HOUSE OF ASSEMBLY

Wednesday 2 December 1987

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

SEXUAL REASSIGNMENT BILL

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

PAPERS TABLED

The following papers were laid on the table:

By the Minister for the Arts (Hon. J.C. Bannon):

Adelaide Festival Centre Trust—Report, 1986-87.
Eyre Peninsula Cultural Trust—Report, 1986-87.

By the Minister of Education (Hon. G.J. Crafter):

Department for Community Welfare—Report, 1986-87.

MINISTERIAL STATEMENT: *ISLAND SEAWAY*

The Hon. R.K. ABBOTT (Minister of Marine): I seek leave to make a statement.

Leave granted.

The Hon. R.K. ABBOTT: Yesterday the Leader of the Opposition and other Opposition members raised a number of issues relating to the *Island Seaway*, quoting from an internal document from the Department of Marine and Harbors. The statements which were made could cause unnecessary public anxiety. I have made inquiries about the document, and am able to inform the House of the following.

The memorandum from which the Leader was quoting was written by the Senior Ship and Engineer Surveyor, Mr Shand, to the Principal Marine Surveyor and Naval Architect. However, it must be pointed out that the person who wrote the memorandum on 9 October 1987 also signed a surveyors declaration with the Senior Shipwright Surveyor on 23 October 1987, which confirmed that they were both satisfied with the survey of the *Island Seaway*. It is the opinion of the Principal Marine Surveyor and Naval Architect that the signing of the surveyors declaration was correct in all respects.

Some of the matters referred to in the memorandum, such as the Z peller escape route, main engine room passageways, and the engine room bilge suctions, are covered by the Classification Society Survey carried out by surveyors of Lloyds Register of Shipping. On 21 October 1987, the following certificates were issued by Lloyds Register:

Interim Certificate of Class; Cargo Ship Construction Certificate, and load line certificate; confirming that the vessel's hull, machinery, and unmanned engine room provisions were satisfactory.

I am assured by the Acting Manager, Marine Affairs that satisfactory fire fighting procedures were discussed in detail at a meeting attended by the Principal Marine Surveyor and Naval Architect and the Senior Ship and Engineer Surveyor.

I also point out that it is normal practice for senior ship and engineer surveyors to raise matters concerning potential problems which are then dealt with, as in this case with the *Island Seaway* or any other marine vessel. Finally, I reiterate that the senior ship and engineer surveyor has signed a declaration as to the adequacy of the vessel as required by the Marine Act, this being done after the minute of 9 October 1987 was written.

QUESTION TIME

ISLAND SEAWAY

The Hon. P.B. ARNOLD: My question is directed to the Minister of Marine. In view of his ministerial statement, will he confirm that in the four weeks between the engineer's report of 9 October and the first commercial voyage of the *Island Seaway*, major modifications were undertaken to the vessel to relocate engine room machinery to ensure that passage widths complied with uniform shipping laws code minimum requirements; install a fuel leakage collector system in the main engines to guard against fire; minimise the possibility of the main engines stalling; and to ensure that any injured crew in the engine compartment could be transported out of the area—

Members interjecting:

The SPEAKER: Order! I call on honourable members on both sides not to interject when the honourable member for Chaffey is delivering his question.

Mr Gunn: It started off on the Government benches.

The SPEAKER: Order! The honourable member for Eyre, I believe, continued to interject after I called the House to order. The honourable member for Chaffey.

The Hon. P.B. ARNOLD: —and also prevent petrol vapour flowing into the lower vehicle deck? All the foregoing are design features which were 'contary to good shipbuilding practice', according to the engineer. Will the Minister also explain why he has maintained to the House that the department had no warning of problems with lower deck ventilation when his admission today of the existence of this report proves otherwise?

The Hon. R.K. ABBOTT: I refer the honourable member to my ministerial statement where I mentioned the matters that have been raised. I have received a report from the Principal Marine Surveyor and Naval Architect and, in relation to the passageways, he stated:

The main fore and aft passageways are of a satisfactory width. The spaces outboard of the main engines are less than 600 mm in width, but are considered to provide adequate access to the machinery.

All those points raised by the honourable member have been approved by the surveyors.

SHOP TRADING HOURS

Ms GAYLER: My question is to the Minister of Labour. Given the Liberal Party's opposition (which has been clearly stated in recent newspaper articles) to the extension of shop trading hours which would allow Saturday afternoon shopping, has the Government considered the consequences to retailers, employees and consumers should the Liberal Party persist with its present policy?

Mr S.J. BAKER: On a point of order, Mr Speaker, whilst I am sure that the House would be pleased to listen to the excuses from the Minister, I bring your attention to—

Members interjecting:

The SPEAKER: Order! In the course of his point of order I ask the honourable member for Mitcham not to make provocative statements and I ask members not to interject on the honourable member who is making a point of order. The honourable member for Mitcham.

Mr S.J. BAKER: Quite clearly, under Standing Orders 147 to 149, covering rules of debate, the question should be ruled out of order.

