the door, and that is wrong. It is wrong in principle and it is wrong regardless of what people may argue—that mains were put down years ago at no cost in the old suburbs. It is only since 1966 that the Government placed the burden of providing services in subdivisions on the developer and thus on potential block owners and house builders. Before 1966 all sewer and water mains were established at the taxpayers' expense and the burden was borne overall. If it happened that some of those allotments were not built upon or if people had a large allotment or had several allotments and did not put a sewer and water connection on them, they were suddenly up for $3 500 for each allotment, payable to the E&WS Department. Sometimes some of the people with such homes had low salaries.

The DEPUTY SPEAKER: Order! Will the member for Hayward resume her seat.

Mr S.G. EVANS: Some of these people had low salaries and struggled to pay for their home. They might have had an oversized allotment that could have been the equivalent of two or three blocks, and they retired without superannuation. They had just the house and a bit of spare land. Suddenly they found they were ageing, that their small reserves were running out, that the cost of living and rates and taxes were high, and that they were rated on the total cost of their allotment. If they are on a pension, they are lucky; they are charged only half rates. But still the cost is high. They might have wanted to cut off a block and sell it so that someone else could build upon it, to bring about the concept that the Minister for Environment and Planning is arguing for, yet that same Minister wants $3 500 plus the other costs before that person can get a title. That is unprincipled. How can the socialist Bannon Government, which says that it believes in helping people who have had to battle, people who are without superannuation and without reserves (and you, Sir, are a member of that team) do that? How can anyone with a fair mind put into practice such a regulation? But that is what the Government has done.

Taking the other argument, that, if the allotment was created and someone else built a home on the new site the Government would get more rates and taxes, because people are charged on the capital value of the block plus the house and improvements, the Government would recoup more money. Instead of encouraging inner development, this regulation will discourage it, because people will hope that one day a fair-minded Party will win government in the near future and that it will change the rules before those ageing people who are having this burden placed on them die. As there is more that I want to say on this subject, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 1 to 2 p.m.*]

QUESTION

The SPEAKER: I direct that the following written answer to a question without notice be distributed and printed in *Hansard.*

DRUGS

In reply to **Hon. B.C. EASTICK** (9 September).

The Hon. D.J. HOPGOOD: The police procedures applicable following the seizure of drugs are set out in General Order 4520. The frequency of police audit procedures is set out in General Order 2240 and specifically, at part 3.1 of that General Order, it states:

> . . . the audit of station records and inspection of all stations, sections or units within their command as often as is practicable and except in special circumstances at least once every three months.

The practices and procedures of Police Department personnel relative to the requirements as they apply to all receipts, retention and disposal of any type of exhibit property, and particularly illicit drugs in all forms, are in the process of being reviewed.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Transport (Hon. G.F. Keneally):

Local Government Act 1934—Superannuation Scheme Amendment—Membership.

By the Minister of Agriculture (Hon. M.K. Mayes):

Department of Agriculture—Report, 1986-87.

PORT ADELAIDE RAILWAY MUSEUM

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

Port Adelaide Railway Museum.

Ordered that report be printed.

QUESTION TIME

The SPEAKER: Before calling on the Leader of the Opposition, I advise that questions that would otherwise be taken by the Deputy Premier will be taken by the Premier, and questions that would otherwise be directed to the Minister of Labour will be taken by the Minister of Agriculture. The honourable Leader of the Opposition.

FILIPINO BRIDES

Mr OLSEN: Is the Premier aware of concern amongst the administrators of women's shelters and counselling organisations at the significant number of Filipino brides alleging incidents of domestic violence, and is he prepared to initiate an investigation, as a matter of urgency, into the

reasons for an apparent disproportionate representation of Filipino women at such shelters?

The Opposition wants to make quite clear that in raising this matter we are not reflecting on all Australian-Filipino marriages, many of which I personally know to be both happy and successful. However, both women's shelters and counselling organisations are expressing increasing concern about the alarming number of Filipino brides seeking help as a result of physical, mental and financial abuse. This applies in both metropolitan and country areas of South Australia.

Inquiries made by the Opposition in recent days have revealed a disturbingly high incidence of claims by Filipino women of domestic violence. For example, in just seven of the women's shelters in the metropolitan area that have been contacted no fewer than 68 Filipino brides had sought help last financial year; and, of four country shelters two refused to provide their statistics while the other two confirmed that 12 Filipino brides had been taken in during the same period.

The shelters concerned are reluctant to identify themselves, but agree that these statistics reflect an exceptionally high level of abuse of such women, way out of proportion to their percentage of our total female population. Shelter administrators claim that one of the biggest problems relates to the women's inability to speak adequate English, their reluctance to seek outside help in the event of abuse and their shame about their predicament. Most return to their homes to the same situation.

The problem has reached alarming levels throughout the country, and concern is being expressed about the role played in arranged marriages by private introduction agencies. One shelter worker has told of an Australian male who has recently married for the fifth time, the past four wives having been Filipino women. She states:

> It costs $8 000 to go to the Philippines and bring back a bride . . . to me it seems like a return to the Middle Ages where women can be bought and sold like cattle.

As a specific example of the gravity of some women's circumstances, the Opposition has been told of a Filipino bride who was daily locked in a wardrobe by her Australian husband when he departed for work. She was let out only upon his return at the end of the day, falsely accused of infidelity and subjected to further physical abuse. She was eventually found wandering the streets in a distressed condition but, after receiving help from three counselling centres, began a new life in Sydney.

The Opposition is well aware that the figures we provide today may not even adequately reflect the true extent of what appears to be an horrendous problem. While the Opposition is not suggesting that the Government should interfere in private marriage arrangements, we do ask whether the Premier believes there is sufficient evidence to warrant an investigation of private marriage introduction agencies, their conduct, and their responsibilities to the future well-being of Filipino women.

The Hon. J.C. BANNON: I must say that I am not aware of any of the matters raised by the Leader of the Opposition. It is not the sort of question I would normally expect to get, nor indeed that the Leader of the Opposition would normally be expected to ask. It is not the sort of issue with which he has concerned himself in the past, so I am pleased that he is picking up some of these areas, because much of our expenditure priority as a Government is directed precisely to these sorts of areas, and if indeed we had a bit more support from those on the other side of the House for what we are trying to do in the social welfare and other areas, things would be better.

I am very happy to refer the matters raised to my colleague the Minister of Community Welfare. While I listened to the Leader of the Opposition's remarks in support of his question, many aspects suggested to me that this problem, to the extent that it is prevalent, is one that involves national authorities as well; they are not things either within the prerogative of the State or solely affecting South Australia. I would also suggest that the Federal Government and the Federal Minister in this area might also like to be apprised of the research of the Opposition. I would suggest that the Leader of the Opposition perhaps puts in a more detailed brief the information the Opposition has collected and, if there are things he is not able to put in the public arena, he could well include them. I can assure him that the Minister of Community Welfare and his department will look at them.

MEMBERS' ELECTORATE OFFICES

The Hon. T.M. McRAE: Has the Minister of Housing and Construction had referred to him allegations of the improper allocation of staff in certain electorate offices and misuse of workers compensation provisions so as to allegedly benefit the Government and certain of its members? These allegations were apparently made by the *News* this morning, acting on information supplied by the member for Hanson.

The Hon. T.H. HEMMINGS: I thank the honourable member for his question. I certainly have had representations made to me as a result of the article in today's *News*. I, and this Government, refute all those claims by the member for Hanson which have been faithfully reprinted in the *News*. It is typical of the style of the member for Hanson: anything for a headline—but this time he has gone too far. It is rather obvious that it was a question on notice which was answered correctly and fully, and then the member for Hanson in, as I say, his usual headline grabbing manner, gives something to the Adelaide *News*—and where is he now? He knew that as a result of the article in today's *News* there would be a question to me regarding these allegations—and he has not got the guts to be here! He is always like that. He has not got the guts to come in and face any response from this side of the House.

What the member for Hanson has done in this case is allege collusion between me and five members on this side of the House. He has also alleged collusion between those personal assistants who have suffered stress and RSI and their personal doctors. He has alleged collusion between the occupational health nurse of the Department of Housing and Construction and the Government Workers Compensation Office. I am rather surprised at the Adelaide *News* (and the reporter there seems to feel that there is no problem), but that is what happened. That is what has been alleged: that there has been collusion.

Again, the member for Hanson, with his obsession for a headline and obsession to see his name in print as an Opposition frontbencher, has caused considerable hurt to those five personal assistants who at one time or another have suffered from RSI and stress. They are all back at work, but he has caused them considerable hurt. It might interest the member for Hanson to know that one personal assistant broke down in tears this morning because she is the sole breadwinner of a family and does not want to talk to the media which, in this case, is trying to get the other side of the story. She is frightened to talk to the media because she knows that it is a political issue and when her children go to school they will also be tarred with the accusations that come from members of the Opposition.

As a member of Parliament, when I come into this House, particularly as a Minister, I accept that accusations can be made against me. That is the name of the game: that is why we are here and we accept that as you do, Mr Speaker, but not those people who work for us. Those people are loyal to us, and the same applies to those associated with the Opposition. I received a letter from either the member for Mount Gambier or the member for Mitcham regarding a circular that I sent out about the employment of personal assistants. That member said that a degree of loyalty had to be taken into consideration. I accept that. However, that loyalty does not give the member for Hanson the right, for cheap headlines, to attack not only members on this side but also personal assistants who have no right of reply.

Because the member for Hanson and other members of the Opposition are bleating for extra staff, they say that we have conjured up some mechanism to get additional staff for people on our side. I refute that and sincerely hope that the member for Hanson can come up with a bit more information than he has gained from me in the reply I gave him on 6 October. Let us look at one of the reasons why there is more stress on our side of the House than on the Liberal side.

Members interjecting:

The SPEAKER: Order! I call the House to order. I call the member for Victoria to order. The honourable Minister.

The Hon. T.H. HEMMINGS: I am not talking about whether we or they work harder but, rather, about the kind of people we represent. We represent the bulk of city seats. We represent the disadvantaged areas. I know that you, Sir, as the member for Walsh, and also the members for Hayward and Henley Beach take constituents who will not go to see the member for Hanson because as his constituents they believe he is far too arrogant to deal with them. I get people coming from Gawler to see me because they do not want to see the member for Light. That is the situation. The member for Hartley has people coming to him for assistance from the district of Coles because they will not go to the member for that district. The member for Coles wants the nice blue rinse types with easy problems to solve. Those people with real problems are either in the seats we represent or from electorates where they are not too happy about seeing Opposition members.

Let us look at the way members opposite treat not only their constituents but also their personal assistants. We all know that a few years ago the member for Hanson, our shining hero and the one who stands for all that is good and proper (and this is common knowledge among all electorate office staff in the Parliament), intimidated his personal staff. Why did he do that? He did it because she was a member of a trade union.

When the member for Victoria entered Parliament, he refused to sign employment slips for his personal assistant. Why did he do that? He did it because he did not have the guts to say to her, 'I don't want to employ you any longer.' They had to come to me as the responsible Minister to sign those slips. What is the member for Victoria now doing? He has submitted an application to employ a 66 year old geriatric person as his personal assistant: a person who retired recently from this Parliament on a fat super payout. That is the way that they look at their offices and their staff. I ask the member for Hanson to go outside this House and make those accusations about collusion, and then we can take the necessary action in order to obtain some kind of redress, not only for my colleagues but also for those personal assistants who unfortunately suffer from stress and RSI.

PAROLE SYSTEM

The Hon. E.R. GOLDSWORTHY: I wish to ask the Premier a serious question, after that tirade of abuse—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I call the member for Albert Park and the Deputy Leader to order. I ask the Deputy Leader to return to his question.

The Hon. E.R. GOLDSWORTHY: Will the Premier initiate discussions with the Chief Justice to determine whether there should be a full and immediate review of the parole laws? In their last annual report to Parliament, the Supreme Court judges were strongly critical of the one-third remission on non-parole periods allowed by this Government's parole laws. Recommending the abolition of these remissions, Their Honours said that public faith in the integrity of the system of justice 'tends to be undermined when it is seen that the appropriate sentence and non-parole period devised by the court does not correspond with the punishment which the offender actually suffers'.

Mr Tyler interjecting:

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

The Hon. E.R. GOLDSWORTHY: Are you calling the judges—

The SPEAKER: Order! I ask the Deputy Leader not to respond to the interjection that I have ruled out of order. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Speaker, but I am sorely tried. While the Government has chosen not to act on this recommendation, the views of the Supreme Court judges have been given further force in the case of a twice convicted armed robber who is now free after serving only five months when he should have served eight years eight months. In his judgment on this matter yesterday in the Court of Criminal Appeal, the Chief Justice found that the original sentencing judge had acted 'upon the basis of incorrect information furnished to him by counsel as to the factual situation regarding other sentences which the respondent was liable to serve' and that the judge also had been 'under a misapprehension as to the effect of the provisions of the Act' with the result that 'the sentencing discretion miscarried'.

Further information from reliable sources supplied to the Opposition reveals that there are over 100 cases where convicted persons have been sentenced incorrectly; judges, magistrates, Crown counsel and defence lawyers cannot understand the parole system; in courts, Correctional Services officers are often asked for advice on how the system operates before the court sentences a criminal; judges' associates telephone Correctional Services officers to obtain advice on how the system works prior to a criminal being sentenced; police were not told of the significance of the non-parole system and the need to keep records identifying non-parole periods for particular criminals; and offenders against Commonwealth laws are in gaol with non-parole periods and are given early release, notwithstanding the fact that those non-parole periods are invalid—non-parole periods only apply for State offences but there is confusion in the system between the two. In summary, information put to the Opposition shows that the parole system is in a shambles, with confusion reigning to the extent that even Supreme Court judges and senior lawyers cannot understand it.

The Hon. J.C. BANNON: I will refer this question to my colleague the Attorney-General, who is far better qualified than I to respond to some of the detail contained in

that question. I would have thought that the question was better directed to him by the shadow Attorney-General in another place, who would raise the matter publicly. I do not know why the Deputy Leader wastes the time of this House and me by asking the question.

An honourable member interjecting:

The Hon. J.C. BANNON: Yes, the Government policy will be enunciated by the Attorney-General in response. Having said that, I do not think that anything that the Deputy Leader has put before us draws the conclusion that there is something fundamentally wrong with the parole system. On the contrary, in fact, the detailed explanation that he gave about that judgment was all about wrong information being provided, erroneous information which therefore caused some error in the judgment that was finally delivered. That is not a fault of the system but a fault on the part of those conveying the information, and those people conveying the information are very highly paid professionals. Further, this rumour or innuendo which the Opposition has picked up and which the Deputy Leader also put to us in the rest of his explanation, again, all seems to revolve around the following fact: he said that people cannot understand the system. But they have not been taking the trouble to do so.

I would have thought that they had a professional responsibility to do that. The system is clearly enunciated in an Act of this Parliament and by procedures laid down, and those professionals in the field have a duty, a responsibility, to acquaint themselves with that. If the information that they are being supplied by counsel and others is inadequate, then surely the fault lies not in the law but on those who are meant to be supplying that information to assist the courts. That is the conclusion that I draw from what the Deputy Leader put to me, and I think that any sensible person with commonsense would do so as well.

DRIVERS LICENCE FEES

Mr De LAINE: Will the Minister of Transport explain to the House the policy of the Motor Registration Division in relation to refunds or otherwise of moneys paid for a driver's licence when that person's licence is suspended? Drivers who have recently paid their full fee for a five year licence have forfeited their money on suspension of the licence and they have had to pay the full fee again when their licence has been reinstated. I have been told that other drivers have, on suspension of their licence, been refunded the fee on a pro rata basis covering the period of suspension.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. At the outset I should like to inform the honourable member that, if he has details of a specific case that he would like to bring to the attention of the Registrar of Motor Vehicles, I would be happy to assist him to do that; thus, all his constituents can be assured that they will be given a fair go. A driver's licence can be cancelled for a number of reasons, as follows: breach of probationary conditions, including driving with other than a zero blood alcohol level or accumulating 4 or more demerit points during the period of the condition; driving under the influence of alcohol or drugs; exceeding .08; refusing breath tests; refusing blood tests; failing to stop after accident in which a person is killed or injured or fail to render assistance at an accident; causing death by reckless driving; and causing injury by reckless driving.

All of those offences will result in the cancellation of a driver's licence. In one or two circumstances a refund of a driver's licence fee can be made, namely, where a licence is suspended on the grounds that the driver is no longer medically fit to drive, where the licence holder chooses to discontinue driving and voluntarily surrenders the licence, or where the licence holder leaves the State to reside elsewhere. In those circumstances an application can be made to the Registrar and it is reasonable to believe that a refund will be made.

Special circumstances might occur outside those that I have mentioned that warrant consideration by the Registrar. If, in the view of the constituent involved, those special circumstances should be considered, an application should be made to the Registrar, who has the statutory powers to make decisions in regard to refunds. But there are clear guidelines as to how a driver can lose a licence and in what circumstances a driver can forfeit a licence and obtain a refund of the balance of the fee outstanding. In general terms there is a consistency in the decisions made by the Registrar. However, if any specific circumstances are concerning the honourable member, and if he will give me details, I will refer them to the Registrar for his consideration.

TOBACCO FRANCHISE

The Hon. JENNIFER CASHMORE: Will the Premier repudiate statements that have been made by the Minister of Health that it is possible that the Government's proposed tobacco levy may provide more funds than are needed to replace tobacco company sponsorship and give an unequivocal commitment that any new levy on cigarettes and other tobacco products will not be used to boost general revenue?

If the Government applies this levy simply to recover the cost of sponsorship funds now provided to sporting and cultural events, the current tax rate of 25 per cent would have to rise by not much more than 1.5 per cent. However, there is speculation that it will rise by at least 5 per cent, which would net the Government $8.7 million—almost three times the amount needed to make up the $3 million sponsorship annually provided to South Australia by tobacco companies.

The Hon. J.C. BANNON: No decisions have been made in this area. There are two unrelated questions, the first of which relates to the tobacco franchise levy as part of the general revenue of the State. In this regard decisions are made about the level of general revenue, whether it be tobacco franchise or motor fuel franchise, and so on, in the context of each budget as it arises, and that process will continue. The second question, which is not related to the first, concerns compensation for those bodies that would be disadvantaged if tobacco sponsorship was withdrawn, a proposal which I understand the member for Coles supports. Is that correct?

Members interjecting:

The Hon. J.C. BANNON: Silence indicates consent. Certainly on her previous statements the honourable member would strongly support that move, but whether her Party would do so is another matter.

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C. BANNON: It is about revenue, therefore you must provide compensatory payments to those who would lose that sponsorship.

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C.BANNON: The honourable member says by way of interjection that she is not disputing that. What is the source of that has not been addressed at this stage. Obviously, an increase in the tobacco franchise levy would be one. That is certainly the way in which the Victorian

Government has approached it and I should imagine that other Governments do, too. It is also important to notice in this context that at present, apart from Queensland which does not levy any tobacco franchise tax at all (it is happy to let its citizens smoke themselves to death as simply and as cheaply as they can)—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —South Australia has the lowest tobacco franchise levy of any State. The Liberal counterpart of this Opposition in Tasmania has a rate of 50 per cent, which is double the South Australian rate.

The two questions asked by the honourable member are entirely unrelated. The question concerning the contribution that the tobacco franchise makes to general revenue would be considered on a budget by budget basis, and the contribution which it makes as a replacement for sports sponsorship is a separate question which would be separately addressed.

The SPEAKER: Order! When the House wants to establish a system of supplementary questions it can do so but, until then, there can be only one question per member per time. The honourable member for Todd.

DERNANCOURT TRAFFIC LIGHTS

Mr KLUNDER: Can the Minister of Transport indicate the cost and timing of the proposed traffic lights at the intersection of Lower North-East Road and Balmoral Road in the suburb of Dernancourt in my electorate? The latest annual Highways Department inspection has shown that the traffic levels and other indicators at that intersection show that traffic lights are warranted there. The Dernancourt Primary School Council and residents in the area, who have been campaigning for these lights for a considerable number of years, would appreciate an indication as to when these lights are likely to operate.

The Hon. G.F. KENEALLY: The work on the establishment of the lights should commence late in 1987. It is expected that the signals will be operational towards the end of the first quarter of 1988. I do not have, for the benefit of the House and the honourable member, the estimated cost of installation of these traffic lights, but I will get them for him.

I acknowledge the continued representations made for more than 12 months by the honourable member on behalf of his constituents that these lights be established at the junction of the Lower North East Road and Balmoral Road, Dernancourt. I think that the first approach was made in March 1986, but at that time investigations showed that traffic flow did not warrant their establishment. However, the honourable member continued his representations and I am pleased to say that the most recent studies by the Highways Department indicate that that warrant now exists and the Highways Department, in conjunction with the Tea Tree Gully council, will shortly commence a construction program. I will get the detailed costs of installation for the honourable member.

TOBACCO COMPANY ADVERTISING

Mr INGERSON: Will the Premier admit that the South Australian Government has the power to control advertising by tobacco companies at international sporting events? At his press conference yesterday to announce the Government's policy, the Minister of Health tried to excuse its hypocrisy by claiming tobacco company sponsorship of events like the Grand Prix and the Test Cricket was not something that the State Government could control. By this he meant that the Government would not stop the tobacco companies using billboards and other forms of advertising at these events.

At the same time, the Government intends to prevent these promotions at other events, such as football and soccer. There has already been much public comment today that such a policy would be totally discriminatory and unfair because, if the Government can control advertising and promotional activity at smaller events, then it can certainly do the same at the Grand Prix and the Test Cricket. It has been brought to my attention today that the South Australian Department of Tourism brochure displayed yesterday, and entitled 'Adelaide for the Visitor', features as a full front cover one of the Grand prix cars sponsored by Marlboro and two Marlboro advertising billboards. It has been put to me that this is yet further evidence of this Government's totally muddled and hypocritical approach to this issue.

The SPEAKER: Order! The honourable member should not adopt the device of making comment which is attributed to mythical persons. The honourable Premier.

The Hon. J.C. BANNON: Much as the honourable member might like everything to be totally black and white and absolutely cut and dried, that is not how life works: there are a number of practical problems involved. The Government is on about discouraging the expanding use of tobacco products by young people; therefore, we are obviously looking at steps towards that aim, we will obviously not be able to solve this problem. The very thing that the honourable member points to in relation to the promotion of the Grand Prix I would have thought answers his question. Promotion and sponsorship of the Grand Prix is very much bound up with international tobacco companies and tobacco sponsorship; that is something that is determined at a national and international level, and not by us.

If it were this community's wish that it did not want a Grand Prix and all the benefits that it brings, we would try to exclude specific sponsors, but we are obviously not so foolish. That would be completely ridiculous. Is the honourable member suggesting that the citizens of Adelaide should be able to sit back in their homes watching, for instance, a Grand Prix staged somewhere else, or an international cricket match for which there is tobacco sponsorship, but which is not allowed to be held here because of some spurious controls that we might attempt to exert in that area? That is quite ridiculous.

I cannot understand why the honourable member is so ignorant about who controls the airwaves and what are the particular practical details of these sponsorship arrangements. I suggest that he does a bit of investigation. This is not discriminatory against local events. Why would it be discriminatory against them when they want this sponsorship in order to get money to stage events and when the Government has specifically undertaken that that money will be provided? They are not being discriminated against in any way.

We do not yet have the final details, and I thank the honourable member for, in whatever bad faith, at least raising some of the problems. They are real problems. We will grapple with them in a practical way. Our aim is to discourage smoking among young people and the use of glamorous sporting and artistic events to support it. In certain instances, we are not able to do that, but we will do it to the extent that it is practical and sensible. I know that members opposite do not understand policies of modera-

tion: they believe that the world is so simple that one can do something in a totally single-minded way. That is not how it works, and that is not how we are dealing with this issue. I urge members opposite to join us and assist us in discouraging the taking up of the smoking habit by people under age—and that is what it is all about.

SOUTHERN SUBURBS SPORTING FACILITIES

Mr TYLER: My question is directed to the Minister of Recreation and Sport.

Members interjecting:

The SPEAKER: Order!

Mr TYLER: Can the Minister indicate the extent to which the Government can play a coordinating role in the establishment in the southern suburbs of a multipurpose sports park that involves private entrepreneurs, the various levels of government and local sporting groups? On many occasions representatives of local sports groups have expressed to me their concern about what they consider is an obvious lack of adequate sports and recreation facilities in the southern suburbs. Constituents and sporting groups in my electorate have told me that they consider first-class recreation facilities to be the centre of community activity.

My constituents believe that this is an important ingredient of our modern lifestyle that is sadly lacking in the southern districts. Many constituents have pointed to the fact that the population of the south has grown drastically in the past five years to well over 100 000 people. Approximately 36 per cent of the population is under the age of 19 years. They feel that this throws out a tremendous challenge for Federal, State and local government as well as our community in coming to terms with the needs of a growing and young population.

My constituents also suggest that this indicates that there is no doubt that a centre which encompasses the sports of football, trotting, greyhounds, hockey, netball and tennis, to name a few, would be extremely well utilised by members of the southern districts community.

The Hon. M.K. MAYES: I thank the honourable member for his question and for his expression of interest. For some time he has been acting very strongly for his area, and he is representing also the views of his colleagues from over the hill (if I can use that in the more generous sense)—the Deputy Premier and the member for Mawson. All members from the southern region are very concerned about facilities in the area. Last year we gave a grant to the Southern Districts Cricket Association for a new turf pitch, and we must look very seriously at what other facilities we can provide in that region.

I know that the honourable member has raised this matter both publicly and with the sporting organisations in the region, and I endorse his remarks with regard to need. We must look at a coordinated exercise addressing both the needs of the area and probably a multipurpose facility. He mentioned some of the activities and sports which need to be addressed in that area.

I have an interest in seeing South Adelaide, in particular, making a recovery and being in the grand final next year, and I hope that we can assist in our facilities coordination, encouraging that club, in particular, to find a suitable location in the southern region, because it is incumbent upon us to see a renaissance of South Adelaide's achievements in the SANFL. The club President and Vice-President have raised with me that very issue of looking at facilities in that region for South Adelaide, and I am not in any way running across what was stated yesterday with regard to their use of Adelaide Oval as their home.

It is obvious, given that their district is in that locality and that their area for players, younger players, and the junior development program is located in the honourable member's electorate, and also the electorates of the member for Mawson and the Deputy Premier, that there is a need for a facility which is capable of developing football, in particular, but all other related sports.

We could talk of hockey, netball, cricket and all those sports which need attention in the southern region. I assure the honourable member that it is a Government priority and we will be looking at it in a coordinated fashion. The Director has had discussions with numerous groups about that. The Trotting Control Board has looked at developing a facility in that region that would encompass a composite arrangement of facilities for use by people in the southern region.

The member for Bragg also mentioned greyhounds. A facility will be developed to enable greyhound racing in that region also. As the honourable member points out, it is a rapidly growing area and needs the Government's urgent attention. I assure him and other members that it will have our support. I thank him for the question and for his enthusiasm in endeavouring to get such a facility, which is important for the whole region.

TOBACCO COMPANY ADVERTISING

The Hon. B.C. EASTICK: In view of the statements the Premier made yesterday afternoon at the launch of the State Theatre Company's 1988 program, in which he commended the Benson and Hedges company for its general corporate support and for its particular financial support of the State Theatre Company and said that he hoped it would continue in the future, does the Premier intend to oppose the Minister of Health's proposals to ban tobacco company sponsorship and advertising, or was he rolled in Caucus yesterday?

The Hon. J.C. BANNON: I made a quite appropriate acknowledgement of the support that the Benson and Hedges company has made to the State Theatre Company. The remarks about continuing sponsorship were made in the context of all corporate sponsors. If the Benson and Hedges company is precluded from support in this area by future legislation, that sponsorship money will be replaced by the Government. I have on many occasions acknowledged the very generous support of such companies as Benson and Hedges or the Peter Stuyvesant Foundation to the Adelaide Festival of Arts and in other areas.

The matter of public policy that we are addressing is not the particular generosity of certain companies but rather the discouragement of smoking by young people. The Government believes it has an obligation to take action in this area, as do a number of other Governments in Australia and other parts of the world. We are discharging that obligation to the community.

DEFENCE SCIENCE AND TECHNOLOGY ORGANISATION

Ms GAYLER: Will the Minister of State Development and Technology advise the House of the implications of the Federal Government's planned reorganisation of the Defence Science and Technology Organisation and particularly of the opportunities which might arise for our State's defence science industries from commercialisation of the Defence Research Centre at Salisbury?

Members interjecting:

The SPEAKER: Order!

Mr Gunn interjecting:

The SPEAKER: Order! The member for Eyre was not specifically referred to in the last call to order. However, it was clear to whom the Chair's call was directed.

Ms GAYLER: The *Australian* of Tuesday 13 October carries a report of the announcement by the Federal Minister, Mrs Ros Kelly, as follows:

> An extensive reorganisation of the Defence Science and Technology Organisation (DSTO) will lead to greater co-operation with Australian industry in an effort to improve opportunities for the commercial exploitation of military innovations. 'We hope that we will be able eventually to export some of our work that has been researched and developed by Australian industry'. She said a commercial cell would be established within the DSTO, and a commercial consultant brought in to facilitate closer relations with industry and put the DSTO on a commercial footing.

A number of residents in my area who are defence scientists and researchers at DRC, Salisbury, are interested in the future prospects for the centre and for defence science industries in South Australia.

The Hon. LYNN ARNOLD: I thank the honourable member for her question. Like the member for Newland I, too, have a great many constituents who work at the Defence Research Centre, either in the scientific engineering research areas or in the white or blue collar areas. Consequently, I, too, as a local member, have been concerned about the changes announced by the Federal Minister and I have been keen to know the impact on the employment prospects there and in industry related to matters dealt with by the DRCS.

On 2 October the Chief Defence Scientist of the Defence Service Organisation (Henry d'Assumpcao) sent a memo to all staff concerning the reorganisation of the DSTO. In that many paged memo, among other things, he said that the following steps were needed for a reorganisation of the DSTO: first, adjusting research and development programs in response to the Government's defence white paper issued earlier this year; secondly, strengthening expertise in areas that will be critical for the future; thirdly, introducing a new management structure that will include significant changes to laboratories; fourthly, over the longer term, changing DSTO work force to increase high quality innovative research and development work and developing a vigorous program to recruit and train more staff to work at this level (further, there would be a need for corresponding reductions in some areas of support); and, fifthly, to contract out much more work to industry and to seek ways to involve industry more directly in defence research and development.

With respect to DRCS at Salisbury, that translates into some positive and negative impacts. First, three of the five major laboratories under the DSTO are located at Salisbury—the advanced engineering laboratory, the electronics research laboratory and the weapons system research laboratory, as well as a corporate services branch and an outpost of the aeronautical research laboratory. As a result of the changes announced, there will be significant personnel reductions in the DSTO of about 880 people. We were advised that the bulk of those will be in South Australia. Against that, over the five year period that those reductions are being achieved, there will be significant increases of some 400 scientific, engineering and trainee professional and technical staff to achieve the objectives as identified by Henry d'Assumpcao. I am advised that South Australia will receive a significant proportion of those extra scientific, engineering and trainee professional positions.

In identifying the significant reductions in the blue collar area particularly, the DSTO has indicated that it wishes this work to be done by the private sector. I have already asked Henry d'Assumpcao about the prospect of South Australian industry picking up that work. The answer I have received to date is that it should be very well placed to pick that up, because there will still be significant location of laboratories in South Australia and much of the research work of the DSTO will be done at the DRCS in Salisbury and, because South Australia is geographically closer, it would have to have an advantage over interstate industry. In the final analysis, the decision will be made on merit and the capacity of local industry to pick those things up. I know that we can remain optimistic that South Australian industry is well placed to do that. Over the past 20 to 30 years a number of firms have been very high quality suppliers to the DRCS and it is likely that they will continue in that role.

The other point that also is of concern is the future of white collar workers. A reduction program over some four years is proposed, but I know that some constituents have been concerned about whether they will be given the best options, whether they will be asked in some cases to move interstate and, if they are asked to move interstate and they reject that, whether they will then be forced into a redundancy situation. I am very concerned about that, and we need to follow that question further with the DSTO. We are still at the stage of asking the DSTO what has been proposed by the Federal Minister. The answers I have indicated in this House today are just the early information that we have. We will push as strongly as we can to ensure that South Australian private industry picks up as much work as possible that is being transferred to the private sector and that the laboratories of DRCS pick up as much of the extra scientific and research positions as possible out of the 400 new positions that will be created over the next four years or so.

GOVERNMENT EMPLOYEES GENDER

The Hon. D.C. WOTTON: Can the Premier say why the Government does not know whether 71 of its employees are male or female, and will he explain what steps the Government could take to establish their gender? I refer to the Annual Report of the Commissioner for Public Employment that was tabled this week. It contains a statistical table giving a gender break up of Government employees. However, there is one problem: the table reveals that in the case of 71 employees it is not known whether they are male or female.

The doubt seems to abound in the Department of Technical and Further Education, in particular, where 48 employees are of unknown gender. Although the gender of all employees of the Department of the Premier and Cabinet is known, there is doubt about four employees of the Deputy Premier in the Engineering and Water Supply Department, four employees of the Minister of State Development and Technology, 13 employees of the Minister of Community Welfare and two employees of the Minister of Local Government.

The Hon. J.C. BANNON: Well, I will certainly ask the Commissioner for Public Employment what the situation is. It is a fact that the Government supports equal opportunity, but I think I would be forced to agree with the honourable member that no gender at all is perhaps going a little too far. As to why the system might have broken down because inspection was not able to ascertain the gender of the individuals, it might have been that the names were no indication of gender, or it might have been for some other even more obscure reason, perhaps even a refusal by those people to declare whether or not they were of a particular gender. But I can only speculate, and I will certainly seek that information for the honourable member.

PAYMENT OF FINES

Ms LENEHAN: Will the Minister of Education, representing the Attorney-General in the other place, ask the Attorney to investigate the introduction of a system under which people are fined according to their ability to pay, rather than in line with the present system which does not take this factor into account? Recently, a number of my constituents have highlighted to me a number of instances of people in my electorate on low incomes having experienced great financial hardship due to the imposition of a fine.

I am aware of a scheme which has operated successfully in Sweden for a number of years, where fines are set by the courts on the basis that a certain offence will attract a certain number of days penalty, for example, 10; the per day fine is then determined by the court on the basis of the offender's ability to pay, and thus the total fine is calculated by multiplying the number of days as set down by the court by the daily rate, also established by the court. This system of day fines—

Mr Lewis interjecting:

Ms LENEHAN: I happen to think that this is fairly important. This system of day fines thus provides a mechanism for a more equitable system for fining offenders.

The Hon. G.J. CRAFTER: I thank the honourable member for her question and I will refer it to my colleague in another place for due consideration.

LABOR DAY JOURNAL ADVERTISING

Mr D.S. BAKER: Is the Minister of Forests aware that two Government departments advertised, at taxpayers' expense, in the weekend's Labor Day official journal? Is he aware that the two departments were the Woods and Forests Department and the Department of Marine and Harbors, both of which are under his control? Does the Minister believe that the insertion of these advertisements had anything to do with the fact that he is the treasurer of the Labor Day Celebrations Committee? Will he reveal how much this exercise cost taxpayers? Further, does the Minister approve of the wording of the Woods and Forests advertisement which gramatically does not make sense?

The Hon. R.K. ABBOTT: The Government has been advertising those two Government departments for many years—in fact, 100 years—in the Labor Day Celebrations Committee journal. I think that those departments were advertising in those journals under a former Liberal Government. I am aware that the departments advertised in those journals. I believe that the advertisement supports the Labour Day celebration of the achievement of the eight-hour day and that more Government departments should take the opportunity to advertise in that journal.

SOUTH AUSTRALIAN ECONOMY

Mr RANN: Will the Premier inform the House about the level of expected investment in South Australia over the next 12 months? I have been informed that an independent survey published today in another State contains predictions about our State's economy that seem to be at odds with the gloomy predictions often perpetuated by the Leader of the Opposition.

The Hon. J.C. BANNON: I thank the honourable member for his question. Certainly, the Leader of the Opposition makes some comments along the lines referred to, but he is really in a minor league compared to his colleague in another place (the Hon. Legh Davis) who every two weeks or so predicts that the South Australian economy is about to collapse.

Members interjecting:

The Hon. J.C. BANNON: Well, he is in the same league—

Members interjecting:

The Hon. J.C. BANNON: I thought that it was the Institute of Public Affairs, but apparently the honourable member is talking about another institute. Authoritative as is that body (I am not sure whether the honourable member knows its name), I should have thought that he would be interested in views of the Australian Chamber of Manufactures, the body referred to by the member for Briggs when he talked about an article in today's newspaper. We have not seen this survey published, but apparently it is extremely complimentary about South Australia's performance. In fact, it looks at the past five years, and some interesting things emerge.

For instance, disposable household income has risen by 59 per cent in South Australia—a bigger increase than in any other State. That is an interesting suggestion for those members opposite who keep deploring the way in which they say that South Australian living standards have been eroded. South Australia now has the third highest disposable income behind New South Wales and Victoria.

During the past five years, investment (and this was the specific point to which the honourable member drew attention) in South Australia has increased by 27.7 per cent to be the third highest in the country. Incidentally, over that period Queensland had only a .09 per cent increase in investment. The number of days lost in South Australia because of industrial disputes dropped by 70 per cent—well ahead of other States. South Australia is well down on the list of State taxation levels and is attracting more than its proportionate share of investment. This report, which apparently comes from a study to be released by the Australian Chamber of Manufactures, supports the Australian Bureau of Statistics projection to which I drew attention in relation to the budget in support of some of our budgetary measures which predicted our share of investment growing much faster than that of other States. If these trends emerge as strongly as they have been in recent times, and if the Australian national economy stays on course, South Australia will do very well indeed despite what Opposition members believe, hope or keep trying to tell people in this State.

BRESATEC COMPANY

Mr S.G. EVANS: What action is the Minister of State Development and Technology taking to have the company Bresatec establish its proposed commercial operations other than in the vicinity of the suburbs of Urrbrae and Netherby? Bresatec, which is a company owned by the Adelaide University, has been mainly carrying out research work. It now wishes to move to a commercial operation and I believe that next year it will float its operations as a public company with the university retaining some financial interest by way of shareholding. Local people are concerned that if it establishes its operation at Urrbrae/Springfield that may be against zoning regulations or against the deed of trust set up by Peter Waite for the use of the land in that vicinity.

The Hon. LYNN ARNOLD: I note that the honourable member's question follows comments that he made in this place last week during the budget debate. At this stage I am not in a position to comment further on a possible breach

of the trust, but I will ask the Office of Tertiary Education to make further inquiries. Members would know that in recent years we have had significant difficulties (and perhaps that is the wrong word) in respect to our capacity to do things within the deed of trust in relation to the Netherby kindergarten.