The SPEAKER: Order! The questioner has referred not to debate in Parliament but to debate in the community at large. Whether or not the answer is out of order will depend on its content.

Mr S.G. EVANS: On a point of order, Mr Speaker, I thought that the practice of this House for some time now has been that a Minister can say what he likes in an answer.

The SPEAKER: Order! There is no point of order. The Chair intimated that the question itself was not out of order but that there was a possibility that the answer might be. The honourable Minister.

The Hon. FRANK BLEVINS: I will be particularly careful in phrasing my reply. The short answer to the member for Newland is that, yes, the Government has given some consideration to the consequences of the Liberal Party persisting with its present policy. The position as I understand it, from numerous newspaper articles and radio broadcasts, is that the Liberal Party opposes the extension of shopping hours at this time to 5 p.m. on Saturdays. The consequence of that is that it might well be that the Government will have to consider living within the present legislation. Of course, the present legislation, which was introduced into Parliament and passed by the Liberal Party, gives the Government pretty well free rein on the question of shopping hours. Under two parts of that legislation, the Government could open shops on Saturday afternoons, and it could also deregulate completely by issuing certificates of exemption. It was some of Dean Brown's mates who insisted that that provision be put in the legislation. The Labor Party certainly supported it. I handled the Bill in the other place, and I was very pleased to support the measure. It may be that it was far-sighted, because it is possibly the way that we will go.

The position in this State is very peculiar. I have tried, with a great deal of goodwill, to work out just what the Liberal Party in this State is on about. I am having a great deal of difficulty. I point out that there is Saturday afternoon shopping in New South Wales, and that from this Saturday there will be Saturday afternoon shopping in Victoria—with the full support of the Liberal Party in Victoria. There are no restrictions in the Northern Territory and the ACT.

Mr Becker interjecting:

The Hon. FRANK BLEVINS: To respond to the interjection of the member for Hanson, at its caucus meeting today the Liberal Party in Western Australia decided to support Saturday afternoon trading. I thank the member for Hanson for reminding me of that.

Members interjecting:

The SPEAKER: Order! Both the member for Hanson and the member for Mawson are out of order.

The Hon. FRANK BLEVINS: The Federal Leader of the Opposition, Mr John Howard, makes no bones about his position. He made his views very clear in an interview with Vincent Smith on 5DN on Monday 30 November. In reply to the question, 'What about the issue of shopping hours?', John Howard stated:

> I am an unabashed deregulationist on shopping hours. It is mainly a State matter. My general philosophy is that we should have freedom.

In relation to the attitude of the Liberal Party in this State, the Opposition has made numerous statements in the media about its opposition to an extension to 5 p.m. However, in doing some research on this issue my attention was drawn to evidence given to the 1977 Royal Commission into shop trading hours.

This evidence was given by the then President of the Liberal Party in South Australia, John Wayne Olsen—which is his full title—and I thought that the House may be interested in some of the statements that were made by the said Mr Olsen in giving sworn evidence which was volunteered to the Royal Commission. The exchange was between David Quick, counsel assisting the Royal Commission, and John Wayne Olsen.

There is quite an interesting preamble. He states his position as a manager and goes on to state that the submission is from the Liberal Party of Australia, South Australian Division. He gives some interesting information, too: he states that the Liberal Party has 30 000 members, 50 per cent in the metropolitan area and 50 per cent in the non-metropolitan area, so obviously he is putting himself forward as speaking for a very large number of people. He goes on to explain the function of the State Council which made this particular decision. I quote from the transcript, commencing with a question by David Quick, counsel assisting the Royal Commission:

> David Quick: The submission that was made—the resolution that was passed in October 1976, says that 'this council opposes all attempts by Government to arbitrarily control or restrict trading hours and supports the right of individual traders being able to decide their own trading hours'. Were you present at State Council when that resolution was passed?
>
> John Olsen: Yes, I was.
>
> David Quick: How long did the debate last till? Was it a matter that was discussed for some considerable time?
>
> John Olsen: As I recollect the matter, yes, it was.
>
> David Quick: Were there a large number of points of views proposed by proponents and opponents of the—?
>
> John Olsen: Surely, yes. The agenda for the meeting, which was the annual general meeting of State Council, was circularised some weeks prior to that meeting and naturally all points of view were put to State Council.
>
> David Quick: Do you know whether people made written submissions and lobbied and canvassed for a particular point of view being accepted?
>
> John Olsen: I'm not aware of that if that was undertaken.
>
> David Quick: Do you know whether or not, before the council adopted that resolution, it considered the effect of unrestricted trading on prices?
>
> John Olsen: It was a matter, as I recollect, that was being introduced during debate, but I think the overriding factor that council gave consideration to was the quality of life of individuals and making available to individuals, on an unrestricted basis, the ability for them to be able to shop during trading hours, that are most convenient to them, as a family, or as individuals.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Notwithstanding the fact that the Minister's reply is somewhat lengthy, I ask members not to interject. The honourable Minister.