The Department of State Development and Technology has been having discussions with principals of Bresatec about the proposal getting off the ground regardless of where it is located. In the context of those discussions, the possibility was put to Bresatec that it could go to the Southern Science Park, if that is developed in what is commonly known as the Sturt Triangle area. We hope that they will seriously consider that suggestion.

The situation is that on 11 September this year the university council resolved at a council meeting that it welcomed the siting of Bresatec at the Waite Agricultural Research Institute, if that was possible. I am not in a position to say what happened at the council meeting last week because the minutes have not yet been made publicly available. I hope that the university is keeping an open mind with respect to the location of Bresatec and that the principals of that company are keeping an open mind regarding that location and are still giving serious consideration to locating in the Sturt Triangle area, or in an area other than the one next to the Waite Agricultural Research Institute.

I noted the comments made by the honourable member last week and his comments which appeared in today's press about local resident concern. My advice is that to date the local council has not indicated such concern, but I will ask that the matter be investigated further. In the final analysis, the capacity to make decisions rests with the university council and the principals of Bresatec in terms of where a development may be located and my relevance to that as Minister of State Development and Technology. I do not have the capacity to enforce a decision but both the department and I have the capacity to encourage consideration of alternatives and we are pursuing that matter. Other matters were raised by the honourable member in relation to planning constraints; they would have to be adhered to in any event. I will seek further advice about the trust deed, as I indicated earlier.

CONSTITUTION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WEST BEACH RECREATION RESERVE BILL

The Legislative Council transmitted a Bill for an Act tp provide for the administration and development of the West Beach Recreation Reserve, to repeal the West Beach Recreation Reserve Act 1954, and for other purposes. The Legislative Council drew to the attention of the House of Assembly clauses 20 and 21 printed in erased type, which clauses being money clauses cannot originate in the Legislative Council but which are deemed necessary to the Bill.

Bill read a first time.

MARKETING OF EGGS ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendment to which the House of Assembly had disagreed.

PLANNING ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

ABORIGINAL HERITAGE BILL

The Hon. G.J. CRAFTER (Minister for Aboriginal Affairs) obtained leave and introduced a Bill for an Act to provide for the protection and preservation of the Aboriginal heritage, to repeal the Aboriginal and Historic Relics Preservation Act 1965 and the Aboriginal Heritage Act 1979; to amend the Mining Act 1971, the Planning Act 1982 and the South Australian Heritage Act 1978, and for other purposes. Read a first time.

The Hon. G.J. CRAFTER: 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.

The SPEAKER: Is leave granted?

Mr LEWIS: No.

The SPEAKER: Leave is not granted. The honourable Minister of Education.

The Hon. G.J. CRAFTER: The aim of this Bill is to provide for the effective protection of Aboriginal heritage in South Australia. Protection for Aboriginal heritage is currently afforded under the Aboriginal and Historic Relics Preservation Act 1965. This legislation is now outdated and its European relics component has been superseded by the South Australian Heritage Act 1978.

Equivalent Aboriginal heritage protection legislation is considered essential. In particular, the 1965 Act does not give adequate protection to all sites of significance to Aboriginal heritage. It gives no protection at all to sites of significance to Aboriginal people which are natural features of the landscape (unless formally declared to be a prohibited area or historic reserve); nor does it allow sufficient input by Aboriginal people.

In 1979 a new Act, the Aboriginal Heritage Act, was assented to by Parliament. It was not proclaimed, however, largely because of some perceived inadequacies in its provisions. When the Labor Party assumed office in late 1982 it brought with it a commitment to prepare and introduce a new piece of legislation, rather than an amended version of that passed in 1979. To this end, an extensive program of consultation with Aboriginal communities throughout South Australia has been undertaken. Consultation has also taken place with a range of Government and non-Government interests in mining, pastoral and Aboriginal administration fields.

Definition of Sites and Objects

The Bill provides blanket protection to all sites and objects of significance to Aboriginal heritage, but offsets this by providing for ministerial exemptions in certain areas where certain activities are justified. The alternative approach to this is to provide strong but selective protection to particularly important sites or objects. Whilst superficially attractive this latter (selective) approach is all but impractical because of the huge number of sites and objects throughout the State. It would be enormously expensive and time-consuming to try to identify, document and register (for protective purposes) all important sites and objects.

Significant sites and objects would undoubtedly be destroyed or damaged through the course of this exercise, simply because they had not, up to that point, been identified and registered. The provision of blanket protection to all sites and objects of significance avoids this difficulty,

whilst acknowledging the fact that not all sites and objects warrant ongoing protection. Regulations will be able to provide that particular sites or objects or classes of sites or objects come within or are excluded from the definitions of Aboriginal site and Aboriginal object for the purposes of the Bill.

Archives and Register/Information

Known information on Aboriginal heritage will be stored in central and local archives. A Register of Sites and Objects will be contained in the central archives which will include records of sites and objects determined by the Minister to be sites or objects of significance to Aboriginal heritage. In legal proceedings the Minister's determination will be taken as final.

Aboriginal Tradition

A proportion of information relating to Aboriginal heritage is sacred or secret and its dissemination would be contrary to Aboriginal tradition. As a result it is an offence under the Bill to divulge information about any Aboriginal site, object or remains or about Aboriginal tradition contrary to Aboriginal tradition. Furthermore, access to information contained in the archives and on the register will generally be subject to the approval of traditional owners.

Consultation

Advice on the significance of sites and objects and how these should be protected will be provided to the Minister by Aboriginal people. The Bill establishes the Aboriginal Heritage Committee comprised entirely of Aboriginal people to represent the interests of all Aboriginal people in advising the Government on the development of means for preserving their heritage. This is in accordance with the wishes of Aboriginal people who made it clear during the Bill's development that they wanted to have a major input into decisions on preserving their heritage. They wished this input to be at the local level, but saw value in a coordinating central committee to consider matters of State-wide significance. Consequently, the Bill provides that the Minister must, before contemplating certain action under the legislation, consult with Aboriginal traditional owners of a site or object as well as any relevant Aboriginal organisation and the Aboriginal Heritage Committee.

The Minister and/or the committee may also seek advice from other people. Government archaeologists, anthropologists and historians will coordinate advice on the scientific or historical significance of sites and objects, since, in some cases, these may not be of interest to Aboriginal people. Alternatively, subcommittees to the committee will be established if necessary to facilitate communication with, for example, mining and pastoral interests.

Determination

People proposing to undertake a development that may result in damage to an Aboriginal site or object, may, if they choose, seek a determination from the Minister as to whether Aboriginal sites or objects are involved. The Minister may then provide sufficient information of any relevant entry on the Register of Sites and Objects and any site or object that should be placed on the Register to enable a developer to avoid damaging the site or object. However, the Minister may not disclose the exact location of the site or object if such disclosure is considered to be detrimental to the preservation of the site or object or contrary to Aboriginal tradition.

A consequential amendment to the Planning Act 1982 is made to ensure that a determination is sought in relation to prescribed areas or activities (by regulation under the Planning Act). For example, it may be considered desirable that all subdivision proposals or all development proposals in a particular hundred (in which an Aboriginal site is known to occur) be submitted to the Minister responsible for Aboriginal heritage for a determination. The alternative approach of establishing the Register of Sites and Objects as a 'public' file (as for the Register of State Heritage Items under the Heritage Act 1978) is not acceptable in view of potential vandalism and/or access to sacred or secret information contrary to Aboriginal tradition.

Excavation

The Bill also provides that the authority of the Minister must be obtained (and the Minister must consult with Aboriginal people and/or the committee) to undertake excavation in relation to an Aboriginal site. Alternatively, the Minister, having given reasonable notice to the owner and occupier of land, may authorise entry to such land to establish the existence of sites, objects or remains. The Minister is required to make good any damage done to the land by such a process.

Restricted Access

In some circumstances the Minister may consider it necessary, for the protection of Aboriginal Heritage, to restrict or prohibit access or activities in relation to a site, object or remains (but not including private collections of objects). The approval of the Governor will be required for directions restricting or prohibiting access. Providing that the circumstances are not urgent, the Minister is required to give the owner or occupier of the land eight weeks notice of the proposed restrictions. Notice to the general public regarding the restrictions may be by notice published in the *Gazette*, notice published in a newspaper, by the erection of signs, or by a combination of these.

In urgent situations inspectors may also similarly restrict access to or activities in or in relation to particular areas or objects. Unless the Minister remakes an inspector's directions they will lapse after 10 working days.

Care of Objects

Portable Aboriginal objects that have been removed from their original resting place are also protected under the Bill. People in possession of such an object as part of a public or private collection must take care of that object. Furthermore, provision is made for the Minister to have control over the disposal of Aboriginal objects where such disposal may be contrary to Aboriginal traditional interests (for example, the sale of tjuringas) or result in the removal interstate of objects of significance to South Australia.

Acquisition and Custody

The Bill enables the Minister to compulsorily acquire land, an Aboriginal object or an Aboriginal record where appropriate for the protection or preservation of Aboriginal heritage. It also enables the Minister (after consultation) to place land or an Aboriginal object or record that is in the Minister's possession in the custody of an Aboriginal person or organisation or to deal with the land, object or record in any other manner.

Access by Aboriginal People to Private Land

Nothing in the Bill prevents Aboriginal people from doing anything in relation to sites, objects or remains in accordance with Aboriginal tradition. The Bill also provides for access by Aboriginal people, subject to ministerial approval and consultation with owner and occupier, to sites of significance located on private land. Aboriginal people wish to have access to particular sites to carry out traditional activities, to revisit former camping and burial areas, and to educate their children. Such rights are already provided in the north of the State through relevant provisions in the Pastoral Act.

Fund

An Aboriginal Heritage Fund will be established to facilitate the protection and preservation of Aboriginal heritage.

It may be used, among other things, to acquire land where protective measures are inadequate or inappropriate, to fund research, or to make payments to a landholder subject to a Heritage Agreement regarding the ongoing management of a site.

The Bill is the outcome of much detailed discussion and consultation with Aboriginal people and other interests particularly related to mining or pastoral interests. While full consensus has not been achieved, the Bill represents a balanced and workable piece of legislation that will provide more effective protection for Aboriginal heritage in South Australia. At the same time, the Bill ensures that there will be minimum disruption to land users, particularly in the north of the State, by assisting with the identification of sites and objects that require certain action subject to the Act.

I commend the Bill to the House and I seek leave to incorporate the detailed explanation of the clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 is an interpretation provision.

To be within the scope of the measure an 'Aboriginal object' or 'Aboriginal site' must be of significance according to Aboriginal tradition or of significance to Aboriginal archaeology, anthropology or history. Regulations can declare objects or sites or objects or sites of a class to be included or excluded from the definition.

'Aboriginal tradition' is defined as traditions, observances, customs or beliefs of the people who inhabited Australia before European colonisation and includes traditions, observances, customs and beliefs that have evolved or developed from that tradition since European colonisation.

Land subject to a mining tenement is brought within the meaning of 'private land' and 'owner' of private land is defined to include the holder of the mining tenement. The measure provides that in certain circumstances such persons must be consulted.

A 'traditional owner' of an Aboriginal site or object is defined as an Aboriginal person who has, in accordance with Aboriginal tradition, social, economic or spiritual affiliations with, and responsibilities for, the site or object.

Clause 4 provides that the Crown is bound by the measure.

Part II of the measure deals with the administration of the Act. It provides for the functions of the Minister; the establishment of an Aboriginal Heritage Committee; the keeping of Aboriginal heritage archives; the manner in which the Minister is to make determinations and give authorisations under the measure; the appointment of inspectors and their powers; and the administration of a South Australian Aboriginal heritage fund.

Clause 5 lists the functions of the Minister under the measure. These include: to take measures for the protection and preservation of Aboriginal sites, objects and remains; to conduct, direct or assist searches for Aboriginal sites or objects; and to conduct, direct or assist research into the Aboriginal heritage. The Minister is required to consider any relevant recommendations of the Aboriginal Heritage Committee (established under clause 7).

Clause 6 enables the Minister to delegate powers under the measure, other than the power to authorise the commencement of proceedings for an offence.

Clause 7 provides for the establishment of the Aboriginal Heritage Committee. The Minister is to appoint Aboriginal persons to the committee to represent the interests of Aboriginal people in the protection and preservation of the Aboriginal heritage. The number of persons appointed to the committee is at the discretion of the Minister.

Clause 8 lists the functions of the Aboriginal Heritage Committee. The committee is an advisory committee to the Minister. It can advise on its own initiative or at the request of the Minister with respect to entries in the central archives on the Aboriginal heritage (set up under clause 9); measures that should be taken to protect and preserve Aboriginal sites, objects or remains; the appointment of inspectors; and any other matter related to the administration or operation of this Act or to the protection and preservation of the Aboriginal heritage.

Clause 9 provides that the Minister must keep central archives of information relating to the Aboriginal heritage. Part of the central archives is to be known as the 'Register of Aboriginal Sites and Objects'. Entries in this part are limited to descriptions of sites and objects determined by the Minister to be Aboriginal sites or objects.

The clause also provides that the Minister may assist Aboriginal organisations to establish local archives of information relating to the Aboriginal heritage.

Clause 10 provides for the confidentiality of the central and local archives. The approval of traditional owners or, in certain circumstances, the Aboriginal Heritage Committee (in the case of the central archives) or the organisation keeping the archives (in the case of local archives) must be obtained before information relating to an Aboriginal site or object is made available from the archives. The traditional owners, the committee or the organisation keeping local archives may stipulate conditions on which the information is to be made available. The clause makes it an offence to breach such conditions and the maximum penalty provided is a $10 000 fine or imprisonment for six months.

Clause 11 is an evidentiary provision. It provides that in any legal proceedings the presence of an entry in the Register of Aboriginal Sites and Objects constitutes conclusive proof that the site or object to which the entry relates is an Aboriginal site or object.

In addition, a determination by the Minister that a site or object should not be entered in that Register constitutes conclusive proof that the site or object is not an Aboriginal site or object. This does not apply if the determination has been subsequently reversed.

Clause 12 provides a system for the Minister to make determinations of whether a site or object is an Aboriginal site or object.

A person who proposes to take action in relation to a particular object that may constitute an offence against the measure if it is an Aboriginal object may apply to the Minister under the clause. If the object is entered in the Register of Aboriginal Sites and Objects, the applicant will be so notified. If it is not entered in the Register, the Minister is required to determine whether it should be entered and must give the applicant written notice of the determination.

A person who proposes to take action in relation to a particular area that may constitute an offence against the measure if the area is, or is part of or includes, an Aboriginal site or if an Aboriginal object is located in the area, may also apply to the Minister under the clause. The Minister is required to determine whether any entries should be made in the Register in respect of the area and give the applicant written notice of the location of each Aboriginal site or object in the area that is entered in the Register or that the Minister determines should be so entered. The Minister is required not to disclose the exact location of a site or object

if this would be likely to be detrimental to its protection or preservation or in contravention of Aboriginal tradition.

The Minister is empowered to require an applicant to provide information in connection with an application or to engage a suitable expert to do so. Such a requirement must be made within 20 working days of the Minister receiving the application. If the Minister does require information to be so provided, the Minister must determine the application within 30 working days of receiving that information.

The Minister may refuse to entertain an application if the area or object is insufficiently identified, the application is not genuine or the Minister does not have the resources to determine the application.

Clause 13 provides that before the Minister makes a determination under the measure, gives an authorisation under the measure or before a regulation relating to the definitions of Aboriginal sites or objects is made the Minister must take all reasonable steps to consult with the Aboriginal Heritage Committee, any Aboriginal organisation that, in the opinion of the Minister, has a particular interest in the matter, and any traditional owners or other Aboriginal persons who, in the opinion of the Minister, have a particular interest in the matter.

The clause does not apply to determinations under clause 24 (8) relating to whether remains are Aboriginal remains or to authorisations by the Minister of entry into a restricted area by officials or of entry to land by Aboriginal persons.

Clause 14 empowers the Minister to impose conditions on an authorisation.

Clause 15 provides for the appointment of inspectors by the Minister. It enables the Minister to limit the area in which the inspector may act; restrict the powers of an inspector; orBSauthorisan inspector to give directions for the protection and preservation of a particular Aboriginal site or object.

Clause 16 requires the Minister to provide a person appointed an inspector with a certificate of appointment. The certificate is to be produced at the request of a person in relation to whom the inspector has exercised or intends to exercise powers.

Clause 17 sets out the powers of inspectors. These include power to enter land to inspect an Aboriginal site or object or a site or object that the inspector has reason to believe is an Aboriginal site or object; and power to seize and retain an Aboriginal object where the inspector has reason to suspect that an offence has been or is about to be committed in relation to the object or anything that affords evidence of an offence against the measure.

The clause also provides that where an inspector is authorised to give directions in relation to a particular Aboriginal site or object, the inspector may give instructions aimed at averting harm to the site or object to any person visiting the site or in the immediate vicinity of the site or object.

Clause 18 provides for offences with respect to hindering or obstructing inspectors or failing to comply with a requirement or instruction given by inspectors. The maximum penalty provided is a $2 000 fine or imprisonment for three months.

Clause 19 provides that the Minister must establish the South Australian Aboriginal Heritage Fund. The fund is to consist of money given for the purpose by the Commonwealth Government, money appropriated by Parliament, income from investment of the fund (at the Treasurer's discretion), and any other money received by the Minister for the purposes of the measure. The clause provides that the fund may be applied in acquiring land or Aboriginal objects or records; in grants or loans to persons undertaking research related to the Aboriginal heritage; in making payments under a heritage agreement entered into by the Minister under the South Australian Heritage Act 1978; in the administration of the measure; and for other purposes related to the protection and preservation of the Aboriginal heritage.

Part III of the measure contains specific provisions for the protection and preservation of the Aboriginal heritage. It deals with the discovery of and search for Aboriginal sites, objects or remains; the prevention of damage to Aboriginal sites, objects or remains; the control of the sale of, and other dealings with, Aboriginal objects; the acquisition and custody of Aboriginal sites, objects and records; and the protection of Aboriginal tradition.

Clause 20 requires an owner or occupier of private land, or an employee or agent of such an owner or occupier, who discovers any Aboriginal site, object or remains on that land to report the discovery to the Minister. The maximum penalty for failure to so report is, in the case of a body corporate, a fine of $50 000 and, in any other case, a fine of $10 000 or imprisonment for six months. The Minister may direct the person making a report to take immediate action for the protection or preservation of Aboriginal remains. The maximum penalty provided for failure to comply is a fine of $2 000 or imprisonment for three months.

Clause 21 makes it an offence for a person to excavate land for the purpose of uncovering any Aboriginal site, object or remains without the authorisation of the Minister. The maximum penalty provided is, in the case of a body corporate, a fine of $50 000, and, in any other case, a fine of $10 000 or imprisonment for six months.

Clause 22 empowers the Minister to authorise a person to enter land, search for any Aboriginal site, object or remains and to excavate the land. If any objects or remains are found they may be taken into the Minister's possession for the purpose of protecting and preserving them. The authorised person must, before entering the land, give reasonable notice to the owner and occupier (if any) of the land. The Minister is required to make good any damage done to the land. An offence of hindering such an authorised person is provided with a maximum penalty of a fine of $2 000 or imprisonment for three months.

Clause 23 makes it an offence to damage, disturb or interfere with any Aboriginal site, object or remains without the authorisation of the Minister. The maximum penalty provided is, in the case of a body corporate, a fine of $50 000 and, in any other case, a fine of $10 000 or imprisonment for six months.