The Hon. FRANK BLEVINS: It goes on, commencing with a question from David Quick:

> David Quick: You think that the paramount interest that State Council took into account was the interest of the consumer as such in terms of convenience?
>
> John Olsen: Surely, the quality of life of the individual human.
>
> David Quick: It discounted as being subject to the paramount interest the question of any increase in price, if it didn't consider the matter in that way, please say so?
>
> John Olsen: I don't believe that the basis of whether or not prices would rise as a result of the lifting of restrictions in trading hours was a matter that was given due debate during that course, more the factors of the quality of life, the freedom of the individual are principle and philosophy with which the Liberal Party upholds.
>
> David Quick: It could well be that if it was to be shown to the satisfaction of the council that prices would rise significantly and that in these times when there is an inflationary problem, that the council may well reverse its views as to the introduction of this trading scheme at this time, but would always maintain the underlying philosophy, is that what you're saying?

Mr Olsen was a bit nervous here. He said, 'No, it's not.' David Quick then had another go:

You say that the time is right for the introduction—the council says that the time is right for the introduction of this philosophy at this time?

Members interjecting:

The Hon. FRANK BLEVINS: There is more.

The SPEAKER: Order! The honourable member for Davenport has a point of order?

Members interjecting:

The SPEAKER: Order! The Chair has called the member for Davenport, who wishes to take a point of order, and no-one else.

Mr S.G. EVANS: Standing Orders provide some leniency to Ministers but I ask at what stage do you, Mr Speaker, intervene and say that a Minister has gone too far in a lengthy explanation, which is really abusing the privilege granted to Ministers.

Mr Hamilton: Are you Pontius Pilate?

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

Mr Peterson interjecting:

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

Mr Peterson: First time, Sir.

The SPEAKER: Order! It may well be the first time but, if the member for Semaphore persists, it may be the first of two. It is the view of the Chair that the honourable member for Davenport did not raise a point of order *per se* but made a political statement. I will accept it in that context and simply point out that undertakings have been given by the Government front bench that endeavours will be made to keep Ministers' replies to a reasonable length. If the Minister of Labour has not concluded, I call on him to do so as soon as possible.

The Hon. FRANK BLEVINS: Thank you very much, Mr Speaker.

An honourable member interjecting:

The SPEAKER: Order! I ask the Minister to resume his seat. The Chair has probably been excessively tolerant to the honourable Deputy Leader. That tolerance has now reached its total end. The honourable Minister.

The Hon. FRANK BLEVINS: Thank you very much, Mr Speaker. I cannot apologise for taking such a long time. I did not want to be accused of selectively quoting, and that is why I thought it was necessary to go through almost all of this transcript. The Opposition will be happy to know that it is coming to an end. I was up to the following question:

David Quick: You say that the time is right for the introduction—the council says that the time is right for the introduction of this philosophy at this time?

John Olsen: Yes.

David Quick: And it says that, notwithstanding any question of cost increase?

John Olsen: I don't think that I would put that qualification on it. It has decided as a matter of philosophy a principle in relation to the freedom of the individual in this particular matter and it's the individual's freedom which is the paramount issue and the issue that was the overriding factor, and I believe would be upheld at all times.

The transcript goes on, and is available for every member to read. What hypocrisy! When the Leader of the Opposition was President of the Liberal Party he volunteered to put a position before a Royal Commission. He pontificated about the liberty of the individual, common decency and humanity. Liberal Party members today have an opportunity to put some of that rhetoric into action, and where are they?

The SPEAKER: Order! The honourable Minister is clearly alluding to the debate in another place.

The Hon. FRANK BLEVINS: Let me make one thing clear: the Government believes that Saturday afternoon trading is required in South Australia. The Government believes very strongly, and the opinion polls support it, that the overwhelming majority of people in this State support the extension of trading hours. The unemployed kids who will get jobs with extended shopping hours are looking also to the Government to ensure that shop trading hours are extended. I call on Liberal Party members to end this farce, join with their colleagues in the other States and agree that Saturday afternoon trading in 1987 is not a very radical step at all. It does not take a great deal of courage to say, 'Yes, it is sensible. We have expressed our view. We have some reservations but, as with other members of the Liberal Party throughout Australia, including the Federal Leader, when the chips are down, we support 5 p.m. closing on Saturday.' They should give an expression of that support to the Parliament.

The SPEAKER: Order! The last remark was out of order.

TOMATOES

Mr GUNN: I address my question to the Minister of Agriculture.

Mr Tyler interjecting:

Mr GUNN: The member for Fisher can laugh outside if he wants. Is the Department of Agriculture undertaking regular tests on dimethoate dipped tomatoes imported into South Australia? If so, what is the nature of the tests, how often are they conducted and how many tomatoes have been detected with a higher than normal concentration? If not, who is conducting the tests on imported tomatoes and where are these tests being conducted? Does the Minister acknowledge that most other countries prohibit the consumption of tomatoes at the level of concentration (that is, one part per million) allowed in South Australia? Will the Minister ensure that all tomatoes treated are carefully labelled so that consumers are aware of what they are purchasing?

The Hon. M.K. MAYES: I thank the honourable member for his question. Obviously some clarity needs to be brought to this debate. We have before us a motion from the member for Goyder, and a good deal of misinformation has been put out in the community about the treatment of tomatoes with dimethoate and, I might add, other agricultural and horticultural products which have been treated, not only in this State but in other States, with this chemical, which has many different trade names and is used extensively throughout South Australia.

The program has been conducted by the Health Commission under officers of the Minister of Health, as obviously it should be, and some test details have been made available. I am happy to provide the honourable member with that detail. None of the tests has shown any tomatoes, either from South Australia or Queensland, to have a level of dimethoate near the required health standard. It is obvious that tests to date have shown, from the information I have been given, that there has been a safe use of this chemical and that, in accordance with World Health Organisation guidelines and National Health and Research Council guidelines, it is within safe limits. At this moment—

An honourable member interjecting:

The Hon. M.K. MAYES: I am sorry the member for Mount Gambier obviously does not have the source of information that is available to me. The tests that have been presented to me by the department indicate that there is a 99.99 per cent success rate in kill on the fruit-fly on the fruit in accordance with the standard procedures that have been recommended and followed.

This week I have a senior officer of the department in Queensland double checking all test processes being followed by the Department of Primary Industry in Queensland to make sure that all of those requirements meet our standards. In addition, I have asked for a full review of all of the standards which have been established here and I will certainly consult the Minister of Health, who is responsible for the health aspects of the use of this chemical and the standards required in the local environment for the safety of our consumers. One ought not to think that I have ignored that, albeit my overall responsibility is to ensure the safety of the South Australian horticultural industry from the outbreak of fruit-fly, whether Queensland or Mediterranean. That is my primary task and responsibility.

For the honourable member's interest, and I am happy to supply to the member for Eyre, who I am sure is interested, the list of permitted uses for dimethoate, or by-products of dimethoate products, under various brand names. For the interest of the House I would like to record in *Hansard* the various trade names involved:

Roxion, Rogor 100, Chemspray Rogor, Rogor Diostop EC, Lane Rogor, Lane Dimethoate 40, Hortico Rogor, Nufarm Dimethoate, May & Baker Rogor.

Those are the brand names in use in South Australia.

It goes through a range of uses permitted not only in South Australia but in other States: citrus, cotton, cereals, oil seeds, pasture crops, lucerne, stone fruit, pome fruit, cherries, passion fruit, paw paw, mangoes, berry fruit, strawberries, leafy vegetables, peas, beans, cucumbers and tomatoes. It is used on tomatoes in all States of Australia: for aphids, thrips, jassids, tomato mite, and bugs (including green vegetable bugs). I assure the honourable member that this list is available to members opposite, to enlighten them, especially the member for Goyder, and to bring him up to date.

The SPEAKER: Order! The honourable member for Light.

The Hon. B.C. EASTICK: Mr Speaker, do you desire, as we do, that the Minister answer the question?

The SPEAKER: The honourable member is not taking a point of order but making a political statement, which I will treat accordingly. The honourable Minister.

The Hon. M.K. MAYES: Thank you, Mr Speaker. I have answered the question and I am happy to continue to answer it in the interests of public information. It is time that the Opposition got its facts sorted out on this issue and decided why it is supporting this campaign. Obviously, the Tonkin Government allowed the use of dimethoate in South Australia for horticultural products, yet suddenly the Opposition is showing an interest in running a campaign, when—

Members interjecting:

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

The Hon. M.K. MAYES: Obviously, the threat of fruit-fly to this State has been significant. Obviously, a major quantity of illegal fruit was being imported into South Australia by black market methods, and we had already confiscated about 9½ tonnes of it. In fact, the situation was so dramatic that we could see a major outbreak occurring unless the issue was addressed. All those points raised by the member for Eyre have been addressed by me to the department and I have had answers. I am happy to share those answers. Indeed I have shared them in the past with all members of the public, especially members of this House.

Mr MEIER: On a point of order, Mr Speaker, the Minister keeps saying that he has answered the question. However, it is clear to all members that the specific question, namely, the concentration and where the tests are being carried out in South Australia, has not been dealt with. I ask that the Minister answer the question.

Members interjecting:

The SPEAKER: Order! The honourable member will resume his seat. Members should be aware, as has been the past practice, that Ministers answer questions in the way they consider appropriate, although it may not always necessarily be to the satisfaction of members. That is not the responsibility of the Chair. The honourable Minister.

Members interjecting:

The SPEAKER: Order! I warn the member for Murray-Mallee.

The Hon. M.K. MAYES: Thank you, Mr Speaker. The honourable member obviously was not listening. The Health Commission conducts these tests, their being its responsibility. If the honourable member is patient I shall be happy to give him an answer this afternoon. It is purely a process followed by the Health Commission, and I am happy to indicate the test results, as well. So, the honourable member should listen. It is a matter for the Health Commission to conduct and, as it is the responsibility of the Minister of Health, I will refer the question to him. However, I assure the honourable member that the information given to me shows that tests to date have not exceeded the required safety level: they are within the safety margin. However, if the Health Commission feels that they cross that line, it will act. Regarding a review of the levels, I am happy to refer that matter to the Minister and to consult with him about it. This question has already been raised by me with the Health Commission and with my department.