Clause 24 empowers the Minister to give directions prohibiting or restricting access to or activities in or in relation to an area surrounding any Aboriginal site, object or remains. Directions that prohibit or restrict access can only be made with the approval of the Governor. The directions may be limited in their application to particular persons or they may be of general application. The Minister is required to take reasonable steps to give not less than eight weeks written notice of the proposed directions to the owner and any occupier of private land affected by the directions, the Aboriginal Heritage Committee, Aboriginal organisations with a particular interest in the matter and a representative of any traditional owners or other Aboriginal persons with a particular interest in the matter. If the Minister considers that urgent action is necessary, the Minister may give directions without such prior notice but, in that event, must take reasonable steps to give such notice as soon as reasonably practicable after the giving of the directions.

If directions are given in relation to a site or object not entered in the Register of Aboriginal Sites and Objects, the Minister must determine whether to make such an entry. If the Minister determines not to make an entry the directions must be revoked.

The Minister must give due consideration to representations made by any person with respect to the directions. Where land in relation to which directions apply is sold, the vendor must inform the Minister.

Clause 25 gives an inspector similar powers to give directions but only where the inspector is satisfied that urgent action is necessary. The inspector must forthwith report the giving of any directions to the Minister. The directions lapse after 10 working days or earlier if revoked by the Minister.

Clause 26 makes it an offence to contravene or refuse or fail to comply with the Minister's or an inspector's directions under clause 24 or 25 without reasonable excuse. The maximum penalty provided is, in the case of a body corporate, a fine of $50 000 and, in any other case, a fine of $10 000 or imprisonment for six months.

Clause 27 exempts certain persons acting in official capacities and persons acting in emergencies from compliance with directions under clause 24 or 25.

Clause 28 requires a person who owns or possesses an Aboriginal object as part of a public or private collection to take reasonable measures to protect it. Failure to do so is an offence for which the maximum penalty is, in the case of a body corporate, $50 000 and, in any other case, $10 000 or imprisonment for six months.

Clause 29 makes it an offence to sell or dispose of an Aboriginal object or to remove an Aboriginal object from the State without the authorisation of the Minister. The Minister must observe the requirements of the regulations in determining whether to give such an authorisation.

The maximum penalty provided for the offence is, in the case of a body corporate, a fine of $50 000 and, in any other case, a fine of $10 000 or imprisonment for six months.

Clause 30 empowers the Minister to compulsorily acquire land for the purposes of protecting or preserving an Aboriginal site, object or remains.

Clause 31 empowers the Minister to purchase or to compulsorily acquire an Aboriginal object or record. An Aboriginal record is defined in the interpretation provision as a record of information that must, in accordance with Aboriginal tradition, be kept secret from a person or group of persons. A record is in turn widely defined. If a price cannot be agreed the Land and Valuation Court must value the object.

Clause 32 empowers the Minister to require a person who has the possession of an Aboriginal object or record or an object or record that the Minister has reason to believe may be an Aboriginal object or record to surrender the object or record for the purpose of determining whether it is an Aboriginal object or record, examination and entry in the central or local archives, consideration of acquisition of the object or record or research related to the object. The object or record may be kept for a maximum of three months.

Failure to comply with a requirement to surrender an object or record is an offence for which the maximum penalty is a fine of $5 000 or imprisonment for six months.

Clause 33 provides that if an owner of an Aboriginal object is found guilty of an offence in relation to that object, the court may order that the object be forfeited to the Crown.

Clause 34 enables the Minister to place land or an Aboriginal object or record that has been acquired or come into the possession of the Minister (other than by surrender of the object or record under clause 32) in the custody of an Aboriginal person or organisation, or to otherwise deal with the land, object or record, subject to such conditions as the Minister determines.

Clause 35 makes it an offence to divulge, contrary to Aboriginal tradition, information about any Aboriginal site, object or remains or about Aboriginal tradition, without the authorisation of the Minister. The maximum penalty provided is a fine of $10 000 or imprisonment for six months.

Clause 36 empowers the Minister to authorise an Aboriginal person or group of Aboriginal persons to enter any land (including private land) for the purpose of gaining access to any Aboriginal site, object or remains. The owner and occupier (if any) of the land must be given a reasonable opportunity to make representations on whether and on what conditions the authorisation should be given. An offence of hindering or obstructing a person acting pursuant to such an authorisation is provided, with a maximum penalty of a fine of $2 000 or imprisonment for three months.

Clause 37 states that nothing in the measure prevents Aboriginal people from doing anything in relation to any Aboriginal site, object or remains, in accordance with Aboriginal tradition.

Part V of the measure contains miscellaneous provisions.

Clause 38 makes it an offence to damage or interfere with a sign erected pursuant to the measure. The maximum penalty provided is a fine of $1 000.

Clause 39 provides for service of notice or documents required or authorised to be given under the measure to be personal or by post.

Clause 40 provides immunity from liability for persons engaged in the administration or enforcement of the measure. A liability that would lie against such a person lies instead against the Crown.

Clause 41 provides that where an employee or agent acting in the course of his or her employment or agency is guilty of an offence, the employer or principal is also guilty of an offence.

Clause 42 provides that where a body corporate is guilty of an offence, each member of the governing body is also guilty of an offence.

Clause 43 provides that only the traditional owners may question the validity of an act or determination of the Minister where the Minister has failed to consult or obtain the permission of those owners as required by the measure.

Clause 44 is an evidentiary provision.

Clause 45 provides that offences against the measure are summary offences.

Clause 46 provides that proceedings for an offence against the measure can only be commenced on the authorisation of the Minister. If the Minister so authorises, a prosecution may be commenced at a time later than six months after the date on which the offence is alleged to have been committed.

Clause 48 gives the Governor general regulation-making power and enables regulations to prescribe penalties not exceeding $2 000 for contravention of or non-compliance with a regulation.

Schedule 1 provides for the repeal of the Aboriginal and Historic Relics Preservation Act 1965, and the Aboriginal Heritage Act 1979.

Schedule 2 makes consequential amendments to the Mining Act 1971, the Planning Act 1982, and the South Australian Heritage Act 1978.

The amendments to the Mining Act 1971 require the Minister responsible for that Act to consider the effect on Aboriginal sites or objects before issuing a mining tenement.

The amendments to the Planning Act 1982 require applications for planning authorisations in respect of develop-

ments of a prescribed kind or in a prescribed area to be referred by the planning authority to the Minister responsible for the administration of this measure. The planning authorisation must not be granted until the planning authority has had regard to any representations of the Minister. If the planning authority is a council, the planning authorisation may only be granted with the concurrence of the Planning Commission. The commission is required, in turn, to have regard to any representations of the Minister.

The amendment to the South Australian Heritage Act 1978 enables the Minister responsible for the administration of this measure to enter into heritage agreements with owners of land on which an Aboriginal site or object or Aboriginal remains are situated.

Schedule 3 consists of a transitional provision.

It provides that where an area was a prohibited area or historic reserve under the Aboriginal and Historic Relics Preservation Act 1965, immediately before the commencement of the measure, directions may be given under clause 24 in relation to that area without the need to comply with the consultation procedures set out in subclause (3) of that clause.

The Hon. JENNIFER CASHMORE secured the adjournment of the debate.

EXPIATION OF OFFENCES BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to provide for the expiation of minor offences. Read a first time.

The Hon. G.J. CRAFTER: I move:

That this Bill be now read a second time.

This is a revision of a Bill to enact a scheme which will enable alleged offenders to expiate certain offences by payment of prescribed expiation fees. A Bill bearing the same title was introduced in the previous session of this Parliament but lapsed on prorogation. In many respects this Bill closely echoes the provisions that already exist in section 64 of the Summary Offences Act 1953 dealing with the Traffic Infringement Notice Scheme. The schedule to this Bill refers to various summary offences in the statute book and provides for their expiation by payment of the relevant specified fee.

This Bill will not affect or override existing statutory schemes that provide for expiation (e.g. the TINS system itself, the STA Transit Infringement Notice Scheme, the parking by-laws and associated expiation scheme administered by the Adelaide City Council etc.) Only children above the age of 16 years will be capable of receiving an appropriate expiation notice.

The Bill will be capable of being invoked by the Minister (or the Minister's delegate) responsible for the administration of the relevant legislation whose provisions have been transgressed. This will ensure the day-to-day operation of the Bill will be localised in the responsible department, authority or agency. However, the Act will itself be committed, formally, to the administration of the Attorney-General, ensuring its oversight is at all times coordinated and the forms and procedures under it are consistent and uniform.

Where an expiation notice covers several offences some may be admitted by the alleged offender and some may not. The Bill allows the alleged offender, upon receipt of the notice, to forward fees for those of the offences he or she admits. Those he or she does not admit will be dealt with in the normal way.

Expiation of offences is important, if not integral to the Government's strategy for streamlining offence-related procedures and reducing the waiting lists of courts of summary jurisdiction. It is also a method that enables an alleged offender (who admits the offence) fairly and relatively inexpensively to expiate his or her transgression, thereby obviating unwanted delays, costs and inconvenience that are attendant upon the rigours of a full prosecution. A system of expiation has the additional advantage of 'freeing up' resources (both staffing and cost) that are better spent on more positive aspects of public administration.

Finally, it should be noted that, at all times, the rights of an accused person are fully respected and are in no way derogated from: the most important, of course, being the alleged offender's right to an impartial hearing and determination by a duly constituted court of this State. I commend this Bill to members, and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 sets out the definitions required for the purposes of the Act. The Act is to operate in relation to expiable offences designated by the schedule to the Act. Expiation fees have also been set by the schedule.

Clause 4 provides for the issuing of expiation notices. An expiation notice will be in a form approved by the Minister, must not relate to more than three offences and must not be given to a child (being a person under the age of 16 years). An expiation notice will only be issued by a member of the Police Force or a responsible statutory authority (being either the Minister responsible for the administration of the Act that is alleged to have been breached or a person or body to whom the Minister has delegated the power to issue notices).

Clause 5 sets out the effect of expiration. The expiration of an offence will result in the person not being liable to prosecution for the offence. The payment of an expiation fee will not be regarded as an admission of guilt or of any civil liability.

Clause 6 will allow the appropriate authority to withdraw an expiation notice in certain circumstances. If a notice is withdrawn, a prosecution for the offence may be commenced (but the fact that the defendant paid the expiation fee will not be admissible in the proceedings for the offence).

Clause 7 provides that money received as fees under the Act will be dealt with in the same way as fines.

Clause 8 provides that this Act does not affect the operation of any other expiation scheme.

The schedule sets out the various offences to which the Act is to apply, and corresponding expiation fees.

Mr S.J. BAKER secured the adjournment of the debate.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL (No. 2)

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Local and District Criminal Courts Act 1926. Read a first time.

The Hon. G.J. CRAFTER: I move:

That this Bill be now read a second time.

This Bill provides for an increase to the upper jurisdictional limit of Local Courts of Limited Jurisdiction from the present $7 500 to $20 000.

During the past 24 months the waiting period for trials in the District Court—Full Civil Jurisdiction, has increased from 34 weeks to 50 weeks. This increase is attributable in part to an increase of over 40 per cent in the number of cases in this court.

During the same 24-month term the waiting period for trials in the Adelaide Local Court—Limited Civil Jurisdiction, has decreased from 40 weeks to 20 weeks. This decrease is attributable to a more effective trial listing system recently introduced in the court.

The change in jurisdictional limits is expected to bring about a small increase in waiting periods in the Adelaide Local Court but should have a greater effect on the work load of the District Court—Civil, with a resultant reduction in the waiting period for trials in that court.

The number of matters listed in the District Court—Civil Jurisdiction, which fall into the $7 500 to $20 000 bracket are 1 019 (1984), 1 010 (1985) and approximately 1 500 (1986).

Of all matters listed for trial approximately 4 per cent actually come on for hearing. This means that 60 matters per year in the $7 500 to $20 000 bracket will actually result in a hearing. Assuming that these matters are added to the listings of the Adelaide Local Court—Limited Jurisdiction, it will mean a 3 per cent increase in matters heard in this court. However, the corresponding reduction in matters heard in the District Court equates to a 20 per cent reduction and it will provide significant assistance to that court. The Deputy Chief Magistrate has indicated that the magistrates can cope with the additional work, without any significant detrimental consequences.

The upper jurisdictional limit of the Adelaide Local Court—Limited Civil Jurisdiction has not been amended for over five years.

The Bill also provides for an increase in the jurisdictional limit for small claims actions from $1 000 to $2 000. This increase was recommended in 1985 by a Courts Department Working Party on Small Claims. The working party considered that an increase in jurisdiction to $2 000 would result in more consumer claims and minor motor vehicle damage claims falling within the small claims jurisdiction, with the result that many such claims which are marginal to pursue at present would be able to be more effectively pursued in the small claims jurisdiction. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

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

Clause 3 amends section 4 of the principal Act which is the interpretation provision. It amends the definition of 'small claim' to increase the monetary limit from $1 000 to $2 000. It also amends the definition of 'the jurisdictional limit of local courts of limited jurisdiction' to increase the jurisdictional limit from $7 500 to $20 000.

Clause 4 makes an amendment to section 152f of the principal Act which is incidental to the increase of the monetary limit in the small claims jurisdiction.

Mr S.J. BAKER secured the adjournment of the debate.

PUBLIC EMPLOYEES HOUSING BILL

The Hon. T.H. HEMMINGS (Minister of Housing and Construction) obtained leave and introduced a Bill for an Act to provide for housing accommodation for public employees; to repeal the Teacher Housing Authority Act 1975; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Government has assessed the management of employee housing throughout the Public Service through the 1981 report on Country Housing for Government Employees and the 1985 Interim Report of the Working Party on a Single Government Employee Housing Program.

Both of these reports raised concerns over difficulties with the management of housing stock including variable standards, poor control of vacancies, inconsistent rent policy, and lack of coordinated financial information. The Government has decided to address these issues through the formation of a single authority responsible for coordination and integration of the State's total Government employee housing program.

The Office of Government Employee Housing has been established as a branch of the Department of Housing and Construction, under the direction of the Minister of Public Works. The goals of the office are: to provide equitable housing assistance to eligible Government employees so as to remove housing related impediments to the provision of Government services; to effectively allocate housing assets in recognition of tenant, agency and total Government need and resources; to purchase, construct and maintain quality housing efficiently. Housing for teachers is presently provided under the Teacher Housing Authority Act 1975.

To complete the transfer of responsibility for all Government employee housing programs, it is now proposed to dissolve the authority and transfer its property, rights and liabilities to the Minister of Public Works, to wind up the fund and transfer money standing to its credit to the general revenue of the State, and to repeal the Teacher Housing Act 1975.

It is also proposed to preserve the accrued rights of the employees of the authority who have become Public Service employees.

In addition the Bill also makes provision for the ongoing operations of the Government employee housing programs.

The Bill allows the Minister to provide housing to public employees, to determine the employees to whom accomodation is provided under the Bill, and to determine the terms on which the accommodation is provided, including rent and other charges.

Provision is also made for rent and other charges payable for accommodation to be deducted from the employee's remuneration.

As the House is aware, the Government has established the Office of Government Employee Housing to improve the management of the Government employee housing stock, and your support for this Bill is therefore anticipated.

Clauses 1 and 2 are formal.

Clause 3 defines the category of employees who will benefit from the provision of housing under the Bill.

Clause 4 empowers the Minister to provide housing to employees.

Clause 5 is a regulation-making provision.

Clause 6 repeals the Teacher Housing Authority Act 1975.

The schedule sets out transitional provisions in relation to the repeal of the Teacher Housing Authority Act 1975.

Mr BECKER secured the adjournment of the debate.

WEST BEACH RECREATION RESERVE BILL

Second reading.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That this Bill be now read a second time.

I seek leave to have the detailed explanation of the Bill inserted in Hansard without my reading it.

Leave granted.

Explanation of Bill

This Bill repeals the West Beach Recreation Reserve Act 1954. It restructures the controlling authority of the reserve, the West Beach Trust, and more clearly defines the powers of that body so that it may more effectively deal with contemporary developments in the reserve area.

The West Beach Recreation Reserve comprises some 160 hectares of land immediately west of the Adelaide Airport bounded by Tapleys Hill Road, Anderson Avenue, the coast and West Beach Road. The reserve and its controlling authority, the West Beach Trust, were created by the West Beach Recreation Reserve Act in 1954. The land at that time was held by the South Australian Housing Trust and it was intended to develop it for housing. However, the Government of the day recognised the value and potential of the land as open space for recreation purposes rather than a closely settled urban area.

The trust was given power to carry out works on the reserve, to erect buildings and otherwise improve the reserved area. It was given power to grant leases and licences over parts of the reserve and buildings. During the 30 years of the operation of the reserve there has been significant development.

It now provides an impressive scale of tourist accommodation with a caravan park, caravan village and villa units as well as catering for a wide range of recreational activities including golf, softball, baseball, yachting, soccer and tennis. This area is also known to many people as the site of Marineland, an educational-entertainment facility exhibiting sea mammals and other South Australian aquatic life.

The income of the reserve from the various activities now exceeds $2 million and assets are valued in excess of $4.5 million. Since its inception the trust has relied on its own funds for development activity.

In framing the original legislation it was intended that membership of the trust would comprise the three councils whose areas abutted or were contained within the reserve, namely Henley and Grange, West Torrens and Glenelg. The Henley and Grange council later withdrew from the scheme. The trust was comprised of a chairman and six members with a term of office of three years. The Glenelg and West Torrens councils each provided three members and the Chairman was appointed by the six members of the trust. The members could be either members or officers of their respective council. In 1973 an amending Bill made changes to the composition of the trust and the Minister of Local Government was given the power to appoint three members of the trust, including the Chairman. In addition, two members were nominated by each of the two councils, one being a member and the other an officer. These appointments were made after consultation with the Minister of Local Government.

There has been increasing pressure for more diversified development on the reserve in recent years. The trust has recognised the need to move away from purely recreational activity and a significant tourism accommodation and entertainment complex has been established to cater for the ever-increasing demand from interstate and local tourists.

The increasing complexity of the functions of the reserve and the growing number of visitors has also created greater demand for facilities such as shopping venues and other services. The trust is aware that such facilities must be provided in accordance with appropriate planning principles and be aimed at the tourist.

In view of these significant changes since the Act was proclaimed in 1954 the trust commissioned consultants to prepare a future development plan. The consultants' report was presented to the trust in May 1985. It recognised that the progressive development of trust lands had created a tourism and recreational asset of State, not simply local, significance. The report made recommendations on land use for the reserve, and also important recommendations on management matters and the composition of the trust itself.

The report recommended that the trust comprise seven members with four appointed by the Minister and three from local government, being the councils of West Torrens, Henley and Grange and Glenelg. The report emphasised that such a structure would maintain and broaden local government involvement but most importantly would allow the introduction of wider managerial and tourism development expertise to more effectively oversee the future development and management of the reserve. The Bill seeks to implement the consultants' recommendations in this regard, with the exception that the Bill provides for three ministerial appointees and four to be appointed after consultation with the three councils concerned. One of the local government appointments will be on a rotational basis. The Bill also establishes the aims of the trust in the development of the reserve as a resort and recreation complex for the use and enjoyment of the public and defines its functions and powers.

Clause 1 is formal.

Clause 2 provides for the commencement of the Act.

Clause 3 repeals the existing West Beach Recreation Reserve Act 1954.

Clause 4 is a definition section. 'The reserve' is defined to include the land vested in the West Beach Trust ('the trust') pursuant to the repealed Act, and any other land owned or leased by the trust, or land of which the trust has the care, control and management.

Clause 5 provides for the continued existence of the trust, established under the repealed Act, as a body corporate.

Clause 6 makes the trust subject to the control and direction of the Minister.