It is not that I have waited for the honourable member to jump to his feet and ask this question: it is something that I dealt with well before the honourable member suddenly made this a public issue in his electorate and in the public eye. I am happy to provide all this information. I am sure that the public, especially the Housewives' Association, will be very much enlightened by the fact that these chemicals, the by-products of dimethoate, have been used in the horticultural industry extensively throughout South Australia.

DRINKING AND SWIMMING

Mr HAMILTON: Will the Minister of Recreation and Sport advise of the dangers associated with the consumption of alcohol and participation in aquatic activities? With the impending school holidays and festive season, many South Australians will engage in swimming and other aquatic activities. Although much emphasis is placed on the dangers of drinking and driving, we do not hear much of the dangers of boating and swimming after drinking alcohol.

The Hon. M.K. MAYES: I thank the honourable member for his question. Obviously, because of the number of aquatic activities and the significant events held in his electorate, he is obviously very concerned about the matter. The safety aspect of combining alcohol and any aquatic activities has been highlighted by the number of serious accidents that have occurred. I recall one accident on, I believe, the Murray River last summer where a skier was found to have a blood alcohol level well above the limit specified on the roads, namely, .08. That person was fatally injured in an accident indicating what can happen with a combination of alcohol and any aquatic sport.

The article refers to warnings to swimmers not to dive into rivers or dams. The Murray River has claimed a number of lives over the years and, if it is not treated with respect, it can be quite a treacherous river. The honourable member's question is well worth bringing to the attention of the public, particularly as we have entered summer and

people will be recreating in the aquatic environments, whether it be West Lakes, the rivers or the beach. It is important that as a Government we warn people about the obvious dangers they face if they mix alcohol with recreating in those sorts of aquatic areas.

I join with the honourable member in making any public statements. I will ascertain whether we can incorporate that in some of our publicity that we are discussing in regard to swimming and the swimming campaign, and take it up with the Minister of Education. We are reviewing our role as a consultant department for swimming in this State. I and I am sure the community at large would appreciate the avoidance of any tragedy that could occur as a result of mixing alcohol with swimming or any other recreation on water.

ETSA BUSHFIRE CLAIMS

Mr OLSEN: Is the Minister of Mines and Energy prepared to order the Electricity Trust to review an offer it intends to make tomorrow night to South-East landholders as settlement for the losses they incurred in the 1983 Ash Wednesday bushfires. The Ash Wednesday bushfire claims in the South-East involved damage estimated at $40 million affecting about 300 landholders. I have been advised that a meeting has been called for tomorrow night at Mount Burr at which the trust intends to offer a settlement based on 50 per cent of the losses incurred plus 11 per cent interest for those affected by the Naraweena fire, which was the major outbreak in the South-East.

I have also been told that those who have been waiting almost five years, only to be offered compensation for half of the losses they incurred, are likely to regard this as a further example of insensitivity being shown towards these claims. In many cases, those affected are experiencing serious financial problems through having been forced to borrow to keep farming enterprises in operation while they wait for a satisfactory offer. They are borrowing at far greater rates than the 11 per cent currently under offer.

A belief exists that the Electricity Trust's insurers are deliberately delaying settlement until many of those involved become so desperate that they will be forced to settle at any price. When the Minister was last asked about the trust's handling of Ash Wednesday claims, he admitted to the House on 12 November that the trust's insurers may well be using delaying tactics and he also said he was trying to ensure that justice was pursued with the speed that this sort of matter warranted. The feeling in the South-East is that the time is long overdue when the Minister should exercise the power he has and ensure that these claims are settled fairly and without any further deliberate delay.

The Hon. R.G. PAYNE: If ever any matter demonstrates the lack of understanding of legal matters from the other side it is clearly this matter.

Mr Olsen interjecting:

The SPEAKER: Order!

The Hon. R.G. PAYNE: The Leader is asking me to bring political interference into the legal process. I would have thought—

Members interjecting:

The SPEAKER: Order! I call the members for Mitcham, Coles and Victoria to order.

The Hon. R.G. PAYNE: —that the honourable member in this House who purports to be the person who would lead the alternative Government would not have asked me to interfere in a political way in a legal process that is in train. An offer is to be made—

Mr Olsen interjecting:

The Hon. R.G. PAYNE: It seems that we are now being urged to conduct the whole affair on the floor of the Chamber.

Mr Olsen interjecting:

The SPEAKER: Order!

The Hon. R.G. PAYNE: I am trying to point out to the Deputy Leader and the Leader—I apologise to the Deputy Leader of the Opposition, because he would not have asked me such a stupid question—

Mr Olsen interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order.

The Hon. R.G. PAYNE: The advice I have received is not what we sometimes call knowledge with which I entered the Chamber. I will make some inquiries, but I utterly reject any suggestion that I should interfere in a political way in what is the due process of the law.

DTX AUSTRALIA

Mr PETERSON: If I could be directed by you, Sir, I have a question for the Minister of State Development and Technology, but I did not realise that he would not be present, so do I direct it to the Premier?

Members interjecting:

Mr PETERSON: Listen, this is a good question.

The SPEAKER: Order! Whether or not the question is good is irrelevant. All members are entitled to deliver questions (provided that the questions are not out of order) with courtesy from their fellow members. The honourable member for Semaphore.

Mr PETERSON: Thank you for your protection, Sir. Will the Premier, on behalf of the Minister of State Development and Technology, inform the House of the status of the company DTX Australia, together with the financial relationship between that company and the State Government? In February/March 1986 a newspaper stated:

> $27 million hi-tech plant to hire 600 in South Australia. One of Australia's fastest-growing computer firms is to build a $27 million electronics factory, which will eventually employ 600 at Port Adelaide.

Under the heading 'Adelaide lures high-tech DTX in $20 million expansion', another newspaper report stated:

> Adelaide is to become the major base of high-technology Perth second board company DTX Australia, it was announced yesterday. DTX said yesterday that it would build a $20 million 11 000 square metre plant—to be its major operation—at Port Adelaide to manufacture computer and electronic equipment.

Notices such as these announced the proposed establishment of DTX in Australia. The factory was subsequently constructed at Osborne and to date the building has never been occupied and it is rapidly being wrecked by vandals. In the *Advertiser* of 29 October this year under the headline 'Government seeks legal advice' an article states:

> The State Government is seeking Crown Law advice over land that a high-technology company, DTX Australia, is buying at suburban Osborne.

The article further states:

> A spokesman for the Minister of Marine and Harbors, Mr Abbott, said DTX had paid a 10 per cent deposit on the land, worth more than $250 000, but no other payments had been made.

Can the Premier clarify the position of this company?

The Hon. J.C. BANNON: Not wholly, because it is still being sorted out. As I understand it, the Crown Solicitor's Office has written to the DTX liquidator in Perth regarding the contract to purchase the lot at Osborne and to try to clarify the exact intentions of the company in liquidation, or its successor's intentions in terms of the project. I make

the further point that the articles about the proposed development did not emanate from the Government: we made no such announcement. It is the practice of this Government to try to avoid doing such a thing in cases like this, until we are quite certain that some project is definitely going ahead, but very often those who propose some development whip up some publicity about it in advance, and I think it is bad to raise expectations in that way.

Apparently, the Department of Marine and Harbors was not consulted or advised in any way when this announcement appeared, so it took it a little by surprise. It felt that the announcement was premature, but nonetheless it was made. That is the situation in terms of announcements of projects. Therefore, obviously it will be the subject of further legal and information exchanges which are being followed up. I understand that the land is still held by the Department of Marine and Harbors. No contract has been finalised, or anything like that. This apparent liquidation, or whatever proceedings are taking place in Perth, could well affect the whole thing, but it is too early to say at this stage whether that is the case.

ETSA BUSHFIRE CLAIMS

The Hon. E.R. GOLDSWORTHY: Can the Minister of Mines and Energy now report to the House on the matter of the legal fees paid by ETSA in connection with the Ash Wednesday bushfires? On 12 November I asked the Minister a question on this matter and he undertook to get the information and to report on the fees that had been paid by ETSA. I pointed out on that occasion that the figure quoted to the House relating to claims that had been settled was some $5.4 million and that it had been reported that legal fees amounted to about $1.4 million. The Minister undertook to obtain accurate information on this and to provide it to us. Can he now do so?

The Hon. R.G. PAYNE: I stand by the advice that I gave to the House earlier. I am endeavouring to obtain that information. As an interim reply, if that is of any help to the Deputy Leader, I can perhaps say that the trust has informed me that it is not very easy for it to specify the figure in relation to the matter raised, because ETSA has an ongoing arrangement with its counsel, which dates back as far as the time of the coronial inquest into the arrangement. They could have figures there. However, certainly I will see whether I can provide a figure for the House tomorrow.

Mr D.S. Baker: The Auditor-General would have them.

The Hon. R.G. PAYNE: The Auditor-General does not need any advice from the member for Victoria as to how to conduct his affairs. I think he demonstrates that quite often—

Mr D.S. Baker interjecting:

The Hon. R.G. PAYNE: —and he certainly would not ask me to give any advice, either, and nor am I empowered to—as the honourable member will learn when he has been here a bit longer.