Clause 7 provides that the trust will consist of seven members appointed by the Minister; of whom three will be persons who have experience in such fields as will, in the opinion of the Minister, assist the trust in the performance of its functions, and four will be persons appointed after consultation with the three constituent local council bodies. The fourth local government member will be appointed for a three-year term, the first such appointment being made after consultation with West Torrens council, the next after consultation with Glenelg and the next after consultation with Henley and Grange, and so on. The local government

members must be members or employees of the constituent councils.

Clause 8 details the conditions of membership of the trust. The term of office of a member of the trust (except for the 'rotational' member) is a period not exceeding five years. Members are eligible for reappointment on the expiration of a term of office.

Clause 9 permits the payment of allowances and expenses to members of the trust.

Clause 10 requires a member of the trust who is directly or indirectly interested in a contract or proposed contract made by, or in the contemplation of, the trust, to disclose the nature of his or her interest to the trust and abstain from taking part in any deliberations or decisions of the trust in relation to that contract.

Clause 11 sets out the procedures to be observed in connection with meetings of the trust.

Clause 12 validates acts or proceedings of the trust that may take place when the trust has a vacancy in its membership, or where there is some defect in the appointment of a person to the trust. Members of the trust are also provided with personal immunity from liability for any act or omission done in good faith and in the exercise of powers or functions, or in the discharge of duties, under the Act.

Clause 13 specifies the general functions and powers of the trust. The two principal functions of the trust are to administer and develop the reserve as a sporting, cultural and recreational complex and as a tourist attraction and resort. Limits are placed on the trust's powers to dispose of its real property.

Clause 14 provides that part of the foreshore between the low water mark and the part of the western boundary of the reserve that borders the sea will continue to be under the care, control and management of the trust.

Clause 15 creates the office of chief executive officer of the trust and provides for the appointment of such other officers and employees of the trust as are necessary for the administration of the Act.

Clause 16 determines the manner in which dealings with money of the trust are to be conducted.

Clause 17 requires the Auditor-General to audit the accounts of the trust at least once in every year.

Clause 18 permits the trust, with the Minister's authorisation, to provide assistance by way of a payment, loan or guarantee of a loan to any other person towards the cost of a specified work or specified services or facilities on the reserve.

Clause 19 requires the trust to deliver to the Minister an annual report on the administration of the Act during the previous financial year. The Minister must cause a copy of such report to be laid before each House of Parliament within 12 sitting days of receipt of the report.

Clause 20 provides that no stamp duty is payable on instruments of conveyance to the trust.

Clause 21 exempts the trust, and all property of the trust, from any rates or taxes payable under the Land Tax Act 1936; the Local Government Act 1934; the Pay-roll Tax Act 1971; the Waterworks Act 1932, or the Sewerage Act 1929; and any other prescribed rate, tax, charge, levy or impost.

Clause 22 provides that a person who unlawfully damages, destroys or removes any property of the trust is guilty of an offence, punishable by a fine of up to $2 000 or imprisonment for up to three months.

Clause 23 provides that offences constituted by the Act are summary offences.

Clause 24 provides, in subsection (1), that any of the land within the reserve may be resumed by proclamation, if the Governor is satisfied that such land is required for a public purpose. Subsection (2) vests any land so resumed in the Crown. Subsection (3) provides for compensation to be paid for any buildings or improvements made on any land so resumed.

Clause 25 permits the Governor to make regulations pursuant to the Act.

Subsection (2) fixes the maximum penalty for breach of, or non-compliance with, the regulations, at $1 000. Subsections (3) to (6) provide that either the owner or the driver of a vehicle, but not both, will be liable for a traffic offence. The owner can avoid liability by giving the name and address of the driver by statutory declaration. These provisions follow the scheme of the Private Parking Areas Act. Subsection (7) permits the expiation of offences against the regulations by the payment to the trust of an amount specified in an expiation notice.

Schedule 1 is a plan of the lands currently comprising the reserve.

Schedule 2 is a transitional provision in relation to the membership of the trust.

Mr OSWALD secured the adjournment of the debate.

AGRICULTURAL CHEMICALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 1098.)

Mr GUNN (Eyre): The Opposition supports the second reading of this measure, as it is essential that our agricultural industries, particularly the livestock industry, are protected and our export earnings in no way placed in jeopardy because of the action of people using chemicals that will eventually be absorbed into the body of cattle, sheep and other animals grazed or in some way coming in contact with these chemicals. This Bill has the strong support of the industry and is based, as I understand it, on a decision of the Agriculture Council wherein all Ministers agreed to these proposals.

However, our support does not preclude us from asking a number of important questions or moving some amendments to improve this measure. Difficult cases make for bad legislation. One of the unfortunate things that has taken place in recent times when Governments are faced with some difficulty is that they resort to placing in legislation rather obnoxious and draconian proposals that not only should not be there but are not called for. These matters can be adequately dealt with in far less severe fashion, and commonsense should apply.

This measure to ban DDT, dieldrin and other organochlorine insecticides has been brought to the Parliament because of recent problems in the United States, where traces of these chemicals have been found in beef, leading to a temporary ban on certain abattoirs. This would have a dramatic effect on our export income. For the benefit of the House, I point out that for 1987-88 it is estimated that the value of livestock and slaughter production for the whole of Australia will be $2 470 million. For 1986-87 in South Australia it has been estimated that for cattle and calves, it will be $102 million; for sheep and lambs, $107 million; for pigs, $57 million; and for poultry, $49 million, which totals about $316 million. That is a considerable increase in income over the $252 million for the previous financial year.

Unless some strong and positive action is taken, those important industries will be placed in jeopardy. As I under-

stand the situation, some 17 properties in the South-East are currently under quarantine, and I believe that about seven are seriously contaminated. Of course, the problem is not only that the properties have been contaminated, but also this Government has not provided compensation to people who have lawfully purchased these chemicals and who are now required by law to hand them back to the Department of Agriculture which will store and destroy them. One of the problems is that, on the advice of the Department of Agriculture, for a long period many people quite properly have used DDT and dieldrin on various agricultural crops. Further, for many years they used dieldrin as a blowfly repellant and for the treatment of sheep affected by blowfly strike. Based on the advice that was tendered to them by the Department of Agriculture and other advisory groups in the community, those people have used it on their farms in good faith, but they may now find themselves in a very difficult situation.

What will happen to those properties that have a serious contamination problem? What will happen if those properties are required to have all their stock removed? If they have lawfully used DDT and dieldrin, what will happen to the income of those people? Will the Department of Agriculture accept any responsibility for the use of chemicals recommended by it, or will people be left to their own devices? It is a matter that has to be addressed and, of course, this particular problem highlights the need to ensure that, in the future, consideration is given to the long-term effects of all chemicals placed on the market and the problems that may occur down the line.

In my limited time as a farmer, I have gone from a situation where virtually no chemicals were used to one where we use a very wide range of chemicals on sheep and cattle and to combat various sorts of weeds and insects. It is one of the most involved and difficult areas with which farmers have to deal today. They have to be quite sure of which chemical should be used for each problem as it arises. As problems are found on farms, chemicals are becoming more selective.

A number of other matters are highlighted in this proposal. I refer to the absolute and urgent requirement for the Department of Agriculture to be able to trace all supplies of DDT, and an education program needs to be conducted to make the dangers abundantly clear to those people who still use DDT. It has been suggested that some people have crossed the border to Victoria and purchased quantities of DDT. I was perturbed to read an article in the *Stock Journal* of 15 October, at page 5 of which, under the heading 'Truck carries in "hot chemical" ', Graham Greenwood states:

> Fears are held that DDT is still being used on South-East properties. For several weeks reports have been circulating that an illegal truckload of 7 000 litres of DDT made its way across the Victoria-South Australia border into the South-East. It is believed the truck may have headed for the Greenways area.
>
> Rumours about the illegal load were confirmed by Department of Agriculture officials at the chemical residue seminar at Coonawarra last week. Struan Research Centre agronomist Steve Hogg acknowledged that there was concern in the department and said existence of the illegal load was common knowledge.
>
> He was backed up in a radio interview with South-East veterinary officer Dr Colin Trengove, who said an illegal load of DDT had made its way into the South-East within the past few months. The South-East has had a strong link with the chemical residue issue. Illegal chemicals were discovered in meat exported to the United States in April from stock known to have been sold or grazed in the South-East.
>
> A number of South Australian properties have since been placed under quarantine, and most are in the South-East. Dr Trengove said it was obvious DDT was still being used illegally and that there were still big supplies on hand. He urged farmers to return supplies of organochlorines to the recall centres in the South-East. More than 11 000 litres of organochlorines have been returned since the chemical clean-up program began.

The producers have taken a most responsible attitude to this problem. John Andre, a member of the Cattle Council, also commented on this problem. In the same issue of the *Stock Journal* of 15 October an article at page 14 states:

> Cattle Council member John Andre told producers at the chemical residue seminar at Coonawarra last week the onus would always be on each producer to prevent any residue test exceeding the maximum residue level (MRL) if he wanted payment for those cattle. He said maximum MRL was the level that should occur if the product were being used according to label. In the future that would mean observing the directions and not using chemicals for any purpose other than which they were not registered. It would also mean observing withholding periods for drugs, drenches, sprays and pour-ons. The council's extension task force hoped to achieve clear withholding periods on labels. Mr Andre said customers had the right to expect that MRLs would not be exceeded.

The article further states:

> Mr Andre said the testing figures presented to Australia from the United States showed a violation rate of 2.2 per cent. 'It was only when the Australian mission went to America in August after the so-called ban that they found we had probably had between 1 500 and 2 500 tests.' Mr Andre said. 'It took a week to dig out those figures. We had accepted the previous figures the Americans had given us . . .'

I could go on and quote from this article at length. It further states:

> Producers had a crucial role to play in helping Australia clean up its chemical residue problem, Cattle Council member John Andre told the Coonawarra chemical residue seminar. Despite the gloom which had resulted from the chemical residue crisis, the situation had brought some benefits. Vendors had been made aware they had a responsibility which was crucial to cleaning up the residue problem.

It has been somewhat easier to deal with this problem when it relates to cattle, because for many years there has been a system of tracebacks with tail tagging. Of course, it will not be so easy to trace back sheep, because there has been no such identification program. I have been advised by the UF&S that it is looking very closely at this problem. Of course, it is aware that in future it will probably be necessary to have a traceback program to ensure that it is possible to trace these residues if they are found in sheep. It is obvious that these residues will be found in the high rainfall areas of the State, particularly where large amounts of legumes are grown and where in the past it has been found that DDT was the most effective chemical to control a large number of problems. Of course, when those stubbles are grazed by stock, that is when the problem occurs.

Further, it has been drawn to the attention of the community that there is an urgent need for a suitable incinerator to be constructed somewhere in this country to ensure that, when these chemicals are stored by the appropriate authorities, they can be disposed of adequately. As I understand it, no such incinerator operates in Australia. That is a matter to which I hope the Minister and his other colleagues at the Agricultural Council will give attention. It is a matter in which all Governments have to be involved. I am advised that it costs about $5 000 per tonne to transport the material to Wales, if that is required. It would appear that, in the future, a considerable number of chemicals will have to be collected and that there would be some logic in all the States and the Commonwealth agreeing to construct a facility in the appropriate place so that it can handle these problems.

Also, of course, the legislation deals with the proper labelling of registered chemicals and with ensuring that they are used for the purposes for which they are registered. We are all aware that for many years dieldrin was the most popular blowfly control measure. Unfortunately, some people who used dieldrin for spraying their crops, and who still remember what the breakdown of that chemical is, have also again used it on sheep, and that has caused some problems.

I want to refer to a number of other matters. First, what will be the position if a contaminated property is put up for sale? Will section 90 statements include a notice to say that a property is contaminated? Will there be a notation on the title deed of the property? I think it would be highly unfortunate, and it would certainly cause some problems, if a person purchased a property in good faith and suddenly found that it was quarantined and that he or she could not use it for grazing. So, that matter should be considered by the House and the Government. This is probably more within the jurisdiction of the Minister of Lands, but it is a matter in which the Minister of Agriculture could take an interest.

The Horticultural Association of South Australia has made some comments to me on this legislation and is concerned that it is to be put into operation by proclamation. That association would prefer to see the legislation brought into operation by regulation, which would then allow some further debate to be undertaken by that association and others and provide an opportunity for those organisations to give evidence to the Subordinate Legislation Committee. Those organisations are concerned that certain chemicals, which have been found to be most successful control mechanisms, are likely to be restricted in future. I understand that some of these chemicals have caused the health authorities considerable concern, and it has been suggested that they could possibly cause birth defects. Obviously, if that is the case we must ensure that they are issued only with the most stringent controls applied to them.

They are also concerned that registration should be uniform across Australia. I really believe that there is an urgent need to have legislation of this nature on as uniform a basis as possible. I have had discussions with people involved in the production and sale of chemicals and they are concerned to ensure that they do not have to face a variety of different State rules and regulations, as that would make the labelling and packaging of their products most difficult. So, I do say to the Minister that I hope commonsense will prevail, even though the amendments that I will move will in no way affect the matter of uniform legislation. The organisations referred to were in favour of higher penalties for people buying and using those chemicals.

I foreshadow to the Minister the amendments to this legislation that I shall move. For some time I have been most concerned about the power of inspectors, and it has become common practice to amend legislation in this regard. In no way does this make life difficult for the inspector, but it provides what all reasonable people would expect to be a reasonable defence for people who may tend to incriminate themselves in preventing inspectors entering private dwelling houses. I do not believe that anyone accepts that an inspector without a warrant should have the right to enter a private dwelling house. Therefore, the amendment will overcome this difficulty. I hope that the Minister will adopt a reasonable approach to these amendments. My good friend, the member for Elizabeth, has also put forward some most useful amendments with which I see no real problem and which I think improve the legislation. I am pleased that some Government members have taken the trouble to give very serious consideration to this particularly important legislation which, if not properly administered, could make life very difficult for rural producers in this State.

I indicate the Opposition's support for the second reading. We will be moving the amendments to which I have referred, and we will support the member for Elizabeth's amendments. I sincerely hope that the Minister will accept the comments that I have made. They have been made in good faith. I am involved in agriculture myself, and I have found that when I go home to the farm one of the most difficult things has been to keep abreast of the new chemicals which have to be used, because they are changing so quickly. Even last Saturday, when I was involved in spraying some boxthorn and horehound, I found that the chemicals we were using were different from those that we had used a couple of years ago. As one who never used to take a good deal of interest in or worry very much about getting chemicals on me, I now believe that all farmers should read the instructions far more carefully and that we should be far more careful than we were in the past. That of course is a matter of education. I think it is very important that all the people who are selling these products and those involved in their distribution should be given adequate information by the Department of Agriculture to pass on to the end users.

Obviously, for some time there will be people who have some of these chemicals stored on their farms. The majority of them will be unaware of their danger and through ignorance will continue to have them on the property. Unfortunately, there will be one or two people who will use those chemicals knowing fullwell the dangers that exist and the harmful effects they could have. Obviously, the law will have to descend on those individuals with the greatest force possible, to ensure that everyone is made fully aware of the dangers posed not only to individuals but of course to the industry as a whole. I believe that no member wants to see action taken that would in any way jeopardise this particularly important part of our economy. I support the second reading.

Mr M.J. EVANS (Elizabeth): I also rise to support the second reading of this important Bill. I believe that our technologically advanced society must take particular care in the manufacture, control and distribution of chemicals. Of those compounds, agricultural chemicals are perhaps the most widely used in the community. No doubt, many people in farming communities who have been using chemicals such as those in vogue today as well as those used in the past, including the organochlorine insecticides, including dieldrin and DDT, which has been popular for many years, have often used those chemicals with the full consent and, indeed, encouragement, of the Department of Agriculture. But, of course, the dangers of these substances, having regard to their incredibly long lifetimes in the soil and their ability to concentrate in different animals, thus moving up the food chain, is a recently recognised problem. Ministers of Agriculture across the country are now realising the dangers involved.

Those dangers have been brought to our attention very forcibly by the recent difficulties involved in exporting meat to the United States and in the very strict standards that foreign countries like the United States impose, and rightly so, on imports into their countries. Whether they impose quite those same standards on products produced within their own countries is a different question, and I am pleased to note that this step—at least in Australia—will, as well as having an important impact on the export market, help to ensure the safety of products used on the domestic market.

There is great concern in the community over not only the use of some chemicals but also the way that they are used. Many chemicals are reasonably safe when used strictly in accordance with the instructions provided, but one does not have to look too far to see examples of chemicals being misused. Unfortunately, education campaigns have not always been all that they could be, and in some cases, as was brought to our attention recently by the Minister of Labour in referring to the television advertisement of a farmer spraying an orchard with a large spray gun on a

tractor, people involved in these practices obviously do not observe the proper safety standards, pouring chemicals from large drums, sloshing the residue everywhere and not wearing any kind of breathing protection, while working in the middle of a large cloud of chemical components.

These dangerous practices need to be stopped and it is important that we educate the whole community, including especially the agricultural community, in the proper use of all these chemicals. One should look seriously at the manufacturing processes to ensure that especially the organochlorine compounds are handled properly in the manufacturing process and that the residues which are no longer required either as part of the manufacturing process or are surplus to use on the farm are properly disposed of. If they are not, we are storing up a long-term hazard for generations to come.

Naturally, the society has properly turned to other avenues of control. Biological controls are starting to feature prominently and Parliament has already addressed that on a national basis with one item of legislation and that will have more and more use in future. Biological controls also have their own inherent dangers and, although they are different from those which we are addressing today, we should not lose sight of them. As the member for Eyre has said, this kind of legislation presents us with difficult questions about protecting the community, our export revenue, the health of South Australians, and the civil liberties of those involved in these industries.

Necessarily, we have to make some sacrifice in the civil liberties area if we are to control these substances properly. In those instances, hopefully rare, where it is necessary to transgress on what might be the normal rights and freedoms of citizens, we should do so only in a way that is minimised and seek to insulate those actions so that they do not spill out of the general criminal law and so that the information that may be obtained in those processes is limited strictly to the means necessary to enforce the provisions of the legislation with which we are dealing. That is the case under this legislation.

As the member for Eyre indicated, he has amendments in this area and I, too, have some. It is important to regard those amendments as a package. While some may address one area of concern which somewhat increases the potential power of the inspector, it is important to look at the balancing elements of that equation and my amendments will consider both sides of that. It is necessary to ensure that, where information is obtained in the course of a warrantless search, for example, that information is not used for any purpose other than to administer this legislation and that it cannot be used as a shortcut in other investigations.

It is also important for the community to recognise that this does not form larger precedents for operation outside these areas and it should not be expected that the House (certainly the member for Elizabeth) would not protest vigorously if this kind of process was taken as a precedent for other areas of the law, because it could only be extended with the greatest care and with great deliberation on the part of the Parliament. That being said, the considerations before the House today, the health threats involved, the long-term persistence of these chemicals, and the threat to our major agricultural export industries in Australia certainly warrant the close attention of Parliament and the very strongest legislative intervention. On that basis, I am certainly prepared to support the general thrust of the Bill with the qualifications contained in my amendments and on the basis that those amendments are viewed as a whole.

Mr LEWIS (Murray-Mallee): I know what the Liberal Party's position is in supporting this measure, and I accept that. I simply place on record that I do so with great reluctance, for I am yet to be convinced that farmers have been irresponsible to an extent that would justify changes to the law of the kind included in this Bill. I believe that by changing the law in the fashion proposed by the Bill we will not indeed modify the behaviour of those very few irresponsible members of the community at large who call themselves farmers but some of whom are not full-time farmers but North Terrace, Rundle Street or hobby farmers who do not know what they are doing when they do some of these things. They are ignorant and they will continue to be ignorant and changing the law will not increase their state of awareness. It may be easier to hurt them severely whenever they are found transgressing the law and are prosecuted, but in the main they will go undetected.