TALL SHIPS VISIT

Mr De LAINE: Will the Minister of Transport inform the House of measures being taken to provide increased public transport to and from Port Adelaide for the duration of the Tall Ships visit between 22 and 26 December this year? Because of an expected 80 000 visitors to Port Adelaide on each of these days, and also because of council and police plans to prevent the entry of cars to the northern end of Port Adelaide, there will be an urgent need for vastly increased public transport services.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I, along with all South Australians, I am sure, look forward to the Tall Ships visiting Port Adelaide. It will certainly be one of the feature events of our bicentenary. I had the pleasure of listening to the Chairman of the Bicentennial Committee, Mr Kirk, addressing the Police Club on this very matter a week or so ago. It will be an outstanding event, for not only South Australia but Australia as a whole, and it is quite clear that a huge number of people will want to view these magnificent vessels. To accommodate that increased—

The Hon. Frank Blevins interjecting:

The Hon. G.F. KENEALLY: I think they all have their appropriate certificates.

Mr S.J. Baker: Lloyds of London?

The Hon. G.F. KENEALLY: Lloyds of London.

The Hon. Jennifer Cashmore: Lloyds insured the *Titanic*!

The Hon. G.F. KENEALLY: Did they? It is interesting that the member for Coles is now comparing the Tall Ships with the *Titanic*. I really do not know what point she is trying to make. However, I think somehow that technologies may have been slightly different—but I am not sure why she intruded that opinion into the discussion. The STA will provide extra railcars in addition to the standard timetables, to ensure that people are able to reach Port Adelaide by rail. A number of stand-by buses will be available, which will be used as the STA monitors the peak demands. So, the STA certainly intends to accommodate very readily that demand which undoubtedly will occur when people will want to visit Port Adelaide or Outer Harbor to see the Tall Ships—as I would personally encourage them to do.

JUBILEE POINT

Mr OSWALD: In view of the fact that the committee appointed in September to examine various key aspects of the Jubilee Point project was required to present its report to the Government by last Monday, can the Premier say whether the committee has done so and, if so, what conclusions it has reached about the financial viability of the project, its impact on the finances of the State Government and the city of Glenelg and on the environment, and what action the Government now proposes to take?

The Hon. J.C. BANNON: The report was presented yesterday to my colleague the Minister for Environment and Planning and is undergoing assessment at the moment. It will be publicly released, certainly, but not before next week at the earliest.

AVOMEC

Mr GREGORY: Will the Minister of Aboriginal Affairs investigate the use of the drug Avomec in the Northern Territory and, if the claims of its success are as indicated, take the necessary action for such a program to be introduced in South Australia? An article in *People* magazine published on 30 November 1987, under the title—

Members interjecting:

The SPEAKER: Order!

Mr GREGORY: —'Just the shot', with the subtitle 'A new wonder drug for dogs gives a dose of hope for Aboriginal health', states:

An Australian anthropologist has come up with one of the biggest medical breakthroughs for Third World countries since

the conquering of malaria. Convinced that the poor health in Aboriginal communities was related to the parasites carried by their dogs, Arthur Palmer devised an inoculation program for the animals using the drug Avomec.

Since he and veterinarian Ross Ainsworth kicked off the project in the Northern Territory's Victoria River region two years ago, the success rate has been startling—and the program has just been nominated for a BHP Bicentennial Award for excellence.

Though widely used on cattle in the United States and Europe and readily available in Australia, the drug had not been used on dogs before. And it has proved so effective that the treated dogs act like killing machines for all the parasites they come in contact with for up to six weeks after being injected.

Further on, the article states:

Health centres were quick to report fewer cases of diarrhoea and a reduction of up to 80 per cent in severe skin conditions.

It also makes the point that the health of Aboriginal children has been tremendously improved since that program was introduced in the Northern Territory.

The Hon. G.J. CRAFTER: I thank the honourable member for his interest in this matter. It just shows that it is important to have breadth as well as depth in one's reading. The honourable member raises an issue of obvious importance to Aboriginal communities, particularly those in the remote areas of the State. We all know of the association of many Aborigines with dogs, which form an important part of their lifestyle, their hunting and gathering and, indeed, of their family life. It is of the greatest concern to all of us who visit those communities to see so many of those dogs in poor health.

We are concerned at the possibility of the dogs carrying diseases and their being contracted by adults and children in those communities. So I will be pleased to have this matter further investigated to see whether it could be appropriately introduced into Aboriginal communities in South Australia—of course, at the request and with the consent of those communities.

FEMALE PRISON OFFICERS

Mr BECKER: What action does the Minister of Correctional Services intend to take following representations made on behalf of female prison officers alleging they are being discriminated against in carrying out certain of their duties in relations to strip searching of prisoners? The Commissioner for Equal Opportunity has received correspondence from the Correctional Officers Association about the application of amendments to the Correctional Services Act, introduced earlier this year, which forbid officers being involved in strip searching inmates of the opposite sex. Female prison officers allege these amendments breach the Equal Opportunity Act and have the effect of restricting the number of positions in which they may be employed in the State's various correctional institutions.

The Hon. FRANK BLEVINS: I have received some representations from both male and female prison officers that this particular provision in the Act is creating some difficulties. I do not accept for one minute that there is discrimination inasmuch as it affects promotional opportunities. There is a problem, particularly in the Remand Centre, in rostering prison officers when the Act specifies that, when a strip search takes place, two officers of the same sex as the person who is being strip searched must be present. In considering that particular issue, I think that prison officers have a point.