Having made that point, let me say why I think that the Government has introduced this measure in this form at this time. It is principally a knee-jerk reaction to the recent popular commentary—largely adverse—whether over the electronic media or in the print media, regarding the use of agricultural chemicals and their residues in certain commodities, commonly traded and eventually finding their way into the human food chain.

Such publicity is also based on ignorance. There is no question about the fact which I established in the course of the Estimates Committee in asking the head of the Chemistry Division in the Department of Supply whether agricultural chemical residues generally regarded as harmful to man were increasing or decreasing in concentration and in the numbers detected on a pro rata basis. The gist of the response to that question, which I do not have with me at the moment, was that not only are they decreasing in concentration wherever they are discovered (and they are decreasing not by a few percentage points but by several orders of degree, if members know what that means—they are decreasing not from, say, 4 units to 3.9 or 3.8 units, but from 4 units to .4 or 0.4 units) but also the number of occasions on which their presence is detected by examination of the samples collected, as a percentage of incidence, is falling dramatically.

That clearly indicates that the general awareness about the fact that these commodities are now known to be injurious to man has affected the way in which they are used by the industry that has relied on them in the past. I consider much of what I have heard discussed in the lobbies of Parliament to be akin to someone in the 1780s or 1790s trying to debate the merits of the internal combustion engine in all its forms with its various fuel types while at an afternoon tea party. I know that some members are ignorant of what they are talkling about. They certainly have not bothered to address, for instance, the definition of 'agricultural chemical' and to understand the serious implications of the measure before the House.

I know that the member for Elizabeth has alluded to the fact that it is not intended that the legislation should be used to do anything other than remove chemicals from the food chain regardless of whether they are directly applied to crops which ultimately end up in the food chain or accidently find their way into the food chain in some way. As he pointed out to the House, this measure at this time is being introduced for that purpose. However, the Bill does not say that anywhere. It is as if you are moving from the law as it stands at present to a new situation, about crossing a road.

It is presently lawful for a pedestrian to cross a road anywhere. It is advisable, where there is a busy traffic flow, for a pedestrian to cross the road at a pedestrian crossing where traffic lights are provided. We are now changing the

law to make it unlawful to cross a road other than where a pedestrian crossing is provided. Therefore, if you are at Culburra and wish to cross the Princess Highway you will have to walk to Tintinara or Keith to cross.

Having used that analogy, I point out that the Bill does not exclude specific undesirable practices; it simply bans the lot. Unless it specifies that something is okay, we may not do it. That goes even further than the present law in relation to the use of preservatives in meat and other foodstuffs and the use of chemicals in the wine industry, which is another example. A list is provided which says that we must not and will not use certain chemicals under pain of severe penalty if detected; we will be prosecuted. Another list says that certain chemicals are okay. There is also a huge grey area involving chemicals which can do the job that manufacturers wish them to do; they are not known to be harmful to man, they are not precluded from use, and they are used in certain circumstances. No-one has yet died from using them, or, as far as we know, suffered any ill effects from them.

This legislation goes much further than that and places the onus unreasonably, unfairly and heavily on the unfortunate farmer who may trangress unwittingly. The worst aspect of this Bill is that from the time chemicals were first discovered or invented (if I can use that term) in a laboratory and were found to have the properties for which they were ultimately used on recommendation but were then discovered to have other properties which were recognised as undesirable, and a recommendation was made for their use, no farmer or other person using them was breaking the law. Now, suddenly, we will make it unlawful to use them, or to even possess them. We will say to people who happen to possess them, 'Stiff, that is your loss.'

In no other instance, except in the native vegetation clearance legislation, have we ever done that. It is a dangerous way to go in legislation, because it means that, in response to popular catchcries which are largely emotive and often about which the public knows nothing or very little, provisions become enshrined in legislation as principles governing the way in which we can use things and behave. It is quite unfair and unreasonable in relation to the penalties and sanctions contained in the legislation for people who transgress.

I am very concerned indeed about this aspect of the legislation. It means that even substances like superphospate could be proclaimed as an agricultural chemical and their use restricted. People who were then found to have superphosphate or derivatives of it in a commodity could be prosecuted. Members may laugh at that hypothetical example, but you and I both know, Mr Deputy Speaker, as do other members, that there are a large number of quite ignorant people in the community who sincerely believe that superphosphate is a poison. A significant percentage of the population is convinced that if it is not a poison it is at least not helpful to anything other than increased yields or profitability—that is, less destruction of the viability—of farming enterprises. They advocate that view and, therefore, the banning of the use of superphosphate. That would be tragic, yet it could happen.

The level of understanding of the structure of chemicals, the manner in which they interact with the environment in which they are used, and the way in which they affect living organisms is not well understood by us. I know that I am ignorant about such matters, but I know, also, that I have a much wider and deeper knowledge of agricultural chemicals than has the majority of members, indeed any member of Parliament to whom I have spoken since arriving here. This is as a consequence of several factors, not the least of which is my background, training and life experience using chemicals not only as a horticulturalist but also as somebody responsible for the production of other plant and animal products through agriculture.

I have made it my business to be familiar with those chemicals and have been part of the testing program of many of them. I am, therefore, compelled to look at other aspects of this legislation. In his second reading explanation the Minister said:

> To implement the Australian Agricultural Council decisions and protect our agricultural produce from unacceptable contamination from these chemicals controls on their use are necessary.

I point out to the House that this proposal goes very much further than that. The Minister continued:

> The most appropriate way of preventing misuse of agricultural chemicals is by making it illegal to use them for any other use than that specified on the label.

That is not true. The explanation was patently and deliberately misleading, because the label may be printed before a change is made to the regulations, yet it is still lawful to sell the chemical. However, the label might not have been changed and brought up to date on that basis.

Furthermore, it is regulation that determines whether or not it is lawful to use a chemical for that purpose or otherwise. If the regulations state that it is permissible to use an organophosphate with a very short life (it is highly biodegradable), say, phosdrin for the control of thrip or any other insect in strawberry, apple, pear or cherry blossom or in gladioli, stocks or asters (and that is what the regulation states), then a person will be prosecuted if they use it, for instance, on any other flower or crop for the control of thrip—just because an oversight was made in drawing up the regulations. Hence the concern I expressed earlier about the necessity to not exclude everything that is not specified but rather to simply say, 'It is recommended that these chemicals be used for this purpose', or 'It is forbidden to use these chemicals for this purpose. If a chemical is not specified on the forbidden list, you use it at your own risk for any other purpose, but you will not be prosecuted.'

I will give an example of that. I saved a crop of rockmelons during a mice plague in 1969 by using phosdrin. The people involved with its use, including myself, were well covered and used gas masks and the like. I used phosdrin to control the mice by soaking wheat for two days and then dosing it with phosdrin and spreading it across the melon crop by broadcasting it from a three-point linkage mounted fertilizer spreader on the back of my tractor. That wiped out the mice on almost a 48-hour basis and kept the crop free of the effects of the plague. Had I not done that, I would have lost that crop and lost something like $55 000 to $60 000—which was a hell of a lot of money in those days.

Members interjecting:

Mr LEWIS: It may be. At that time, 20 years ago, it was worth four or five times what it is now. However, under this legislation my use of the chemical for that purpose would be unlawful, and that is what I object to. The other thing I object to so strongly is that it is not only unlawful but the penalty I will pay for using that chemical for controlling mice in my rock melon crop— where it will do no harm whatever to people who ultimately consume the rock melons—being an incorporated body (my family company being a proprietary limited company) is twice what it would be if I were peddling heroin: $20 000 in the Controlled Substances Act—$40 000 here.

Where, I ask the Minister, the Parliament and all members to consider, is the justice in that kind of approach? The other thing I find unfortunate is proposed section 11a (1), which provides that a person, as the second reading

speech said, who has possession of an agricultural chemical sold under a registered label, must keep the chemical in a package on which a copy of the label registered under the Act is displayed and must not remove the chemical from the package except to the extent required for an authorised purpose. The definition of 'authorised' is again exclusive. If it is not specifically stated that it is okay, one is committing an offence, therefore one has not only committed an offence by using it in a different way, but if one has it in a sprayvat, say, that is in an unauthorised container. So one has also committed an offence—and that makes it $80 000. I do not think that that is fair.

I know that the intention is to prevent people from taking agricultural chemicals from the containers in which they are packaged and sold (where the compliance will be, one assumes, in keeping with regulations, undertaken by those people who have packaged them), and putting them into another container of convenience. It makes it unlawful for a farmer who has a damaged container which is leaking a dangerous chemical to transfer that material to another container straight away. One would not often expect someone to be caught out before he gets a label on a container, but he is in fact breaking the law if he puts it in a container before he labels it—and I think that is ridiculous.

If we make a comparison of the penalties that appear under the Controlled Substances Act with those which apply to the use of pot—which has well documented undesirable consequences on people's brains, quite apart from the undesirable consequences for the respiratory organs—the penalty for using agricultural chemicals is 200 times greater. I know what the undesirable effects of DDT are, but I have yet to find someone who has died as a consequence of exposure to it. I know very well, as does the Minister, that people have died as a consequence of their exposure to hydrocannabinol in one form or another.

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

Mr D.S. BAKER (Victoria): I support the comments of the member for Eyre and the member for Murray-Mallee. I agree that it is vital that we protect our export industries. However, what happens when things are done in the heat of the moment? I think we all find that sometimes the amendments to these Acts and some of the regulations and fines that are subject to that Act become a little draconian. I support the comments made by both members, because fines of $20 000 for a private individual and $40 000 for a body corporate are in anyone's book very heavy fines, especially, as the member for Murray-Mallee said, when there are very grey areas in the definition of 'agricultural chemical'.

The honourable member brought up the case of superphosphate, and I will take that further. I would like to read into *Hansard* the definition of 'agricultural chemical' under the Act, and I will leave my comments at that and question the Minister further when we come to the clauses. Under the Agricultural Chemicals Act an 'agricultural chemical' means:

I. Any substance—
(a) commonly used; or
(b) represented expressly or impliedly by a person selling, offering for sale, exposing for sale or having in his possession for the purpose of sale the substance, as capable of being used, for any or more of the following purposes—

and this is important—

(i) for preventing, regulating or promoting the growth of any vegetation or any part of any vegetation;
(ii) for improving the fertility or structure of soil in any way;
(iii) for protecting vegetation or the fruit or other product of any vegetation from attack by insects, animals, fungi, parasitic plants, bacteria or virus;
(iv) for destroying rabbits, vermin, rodents or other noxious animals or noxious birds;

II. Any substance declared by the Governor by proclamation to be an agricultural chemical.

I asked the Library to do some research and, as far as I can find, there have been no proclamations under agricultural chemicals, so we can rely only on the definition of 'agricultural chemical' in this Act. Because of the draconian fines that can be applied under this Act, I think that the Minister should look at some of the anomalies that we will bring up, and some of those should be exempted. I agree with the thrust of the Bill: we all agree with it when it comes to protecting our food chain and our export industries, but what we do not want to get under the net, because this has been brought on in the heat of the moment, is a lot of farming and rural people finding that they may be fined very heavily under the Act.

The Hon. M.K. MAYES (Minister of Agriculture): I want to thank particularly the member for Eyre for his support of the Bill and I think that his comments encapsulate generally what has been felt out in the community, especially the rural community, with regard to the application of this legislation. I think there has been reasonably extensive discussion within the rural community particularly, but also among consumers generally. I have had numerous inquiries through my electorate office in the past few weeks as to the implications of chemical residues in meat for human consumption. I congratulate the member for Victoria on his very comfortable—perhaps fence-sitting—position, which indicates his ambitions to be Leader of the Opposition. No doubt he is supporting both the member for Eyre and the member for Murray-Mallee. I thought that the member for Murray-Mallee actually argued against the Bill quite successfully. The member for Elizabeth in his comments to me asked me, 'Who the devil is he supporting?' I am still trying to determine whether or not the honourable member is supporting the Bill. The member for Victoria wove his way cleverly through it and ended up supporting the Bill.

Members interjecting:

The Hon. M.K. MAYES: I do not know. The member for Morphett has some suggestion about the numbers at the moment. That is not what I hear in the galleries, but the member for Victoria is certainly manoeuvring very comfortably for that leadership run. In summary, though, in relation to the seriousness of this Bill, some of the comments made have to be taken in the total context. I see that the member for Bragg is coming back into the House: he may be losing points on his run.

On a serious note, we have to consider the background to this matter. The second reading explanation in some ways does not touch on the full context. The basis comes from the Agricultural Council meeting but it also has a foundation in terms of negotiations that occurred between the Department of Primary Industry in Washington and here in Australia with representatives from the United States Department of Agriculture. To put it in its proper context, part of the basis of this foundation is that the Americans have insisted on legislation of this sort, plus all the other issues we have to address with regard to trace-back programs and identification of other foods that have been mentioned by the member for Eyre, such as lamb. We have to consider other aspects in regard to food for human consumption involved in this whole question. It is in that context that we are looking at this very issue. In many ways we are many years behind the Americans.

It has been argued that it is an attempt by the Americans to introduce an artificial tariff to prevent our meat being sold on their markets. I do not believe that that is true. I was talking to a friend who has recently completed a PhD in agricultural science in the United States and he was discussing with a friend in the agricultural department of a university the uses to which we are allowed to put these chemicals for agricultural purposes. The American professor was staggered by the number of uses allowed by our legislation. He said that, although he had thought that Australia was 20 years behind, he now considers that we are in the last century in our use of chemicals. It has to be put in that context.

In many ways we are trying to catch up with issues that have been well and truly addressed by the American States in their legislation many years before us. For example, DDT was banned in the US in the early 1970s in most States, if not all States, and federally. We have allowed a continuation of the use of this chemical—and I could go through a number of examples that have been presented to me, for the benefit of the member for Murray-Mallee, where these chemicals have been used in the human food chain. We are now catching up on that, although we have been placed in a situation where an outside force has entered the scene—an exogenous force has come forward in the discussion between the Federal Department of Primary Industry and the US Department of Agriculture in regard to the whole aspect of agricultural chemicals in Australia, particularly in the food chain for export meat.

The other aspect that I will address briefly is that about which our own consumers are concerned. To address only the export market is neglecting the very factor that we must consider with regard to our own home consumption. There have been numerous inquiries to my office from constituents and from people around the State who are concerned about chemical residue in meat for human consumption. We have to consider that this Bill is not only directed at the export market but is also designed to address the issues of home consumption.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask honourable members to sit down. The honourable Minister.

The Hon. M.K. MAYES: We are addressing a number of issues raised by the member for Eyre. They are complex, and I understand the stress that will be created by this legislation for some members of the community who may be involved in a property sale. What are the aspects if a quarantine has been placed on properties? We have had such a situation arise and a number of issues must be addressed in regard to trace-back, sampling for domestic consumption and, in fact, the whole process of destruction of these persistent chemicals. We must address home garden and domestic use in terms of what the Bill means in regard to prohibition of controlled substances. The Agricultural Council meeting has attempted a 'fire fight' action on this whole issue of the American market and certain window dressing that is important for the Americans to see that we are doing things to address the issue in this State.

This State is not in such a bad a position as other States. That has been enunciated on various occasions. We have banned the sale of DDT since the middle of last year. Other States have enormous horticultural uses for organochlorines, organophosphorus and other chemicals, of which the member for Murray-Mallee would no doubt be aware, which have a persistent and long life in the community and must be addressed by other States individually. We are coming back to uniform legislation. It might appear to be very hard legislation for a person, either deliberately or accidentally, using the chemical, but we are aiming for a uniform policy to meet the requirements set out in negotiations between the DPI and the US Department of Agriculture. That is the foundation of this Bill, and we have to look at it in that context. I am sure members representing rural areas will understand.

About a fortnight ago I was at a function in the South-East where numerous farmers said that they wanted stiffer penalties for proprietary companies because they thought that such companies would not pick up the issue but would endanger the family farm. It has been argued on numerous occasions that farmers have a more concerned attitude in their attachment to the land than do those whom the member for Murray-Mallee refers to as Rundle Street farmers. Their concern was that proprietary companies would not address the issue as seriously as would the family farmer. It is an important issue and many farmers said that penalties are not stiff enough, and they want them made tougher.

It is interesting to see the balance in the debate in the community. I agree that it is a strong Bill, designed to be so and designed to have the required impact. It is a legislative measure which I also accept. I cannot understand the view of the member for Murray-Mallee that we should not provide a penalty for those who deliberately not only flout the law but also put the industry and the community under threat by taking deliberate action to use the chemical and put the industry at risk at both the export and local level. In that context it is fair and reasonable to pursue this matter.

A number of amendments are foreshadowed by the members for Eyre and Elizabeth, and I will be happy to entertain them at the Committee stage. A couple of other points have been raised with me by members in the Upper House regarding labelling. We need descriptive labelling with relevant information for those members of the community who do not have English as their first language. Many people in the horticultural and rural community do not have English as their first language. The department can produce information sheets in other languages and will attempt to do so. I thank the member for Eyre for his support and look forward to discussion in the Committee stages.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr LEWIS: This is as good a time as any to raise my question. Does the Minister understand the term 'agricultural chemical'? This is not a facetious question. As I understand the definition, gypsum is an agricultural chemical and, accordingly, unless it is used for a particular purpose as specified in the schedule, to use it for any other purpose will be in breach of the law. Is that the case?

The Hon. M.K. MAYES: That would be the case, but the prescription to which the honourable member referred earlier would allow for a wider use of that chemical. In his second reading speech the honourable member referred to the regulations being the process by which that is instituted and that would allow for the wider use; his interpretation is correct.

Clause passed.

Clauses 2 and 3 passed.

Clause 4—'Interpretation.'

Mr LEWIS: I did not understand from the Minister's answer to my question on clause 1 nor from the Bill that it was possible to make regulations that permit gypsum, for instance, to be used in animal fodder as a calcium or some other supplement. When the amendments specifically exclude all these things that are not listed, how can regulations be made? As I understand the legislation, under the regulations

it will state specifically that these uses are permitted and that is the way in which this legislation is framed. Gypsum may not be intended to be used as a nutrition supplement, but it may be included in the fodder for other reasons. If it is included and it is not stated that it is permissible to be used as an additive to animal food, the farmer is in breach of the law. If that is the case, the law is stupid.

The Hon. M.K. MAYES: I think that we can clarify that. If it is used as a mixture in food for animals, it does not come within the definition of 'agricultural chemical'.

Mr Lewis: It does.

The Hon. M.K. MAYES: No, that is the clear intention of the Act.

Mr LEWIS: I am even more amazed because, in the original Act as explained by the member for Victoria, the definition of 'agricultural chemical' provides:

Any constituent substance of a substance which is effective for any of the purposes mentioned in the definition of 'agricultural chemical'. . .

It further provides for any substance declared by the Government by proclamation to be a chemical. The section further provides:

(i) for preventing, regulating or promoting the growth of any vegetation or any part of any vegetation;
(ii) for improving the fertility or structure of soil in any way;

As I understand it, fodder has now been included, because that is included in the definition. Later in the Bill it provides for these chemicals to be used in fodder, so if gypsum is not included in that list, it is an illegal additive.

The Hon. M.K. MAYES: The answer is 'No', it is not: that is not how it is intended and that is not how I read it. I have the original Act and it does not encompass that concept. It mentions protecting fruit, vegetation, etc. I am happy, as I am sure are my officers, to discuss the matter with the honourable member at the conclusion of the debate, but that is not how we see it.

Clause passed.

Clauses 5 to 9 passed.

Clause 10—'Powers of inspectors.'

Mr GUNN: The purpose of these amendments is to give some protection against improper action by inspectors. My first amendment deals with entering premises at a reasonable time. That is a normal provision that occurs in a considerable amount of legislation. My second amendment deals with people entering private homes, and that is a normal provision, having first been implemented in relation to powers for inspectors under the motor fuel legislation. Another amendment deals with persons who intend to incriminate themselves, and that is a normal provision. I suggest that the amendments do not interfere with inspectors going about their duties, but that they add a measure of security to people who could be affected by inspectors abusing their powers. I believe that these amendments are commonsense and, therefore, I hope that the House will accept them. I move the amendments standing in my name.

The Hon. M.K. MAYES: I am prepared to accept one of them, Mr Chairman.

The CHAIRMAN: In that case they will have to be moved separately.

Mr GUNN: I move:

Page 3, line 38—After 'an inspector may' insert 'at any reasonable time'.

The Hon. M.K. MAYES: I oppose this amendment. I understand the intent but, again, I think it relates to some paranoia about the role of inspectors. If people deliberately flout the law, I do not think that officers of the department who are empowered to inspect and investigate should have any restriction placed on them because, if people intend to abuse the law, they would use that to their advantage to avoid detection and investigation. Again, it is a question of commonsense and I believe that the officers will act accordingly. I cannot agree to the amendment. Initially, the person concerned would receive the benefit of the doubt but, in the long term, this would be an unnecessary encumbrance on the activities of inspectors charged with the responsibility under the terms of the amended Act.

Amendment negatived.

Mr GUNN: I move:

Page 4, after line 2—Insert new subsections as follow:

(1a) An inspector must not enter premises used as a place of residence unless authorised by warrant under subsection (1b).

(1b) A justice may, if satisfied on the application of an inspector that there is a proper ground for doing so, issue a warrant authorising an inspector to enter premises used as a place of residence.

The Hon. M.K. MAYES: I accept the amendment.

Amendment carried.

Mr GUNN: I move:

Page 4, lines 24 to 26—Delete subsection (3) and insert the following subsections:

(3) Subject to this section, an inspector may require any person to answer questions relevant to the enforcement of this Act to the best of that person's ability.

(3a) A person is not obliged to answer a question if the answer would tend to incriminate him or her of an offence.

The Hon. M.K. MAYES: I oppose this amendment, which seeks to achieve exactly what new subsection (3) is intended to achieve. The intent of the provision as amended will be in line with other existing provisions. I indicate to the member for Eyre that we can consider positively the member for Elizabeth's amendment when that is before the Committee, as I think that that amendment is more acceptable.

Amendment negatived.

Mr M.J. EVANS: I move:

Page 4, after line 26—Insert new subsection as follows:

(3a) A person may not decline on the grounds of self-incrimination to answer a question put by an inspector under this section but the answer to any such question will not be admissible except—

(a) in civil proceedings;
or
(b) in proceedings for an offence against this Act.

The member for Eyre and I have taken a slightly different tack in relation to this matter. While I agree that it is certainly a very serious step to require someone to answer a question in this context, I believe that, having regard to the nature of this debate about agricultural chemicals and the safeguards that I have included in the amendment, a breach of what might be a normally accepted civil liberty will be contained and the provision will be used only in the most appropriate way. I consider that the seriousness of this topic warrants the depth of the content of the amendment that I have moved. I am also very conscious of the safeguards within and I believe that they provide the necessary balance.

The Hon. M.K. MAYES: I am happy to indicate my support for the amendment. I think the provisions therein are fair and reasonable and not out of line with the intent of the legislation.

Amendment carried; clause as amended passed.

New clause 11a—'Repeal of s.31 and substitution of new sections.'

Mr M.J. EVANS: I move:

Page 5, after line 14—Insert new clause as follows:

11a. Section 31 of the principal Act is repealed and the following sections are substituted:

Secrecy

31. A person must not divulge or communicate information obtained in, or in connection with, the administration of this Act except—

(a) with the consent of the person from whom the information was obtained;
(b) for the purposes of legal proceedings under this Act; or
(c) for any other purpose connected with the administration of this Act.

Penalty: $10 000.

Responsibility for offences by bodies corporate

31a. If a body corporate is guilty of an offence against this Act—

(a) each director of the body corporate; and
(b) each manager of the body corporate or any aspect of its business who was involved in the circumstances of the offence,

is guilty of an offence and is liable to the penalty to which a natural person is liable for the principle offence unless it is proved that the director or manager could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate.

I believe that, as a consequence of the extensive and wide-ranging powers of inspectors, as contained in section 24 (2) of the Act, to examine books and documents, to enter premises and to gather evidence generally—and in fact on some occasions without a warrant, although the Minister has now accepted an amendment to this provision moved by the member for Eyre for a warrant in relation to residents—generally, the warrantless search and seizure provisions do require that the people involved are constrained to some degree of secrecy, because they exercise substantial powers in investigating the affairs of people.

I believe that it is only reasonable that provisions of secrecy similar to those that have been enacted in relation to State taxation measures and other related measures be included. Naturally, the information gathered can be used for the purposes of legal proceedings under this legislation and for related purposes, but not for any purposes outside the legislation other than with the consent of the person from whom the information was obtained. I think this is part of the balance to which I referred in my second reading speech. I commend the amendment to the Committee.

The Hon. M.K. MAYES: I am happy to accept the amendment, having discussed this with the member for Elizabeth. Again, I think it fits within the general intent of the legislation and I believe that it will give certain guarantees that most members will be happy to see in the legislation.

New clause inserted.

Remaining clauses (11 and 12) and title passed.

Bill read a third time and passed.

RACING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 October. Page 1031.)

Mr INGERSON (Bragg): I support the Bill, which will increase racing industry revenue. The Opposition supports this measure on the grounds that the argument put by the industry to the Minister is indeed supportable. In the last 12 months the industry has seen a decline due not only to the drop in the available gambling dollar within the community generally but also to influences such as the opening of the casino and the general drop in the economic well-being of the community.

In supporting the provision of $1.8 million to the racing industry, it is important to note that, as far as the Opposition is concerned, even though reference was made several times in the second reading explanation to the fact that revenue to Government will not be increased—and that is in fact true of today—as TAB and on course totalisator revenue will increase in the next few years obviously the Government's take will increase. We have no objection to that but we believe it is important to note that at this stage.

The Bill principally increases from 18 to 20 per cent the percentage take from multiple bets. Effectively, this will increase the amount of money that the punter is putting into the industry. The Opposition has no qualms about that occurring. As I said earlier, we are very happy that the Government has seen fit at this time to make sure that the industry is the major benefactor. The galloping industry principally requires money to go into stake money and towards the general improvement of resources on the race-courses. The trotting and the greyhound industries, of course, require the same benefits.

I think it is important at this stage to describe the extent of the racing industry and its importance to the South Australian economy. A recent report issued by the South Australian Jockey Club reveals the results of a survey by Mr Mats Kurki in March 1987. He has shown that the total number of people employed in the racing industry is about 11 390. That means that the racing industry is either the third or fourth largest employer of labour in South Australia. A breakdown of that total shows that the racing clubs between them employ 1 898, the breeding section of the industry 1 691, the performing side of racing 4 928, the feeding and service section 783, giving a total of 9 300 people who are employed by all the codes.

So, the employment factor in the racing industry is vital to South Australia. Employment on the betting side of the racing industry comprises the following: Totalisator Agency Board, 549; licensed bookmakers and their clerks, 1 243; on-course totalisator, 274; and Betting Control Board, 24. That means that 2 090 people are employed in the betting side of the racing industry. When we consider that 11 390 people are employed in the racing industry, we must realise that it is a significant industry to South Australia.

The capital investment in the racing industry itself, including the clubs, breeding, performance, and the service and betting sides, is over $352 million. These statistics, as I said, were originally produced in a survey conducted by the South Australian Jockey Club. Even more staggering are the details of the source of turnover from betting, racing and breeding: $639 million is turned over in the industry in all these sections. It is interesting that the industry is a significant generator of dollars for the Government. Last year, $12.339 million went to the Government through the TAB; $2.443 million from the on-course totalisator; $2.053 million from on-course bookmakers; $205 000 from the premises bookmakers who operate in Port Pirie; and betting service fees totalled another $250 000. So $17.29 million went from racing operations into Government revenue.

That is a significant and important factor in the ability of the Government to collect and redistribute those important dollars. So, we have the racing industry, which employs over 11 000 people and which is an important generator of income for the Government. Further, the racing industry is a significant investor in the community to the extent of over $600 million. So, we are considering an important industry when we talk about the racing industry.

That brings me to the controversial issue of sponsorship. When Parliament considers a Bill that the Government may introduce on this matter, it will be interesting to see whether the Government considers racing as an industry or a sport. It is a sport to some people, but it is also clearly an important industry to the State. This is one area of sponsorship

involvement and investment by companies such as tobacco companies. Also, sponsorship may be undertaken by any other company whose product may be seen to affect the health of the community, and the alcohol and brewing companies may be the next group on the list. An important decision will have to be made as to where this issue stands in this whole area of sponsorship.

Another important factor as regards the racing industry is its effect on the tourism industry. After all, the Oakbank Easter Carnival has an important tourist spinoff, as has the Adelaide Cup meeting. Further, in country areas there is a significant push for the tourist dollar whenever a racing carnival is held. In the past 18 months, I have had the privilege of being invited to several country carnivals, and a country racing carnival is important to the country town in which it is held because it brings in extra tourist dollars even though they may be in close proximity to the town.

Racing is important both in the city and the country. Even though by far the majority of the dollars are developed in the metropolitan area, the effect of racing in country towns is an important economic and community factor in those towns. The breeding side of the industry is also important. Indeed, we have the privilege in this State of having perhaps one of the best studs in Australia—the Hayes stud at Angaston. There are also important small studs in the Adelaide Hills. Another important consideration as to whether racing is declared a sport concerns its high entertainment value. For the thousands of people who attend race meetings on Saturday and regularly lose their dollars (and the majority do that because very few of us win regularly and consistently) the racing industry is an important entertainment factor and a significant part of our social life.

In making these few comments on the racing industry, I believe, as I hope the Government believes, that the racing industry is a vital factor in the South Australian community. The Opposition supports the move by the Government to put an extra $1.8 million into the racing industry by increasing the percentage take from multiple bets although I want to make clear that the punter will be funding that increase significantly. The Government will be making a contribution by reducing the level of taxation, although in any case that is a *quid pro quo*.

The Hon. M.K. MAYES (Minister of Recreation and Sport): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

The Hon. J.W. SLATER (Gilles): I support the Bill. It is interesting to note that, despite the 2 per cent increase in the tax on multiple betting, of all the gambling avenues in South Australia TAB and the on-course totalisator still provide by far the most significant return to investors. In the case of multiple betting, that return is about 80 per cent, which must be compared with the 61 per cent that the Lotteries Commission is required, by statute, to return to investors. In that regard, however, I noticed in the commission's annual report that the return was only 59.7 per cent, for which there may be a reasonable explanation which I do not know. Also, most games conducted at the casino are loaded 25 per cent to 27 per cent in favour of the house.

In all those activities the TAB will provide an investor with the best opportunity for a return. Of course, they still have to back a winner. The point was made by the member for Bragg that this is being paid for by the punter who indulges in multiple betting. That is a significant amount of the betting both on course and off course and I understand that last year it comprised close to 25 per cent of total investments on the TAB and the on-course tote.

I support the Bill because it will provide a financial stimulus—if figures are maintained, $1.8 million—to the racing industry. The point has been made that there is increasing competition from other forms of gambling and from other sporting activities. From time to time the racing industry needs some form of financial stimulus to compensate for changing circumstances. These amendments will provide a financial stimulus to the racing industry. Members may recall that I did not support fixed percentages because that did not provide additional money for the racing industry; all it did was move money from one code to another and provided no financial stimulus for the industry.

The point was made by the member for Bragg that, economically speaking, this is an important industry for the State. Many people get pleasure from attending the races—I know that I always do. I think that it is an important aspect of people's entertainment as well as being a South Australian industry. I make the point in relation to the Racecourse Development Board, that this legislation intends to increase it from 1 per cent of multiple bets to 1.4 per cent. That is a good move, because the Racecourse Development Board has played a significant part in improvements to facilities and the codes over the past four or five years.

One of the problems faced by racing and greyhound clubs in the city is maintenance of attendance at meetings, because there has been an extension in the number of meetings of all codes around the State. I was never happy about extending the number of meetings, because it causes difficulty if there are too many of them. These days, if one wants to invest on the TAB one can do so just about every day of the week, including Sunday, as there are horse races or greyhound racing here or interstate every day. There is plenty of opportunity for people to invest on both local and interstate horse racing and greyhound racing.

One of the important matters is the static attendance at meetings, particularly in the metropolitan area. This is a matter to which all clubs must pay attention because there is competition from off-course betting. Of course, there have been improvements in that field by the provision of monitors and odds, and the sky channel in hotels which has an impact on the desire of people to attend race meetings. It is a secondary operation so far as I am concerned; I prefer to go to the course when I am able to do so, because it is first hand and there is an opportunity to bet either with a bookmaker or on the on-course tote.

I noticed in the Betting Control Board Report that bookmakers' turnover has declined by 15 per cent on the previous year. This is significant, because it shows a decline in on-course investment. There is competition from hotels with sky channel and from the TAB, which is providing a better service to its customers. The racing club benefits from that, and I am not knocking it, but it has an impact on racing attendances. I hope that bookmakers will be retained, because I have been to meetings in New Zealand, Hong Kong and Malaysia where there have been no bookmakers, only a totalisator, and I believe that that produces a sterile atmosphere. It is important to the industry that we retain the bookmakers. I support the Bill.

Mr OSWALD (Morphett): I support the Bill and endorse the remarks made by the member for Bragg. I am sure that the industry will be delighted to receive the additional revenue. It had reached a particularly parlous position with

regard to the amount of stake money available from the funds handed out each year by the TAB. It was interesting to see the Government's reaction to something that happened in January this year. I wondered whether the speeches made at Morphettville on the Monday of the Labor Day holiday weekend were not prompted by the campaign last January by the SAJC committee, which was seeking funds because at that stage it was looking down the barrel at reducing the number of races at each meeting so that it could preserve some of its stake money. There is a notation to that effect in its annual report, as follows:

> In light of the downturn experienced last financial year and our deficit budget this financial year, we sought financial assistance from the Government through a further initiative in the area of fractions and unclaimed dividends. Short of some assistance, we informed the Government that, highly undesirable though it may be, we would have no alternative but to reduce stakes. Our initial approach was rejected by the Government, but further discussions are in progress.

At the time the report was printed there was nothing further on the matter.

I recall receiving a seven-page letter from the Chairman of the SAJC at that time, as did all members. It set out the problems facing the three codes and correctly assessed the Government as being 'stubbornly determined to retain every cent of its gambling collections'. The letter pointed out forcibly that the South Australian Government should modify its methods of collecting race revenue rather than setting up a racing commission; in other words, it should leave the racing commission alone and leave the clubs to get on with the running of the three racing codes, but give them a more reasonable return from the TAB so that they could keep their stake money commensurate with that paid interstate.

It was interesting to hear the response of the acting Minister, Hon. Lynn Arnold, at the time to those overtures from the South Australian Jockey Club; he said that the SAJC was totally unjustified in expecting more funds from the TAB or any other revenue sources. That was interesting, knowing that the acting Minister is a very careful and astute man when it comes to command of the English language; there is probably nobody in this House who would get anywhere near him. He does not go near racecourses, and I do not think he has much interest in racing, so he would not have said that the SAJC's request was totally unjustified unless he had been briefed carefully by his colleagues or Cabinet.

Be that as it may, he certainly came out on behalf of the Government and said that the SAJC was totally unjustified in seeking additional funds. At that time the committee was saying, 'If we don't get funds we are left with little alternative but to reduce the stake money or reduce the number of races that will be run on a Saturday'. This matter of money being returned to the racing industry for use as stake money is a very big issue. With the introduction of the casino, the competition for the gambling dollar has now become fierce, as we all know. If we are going to be able to attract crowds back to South Australian races we will have to be prepared to put up the stakes so that we attract quality fields and continue to improve facilities.

This applies particularly to the provincial and country clubs. One does not have to go further than the Victorian border to see the difference between clubs that are being helped substantially with TAB profits and those that are not. In the past year the Victorian TAB has contributed—and I have not been able to ascertain the accurate figure at this stage, but I use a ball park figure—some $80 million, and this figure is actually increasing.

Here in South Australia our TAB profit that went to galloping was $8.362 million last year. If we compare just two racecourses, Strathalbyn (which is a provincial South Australian course within an hour's drive of Adelaide) and the small town of Casterton, over the border, the stake money made available at the race we sampled at Strathalbyn was $43 000, which was about $5 000 a race spread over the first, second, third and fourth horses. This would not go anywhere towards the cost of preparing the winner, getting him trained and transported to the track.

At Casterton, that small country town, $41 000 was made available to a nine card race meeting. In other words, one of our major provincial clubs in South Australia is competing with small country clubs in Victoria: a large provincial club using stake money the same as Casterton. When we get to the South-East, the argument is the same. It is no wonder that the quality fields go across the border into Victoria. According to today's *News*, the moneys at stake at Echuca are $10 000 (and I will round off the figures to the thousand), $10 000, $3 000, $3 000, $3 000, $5 000, $6 000, and $3 500. Looking at the stake money at Moe, that is $10 000, $10 000, $5 000, $40 000, $5 000, $4 000, $4 000, $4 000, and $5 000. At Warrnambool it is $3 500, $3 500, $4 000, $4 000, $5 000, $5 000, $5 000 and $4 000. Ballarat, which comes up there with the provincials or large country towns, has $4 000, $4 000, $4 000, $15 000, $6 000, $10 000 and $6 000.

If we go to the South Australian clubs we are looking at $2 500, $2 500, $3 000, $2 500, and the like. Is it any wonder that we have difficulties? Let us consider the cost of preparing a horse—first, to buy a horse (and one nowadays buys a horse at a yearling sale for $2 000 to $200 000), then to add insurance, nomination fees, veterinary and farriers fees, transportation fees, feed bills and agistment when horses are turned out into paddocks, and we can probably go on and on.

The cost to the owner to produce that horse at the starting line and to compete is enormous. We will not get the quality horses remaining in South Australia unless we do something about the stake moneys being offered. The clubs can do only so much to attract patrons to the gate, particularly with the advent of Sky Channel, where more and more patrons will be going into hotels, and with the advent of the other demands on the gambling dollar through the casino. Therefore, they really must look to the Government for assistance in percentages of the TAB profit.

This Bill is welcomed, I can assure you, Sir, because of that; they do in fact give some extra money which can be used for stake money. Hopefully, it is a first step in the Government's relaxation. I hope that it was not entirely because of the pressure put on the Government by the jockey club in January, although I suspect that it was, but now that that has been given to them and now that Colin Hayes gave the Minister a great rap on Monday which I am sure he appreciated—

Members interjecting:

Mr OSWALD: You both got the rap. You both got a rap for doing it. The reality was that it was a knee-jerk reaction to get back on-side with the industry. In conclusion, I remind the House that the reality is that we need additional stake money to maintain the quality of horse racing in this State. We need additional money to upgrade the horse racing facilities, because while the TAB is upgrading its facilities in these parlours, and the hotels are swinging over to Sky Channel and will have elaborate lounges in which to watch the programs, the number of patrons will drop off.

There is nothing worse than going to Cheltenham on a cold, windy day, standing behind the stands—and, comparing that with sitting in an air-conditioned hotel somewhere, I think the race-going public has the right to say, 'We would

like the facilities improved.' The racing public and I are very proud of Morphettville. We have an excellent setup there and we have a good setup at Victoria Park, but we need to do something about Cheltenham and we certainly need to have money provided to the provincial clubs, because if the top provincial clubs do not have the money to attract good horses, the horses will cease to be trained there.

If we do not have horses being trained in the provincial and country areas because we do not have sufficient money to maintain them, we will not have that pool of good horses coming from the country to the city areas. We, as a Parliament (and the Government), are in a position to help the racing industry in this State by injecting money into the clubs so that they can maintain the stake money, can keep the quality fields here in South Australia, and allow the industry to survive. We welcome this particular injection of funds and hope that it is not the last.

The Hon. M.K. MAYES (Minister of Recreation and Sport): I thank members of the Opposition for their support of the Bill. I would like to make some very brief comments in regard to some of the points raised. Obviously, this is primarily a money Bill in the sense of being a transfer of funds directly to the industry to support racing in this State. I assume that the Morphettville facility is in the electorate of the member for Morphett, who has made a comment about a knee-jerk reaction. I can assure him that it is not that, and should not be couched in that term at all.

I will not make any comment about the Chairman's newsletter in January (I think enough comment has been made by members of the SAJC as well as others in the community) other than to say that I think it was ill-timed and did not assist relations between any part of the industry and the SAJC. But I think that has been well and truly said, and I feel that relations are very good between the Government and the industry.

An honourable member interjecting:

The Hon. M.K. MAYES: The member for Morphett refers to the comments on Monday: I think there is more than just the words that were spoken. It was in fact the basis of the negotiations and discussions which took place between me, my department, the Manager of Racing and Gaming, the Director of the department and the significant principals within the SAJC. That is the basis on which we have this Bill before us.

I thank all of those players in the discussion, particularly, because I think it has been very constructive. What it has done is establish an excellent foundation for future discussion with regard to the industry. Let me put it on the record that this Government regards this sport as an industry, a very important industry, in this State. Let no-one ever suggest that this Government regards it as anything less than a very important sport in the State as well.

Significant support from this side of the House is shown every Saturday, Wednesday and every other day of the week for that sport and industry. There is a committed interest not only from members of Cabinet but also many backbenchers who have an undying interest in the industry and see nothing but its continuation as the base line for the Government's role. I acknowledge the role of Mr Bob Linke, a member of the SAJC Committee, who has played a constructive and sensitive role in this whole discussion with the Chairman of the SAJC, Mr Malcolm Fricker. Along with the efforts of Mr Denis Harvey and the Director of the Department, Mr George Beltchev, they have been very constructive. They have built the foundation on which we can build future constructive relations between the Government and the industry. Other members representing the codes include the Hon. Des Corcoran and Mr Harry Krantz. I thank them also for their contribution.

The Bill in the final wash-up does not bring funds into the general revenue of the Government. It is a Bill designed to assist the industry. There have been tough times. As a representative of the Government I acknowledge that and we are sensitive to those needs.

I will address one issue that the member for Morphett raised. I am sorry that he has left the Chamber, as it was primarily for his benefit. We talk about comparisons with other States. I make clear that this State Government gives more to the racing industry than any other State including Queensland, which always heralds these so-called under the table deals in racing. Having been up there, I note where the racecourses are located—in the districts of National Party members. If we go into the districts of Liberal Party members we do not find flash racetracks there but rather in the electorates of National Party members such as Caloundra and the Gold Coast, with all money being used for racecourse development through incentive schemes packaged by the racing Minister who feeds into these codes.

I enjoyed meeting the secretaries of those clubs and was delighted, at the Gold Coast recently, to meet the secretary and general manager. He is a delightful person and I was pleased to see the way in which they are developing the racing industry. There are lessons for us to learn from the way they are promoting the industry in coordination with surrounding attractions, such as the casino, and so on. I thank them for their hospitality.

It is important to note that we give more in percentage terms of turnover than any other State Government in the country. I was brought up as a Baptist, and we had in this State a Premier who was a Baptist. He had a strict view on gambling. I grew up in that atmosphere where one did not drink, dance or gamble. All such things were forbidden. That was the environment in which we grew up in this State for 38 years, and that is one of the reasons that we are not at the forefront in percentage terms of dollars spent on gambling compared with Victoria or New South Wales, where they did not have such an experience with a Government that had what is termed a wowser attitude. That is how the Playford Government was described for 38 years, and that is why we are 38 years behind in our level of investment in gambling.

In Victoria, $2.4 billion goes through the TAB. The member for Morphett puts the return to racing at roughly $80 million. On that basis we should see, with our contribution in South Australia of $249 million, something like $150 million contributed in Victoria on the percentage that we contribute. That is to set the record straight for the member for Morphett. There should be double the amount of money allocated in Victoria to racing from the TAB if it took the percentage that we contribute as a State Government. Let us be clear about that at the outset. Other States do not come within a bull's roar of what we put into racing.

Mr Oswald interjecting:

The Hon. M.K. MAYES: It is easy for the honourable member to say that, given the population it has. The member for Mount Gambier made a comment about facilities for provincial meetings in the South-East at Penola. The races and the administration are excellent for local provincial clubs and we stage an excellent carnival as well as a good regime of meetings in this State. We are constantly reviewing all aspects.

As a Government, with our very efficient manager and racing section, the industry will survive and the viability of the industry in this State will be reinforced. That is part and parcel of the relationship that exists between the indus-

try. I put that clearly in *Hansard* so that we know the commitment that this State has. The honourable member mentioned the praise the Premier received for his contribution. No secret is made of the Premier's support of the industry in this State or his enjoyment and commitment to it as a sport and an industry. Those words are for the member for Bragg, so that he can appreciate the point. The Premier is supportive of and committed to the industry. The comments made by Mr Colin Hayes, who represents the pre-eminent level of breeding in this country, and Lindsay Park Stud is no doubt regarded as the pre-eminent location in this country—

Mr Oswald: A Labor man—

The Hon. M.K. MAYES: The member for Morphett has an easy answer. The point I was making was not a political point. This State offers a lot more than simply what the racing carnival offers as a breeding stake, a facility, a resource and a skill within the industry nationally. South Australia has a much higher standing in terms of its pre-eminence in the national facility. In my opinion that has to be recorded: it is more than simply a sport and industry but also a breeding facility offered in this State. People from overseas come here specifically to see what we have in terms of those facilities for the industry as a whole. That is part and parcel of the vitality and viability that exist in this industry. I am delighted to have the support of the Opposition for this Bill and look forward to the Committee stages, when it will pass and we can see the industry enjoy the returns of it in the Spring Carnival. It is important for the industry to enjoy the returns as soon as possible in terms of being able to put not only stake money but facilities back on the racecourse.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

New clauses 6 and 7.

Mr INGERSON: I move:

Page 2, after line 16—Insert new clauses as follows:

6. Section 85 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) For the purposes of this Part a bet made by telephone with a bookmaker who is within a racecourse will be taken to have been made within the racecourse.

7. Section 119 of the principal Act is amended by inserting after subsection (3) the following subsection:

(3a) Subsection (3) does not apply to a bookmaker in relation to a bet made with the bookmaker by telephone from outside the racecourse.

The principal reason for moving these new clauses is to have bookmakers on course able to receive telephone calls to enable them to take bets. One reason for bringing this amendment before the Committee at this stage is that during the estimates a question was put to the Minister and in reply he stated:

If it is to me effectively it becomes policy. It is fair to say that I have some sympathy with the concept and currently we are exploring how that might best be put in place if we can see a workable, practical and efficient method of adopting it.

We believe as an Opposition that we should take this opportunity to amend the Act accordingly. The report of the Betting Control Board, recently tabled in this Parliament, states:

It is most disappointing to report that, following six years of growth albeit mainly small growth, bookmakers' betting turnover fell by a dramatic $33 880 961 or 14.85 per cent during 1986-87. This is a continuation of the downturn which commenced in December 1985 and which coincided with the opening of the Adelaide Casino. The number of bets laid by bookmakers fell during this year by 990 314 or 14.51 per cent . . . The above figures—

which demonstrated a turnover of $173 million in 1980 and $194 million in 1986—

indicate that the bookmaking profession is in a parlous state. The situation is being further aggravated by the spread of television coverage of racing in hotels supported by the provision of TAB facilities in licensed premises. These factors must continue to impact on racecourse attendances. This is why the board, in its submission to the current committee of inquiry into the need for a Racing Commission in South Australia, has urged that telephone betting to on-course bookmakers be introduced in this State.

That report was tabled in Parliament by the Betting Control Board. Following discussions with the Bookmakers League, I would like to raise a few points. As far as the Bookmakers League is concerned, any telephone betting onto course would have a significant impact on illegal betting or, as it is commonly called, SP betting. It said that it is impossible to estimate that precisely (and we all know that) but, when the Costigan report was tabled in Parliament, it was estimated that about $4 000 million was being traded per annum on illegal betting. Assuming that to be the case, a mere 5 per cent, or $200 million, could be estimated to fall in the South Australian arena.

The league also states that, whilst it has been very difficult to combat SP betting, mainly because of the sophistication of operators' activities as a result of improved telecommunications and general computers, it is something with which the law has difficulty dealing. As the league points out, and as we all know, the principal reason for the public's using SP betting is: first, the magnitude of the bet that is placed will not affect the price; secondly, credit is available and probably that is the most important point of all; and, thirdly, the investment is consistently more likely to be larger than on the TAB. While that is the league's comment, I think many examples would indicate that that is not necessarily true but, in general, I think that statement can be made.

It is clear that the increased penalties for illegal betting have not significantly reduced the SP area. There is no doubt in my mind (and there is plenty of hearsay) that you can place a bet almost anywhere, particularly now that the telecommunication systems have been extended to hotels. The common phenomenon of the SP plunge on the racecourse would disappear to a certain extent if we had telephone betting.

The other important factor is the introduction of the satellite sports channels which beam racing into hotels and clubs. On a Saturday afternoon any hotel that has the Sky Channel gets four race meetings beamed from around the country, so why would anyone want to go to the races when they can sit in the hotel, watch the race on television, bet on the TAB and also use that elusive SP bookie? At this stage the bookmakers put forward that there has been a very significant change in their environment. There has been an economic change due to the casino. Further, there has been an economic change in competition from the TAB (and principally that has been due to its significant improvement in betting coverage for the punter). The introduction of teletext is an excellent service for the punter and the TAB should be congratulated for that innovation, but that extra and improved competition has a very significant effect on the bookmakers. I believe that, if the industry is to be viable, we must have viable bookmakers and an exceptionally viable TAB competing against each other.

At the moment the bookmakers are disadvantaged in that they do not have the opportunity to take telephone bets onto the course. I believe that, since the punter has the opportunity to do that with the TAB, the same opportunity should be given to the bookmaker to take them onto the course. Obviously, there need to be monitoring devices, a very good security system and excellent checking of the telecommunications, but all that can be easily and adequately done in our modern computer age. There is no

question that the survival of the bookmaker may revolve around this single issue. I commend these amendments to the Committee.

Mr OSWALD: I agree with the remarks made by the member for Bragg, but I am trying to ascertain where the resistance would come from. For a long time the police have tried to remove SP bookmakers from our midst, but with little success. The bookmakers claim that their survival depends on telephone betting so that they can compete with the SP bookmakers and, indeed, comments by the Chairman of the Bookmakers League, Michael Webster, were referred to in the *News* of 30 June 1987, as follows:

> . . . on-course telephones were imperative for the survival of the industry in South Australia. But, as his league had a submission before the inquiry into the submission for a racing commission, he preferred not to elaborate.

Nevertheless, he still spoke on behalf of the Bookmakers League. Indeed, he said that on-course telephones were imperative for their survival. The SAJC would receive a share of the turnover in the event of SPs being removed and people being able to ring direct. The Government also would get additional revenue from the extra tax. I imagine that the TAB would have some resistance but, overall, I think that it is a good move, because surely the aim is to get rid of the SPs.

If we are to have this new style of betting in hotels where all codes are televised from all States and the punter is set up there for the afternoon with his beer, I would have thought that SP bookmaking would flourish. That whole scenario is conducive to SP bookmakers operating. I would have thought that the Government would take this opportunity to remove SP bookies because, while they are there, the Government misses out on its tax, the industry loses, the South Australian Jockey Club loses potential stake money and we all lose while the SPs wax fat. I commend this amendment to the Government for its serious consideration. The member for Bragg has stated that there is a lot of work to be done on it and that the implications to the TAB have to be considered. We acknowledge that, but it has value and I commend this amendment.

The Hon. M.K. MAYES: I oppose this amendment, for a number of reasons. It is no secret that the Bookmakers League supports this proposal and I have had discussions with members of that league. It is no surprise that Mr Webster has indicated his support for it. As the BCB reported in its annual report, it supports this proposal, and I stand by the comments I made during the Estimates Committee. I have some sympathy with the member for Bragg, but there are mixed views from other industry representatives and I think that this will help the member for Morphett. There is no clear indication from the SAJC of what its position is.

Mr Ingerson interjecting:

The Hon. M.K. MAYES: The member for Bragg says, 'Nonsense': perhaps he ought to check on this matter. I am not sure how much discussion he had with various parties before he decided to bring up this measure.

Mr S.J. Baker interjecting:

The Hon. M.K. MAYES: The member for Mitcham ought to stick to labour matters. Quite obviously, the TAB is strongly opposed to the proposal.

Mr Ingerson interjecting:

The Hon. M.K. MAYES: It is not that it is a Government authority—the honourable member's remark again shows a terrible ignorance. Obviously, there will be a benefit to the industry, and if the honourable member looked at the sums carefully concerning the benefits to be derived by the industry through the levies that will be taken off, he would see clearly why not only the TAB but also the industry itself is not that excited about such a proposal as outlined—and, of course, we are talking about 2 per cent versus 9.6 per cent, and the situation is pretty easy to understand in terms of benefits going back to the industry. So, one can understand why there is some concern and some caution about this matter. One should have regard to that caution; I think that extensive consultation is required and that the matter should be clearly outlined to the community.

I shall now put some other points to the Committee as to why I am opposed to the amendment to the Bill. The Bill was designed for a specific purpose; it was designed very carefully, following discussions and negotiations with the industry, and it was to be put before Parliament for consideration at the earliest possible opportunity for the purposes of assisting the industry with funds and financing—for a number of reasons, all of which have been enunciated earlier in the second reading debate.

The other aspect of this, of course, is that it does not involve a money relationship, as such. It is a relationship that brings some changes to the administration and betting practices within the industry. It would alter the flavour of the Bill. To attach such a measure as an afterthought does not meet the commitment that I gave to the industry during the consultation process. To me, that would pose a problem with my credibility and my relationship with the industry. I am forced into a situation of considering a matter in relation to which there has not been extensive consultation on my part—and I am not sure about the position in relation to the member for Bragg. However, feedback from industry representatives, with whom I was with on Monday, in discussing this Bill indicated that they had no idea that this proposal was coming up. So, I do not know what consultation has taken place, and I point out that on numerous occasions the member for Bragg has lectured me about consulting with the industry, although he now drops this on us out of the blue. Perhaps the member for Bragg should have regard to some of the comments about consultation that he has made in his speeches in the past.

A committee of inquiry is currently looking into the whole question of whether or not there should or should not be a racing commission and obviously it will touch on this matter. From what I understand of what people have told me in a broad sense about evidence that they have presented to the inquiry, I am sure that this matter will be considered extensively. I think it would be inappropriate for the Parliament to consider this issue before the inquiry has reported on the matter.

This is a major issue and it should be raised at the next Racing Ministers' conference and considered in concert with the other States. One must consider what the other States are considering in this regard. It is a complex and perplexing issue, and the other States, of whatever political colour, all believe the same thing. I have discussed this matter with numerous other Ministers on odd occasions and, whether Liberal or Labor, they have indicated that they are very cautious about launching into this area, and it is certainly not appropriate to do it in the way suggested, namely, to suddenly just sling a change of such magnitude on the back of another provision. I am sure that former Minister Slater would be happy to enlighten the House on his experiences with the industry over the years that he was involved with it, referring particularly to the sort of disaster that can result from flinging something like this on the end of another provision.

I have asked the TAB for the relevant statistics, so that in fact we have the statistics to back up some of the estimates on win and win-place betting, in order to assist in determining the likely effects on investment bet types. So,

I think it is important to have those statistics, and I think it is important that members opposite also have those details as well so that they can make an informed decision on the matter.

Finally, I indicate that the impact of this measure on the bookmakers is not clear. I think that apsect is very important. I do understand their position. The member for Morphett, I think, touched on the drop in turnover of $33.9 million, representing 14.85 per cent of their turnover drop last year. I am very sympathetic in relation to that. The character, and the colour of the racing industry, as the member for Mawson referred to it, is due in part to bookmakers being at the rails and in the derby during a Saturday or a weekday meeting. That is part of the character and it in fact contributes the whole atmosphere of the races. The Government recognises these matters. I am not escaping from the point that has been raised. The matter will be addressed. I can assure the House of that fact, but I want to do it over time and by means of a very organised process, which will involve consultation with the industry. So, bearing in mind the time, I indicate the Government's opposition to the proposal, and I believe that I have thoroughly outlined the grounds of that opposition to the House.

The Hon. J.W. SLATER: I want to make one or two points. The member for Bragg was quite right—the matter was part of Liberal Party policy at the last State election. In fact, it was the only policy that it had in relation to racing. The matter has now come up again. It is not a new proposal; it has been around for about four or five years. The first I heard of it was when the Queensland Minister for Racing, Mr Hinze, was going to introduce such a proposal in Queensland. However, that did not eventuate. As a matter of fact, no other State has provision for telephone betting with bookmakers on course. When this matter was raised, about three or four years ago, all the advice that I got from people involved in the industry indicated that people in the industry were against such a measure. I do not think that a great deal has changed since then.

Certainly, there are complications which are not easily explainable, and one raises issues such as: which bookmakers would be able to use the telephone, how would they be selected, and by whom? I think that the Bookmakers League has not really researched the matter in depth. They see it as being an opportunity to increase their turnover. However, I point out that although it will increase the turnover for some, the majority of bookmakers will miss out. Consequently, it certainly would not be a popular decision for a Government to take. I believe that the Minister is quite right in relation to remarks he made about the committee of inquiry. The committee will report back to him and subsequently the Minister will report to the House, at which time the House can note the views expressed by the inquiry. However, I feel quite strongly that there would be more disadvantages than perceived advantages in allowing bookmakers to have telephones to accept bets on course.

Mr INGERSON: I want to make a few brief comments. I am disappointed that the Minister is not prepared to take up the matter. In relation to his comment that it is not a money Bill, the reality is that a significant increase in the turnover of revenue of bookmakers, in fact, would provide a significant gain for the Government and for the industry and, also, more importantly, it would enable bookmakers to be more viable. In terms of consultation, the Minister knows full well that this Bill was introduced in the House last Thursday and that that consultation has been undertaken with senior members of the South Australian Jockey Club. I understand that the Trotting Control Board and the Greyhound Control Board are not opposed. So, for the Minister to say that there is no support for this issue from senior members of this industry is just not true.

If the Minister consulted with senior members of the Jockey Club, in particular, he would find out that they support this issue. The most disappointing thing is that the Government has not taken the opportunity to at least take this matter on board and have it investigated. There is no urgency, and no mention is made in my amendment of a timeframe. For the Minister to use the excuse that he is waiting for a report from the committee of inquiry, I believe is a poor one. If the Minister took this matter on board and had it ready to be introduced as soon as he made up his mind to support this measure (which I believe will be the case at some time in the very near future) that would be very beneficial, and it is a pity that that has not been done.

New clauses negatived.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 5.50 p.m. the House adjourned until Tuesday 20 October at 2 p.m.