Some female prison officers have made representations to me stating the other side of the argument: they do not want to be involved in strip searching male prisoners. It is a somewhat delicate issue and is one that I am trying to pick my way through carefully. If there is any change to the legislation, it will be presented to the House after the Government has made a decision. I have assured female prison officers that this provision will not be used in any way to restrict their promotional opportunities. I do not think that the question of equal opportunity is as clear cut as some suggest.

On the other hand, male prison officers may have a point. They say that they have to do all the rosters that involve strip searching in the Remand Centre and that female prison officers are not permitted to do this work. They feel that perhaps they are discriminated against. Not being an expert on the Equal Opportunity Act, I am not prepared to say who is discriminating against whom and for what purpose. The Government is considering the issue and in due course will bring amending legislation to Parliament if necessary.

RACING INDUSTRY

Mr RANN: Does the Minister of Recreation and Sport agree with some commentators who believe that criminal or other legislative penalties would be a more effective way of dealing with horse doping rather than the self-regulation that currently applies in the racing industry?

The Hon. M.K. MAYES: I thank the honourable member for his question and his interest in this issue. No legislation in Australia provides for criminal penalties in the racing industry, and I use that term to cover all codes. The industry is self-regulatory and no criminal penalties can be applied for the doping of horses or dogs. Because penalties can be applied to trainers, a heavy onus is put on them in this regard. No other person involved in the administration of drugs could be penalised under the current procedure and, as I have indicated, an appeal mechanism is available to trainers.

The issue of criminal penalties for those involved in the doping of horses and dogs can be reviewed, and I am happy to refer that to the Attorney-General. In this State, self-regulation applies. To some degree, regulation has been regarded as coming within the confines of the industry. Given the ever-increasing interest and attention to the activities of the racing industry, there is probably a need to review this position. The current Nelson inquiry will have touched on that issue during its hearings and resolution. That inquiry is in the process of being considered by Cabinet, and I am sure that members of the general public will want to comment when the results of the inquiry are released. I thank the honourable member for raising this question because it is pertinent and relevant for me to take it up with the Attorney-General to see whether it would be appropriate to introduce legislation to make horse doping a criminal offence.

ISLAND SEAWAY

The Hon. B.C. EASTICK: I direct my question to the Minister of Marine. Will the Minister table the report from EJC Carr and Associates, marine loss adjusters engaged by the Government to investigate the air circulation equipment on the *Island Seaway* following the livestock deaths which occurred on 17 November? Information provided to the Opposition indicates that, in the report, the company comes to two conclusions which the Government has in writing. The first was that the ventilation system on the lower deck did not comply with Commonwealth standards for such equipment. Secondly, it was regrettable, to say the least (their words), that no member of the vessel's crew carried

out a physical inspection of the livestock on the *Island Seaway's* first such voyage.

The Hon. G.F. KENEALLY: I am not aware of the contents of the report the honourable member has mentioned, but I will certainly undertake to have that matter investigated and bring down a report. I will certainly look at its contents in relation to air movement within the lower deck. The report prepared for me by the Department of Marine and Harbors has identified some dead spots within the lower deck. So that—

Members interjecting:

The Hon. G.F. KENEALLY: I am interested in the honourable member's interjection. I think he was the Minister of Agriculture in South Australia who strongly defended the live sheep export trade, which on one occasion saw 11 500 head of stock from South Australia die on the way to the Middle East. The honourable member supported the live sheep trade, so do not let him cry crocodile tears.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat. I warn the honourable member for Victoria. If he continues to treat the Standing Orders and practices of the House with contempt he will be named. The honourable Minister.

The Hon. G.F. KENEALLY: I do not want any crocodile tears from the members for Alexandra and Victoria on this score. The matter of no crew looking at the lower deck was also covered by the report that I received from the Marine and Harbors officer. It was part of his recommendations to me which the Government is currently considering before it sets the procedures that will need to be followed by the shipping agent who operates the vessel on behalf of the Government. We will talk to the shipping agent about that issue. The second matter is being looked at and I will look at the first matter for the honourable member and then consider his request.

BUS PARK

Ms LENEHAN: Will the Minister of Transport investigate the feasibility of providing a bus park within a reasonable distance of the Adelaide Convention Centre, the casino and the Festival Centre complex? I ask this question because I have observed on a number of occasions a significant number of hired buses parked along North Terrace and King William Road adjacent to Parliament House. As recently as one day last week I observed five tourist buses, three of which were parked on King William Road outside Parliament House. At the same time three STA buses were pulling into the bus stop in their normal way. Because of the obvious potential for traffic congestion as well as traffic hazards, I ask the Minister to investigate the provision of a safe parking facility for tourist and hire buses in the vicinity of this area.

The Hon. G.F. KENEALLY: I thank the honourable member for her question. She has certainly raised a matter of considerable importance to me not only as Minister of Transport but also as Minister representing the Minister of Tourism and Local Government in another place. I suggest that each of those agencies has an interest in the question that she has asked. I was not aware of the extent of the problem that the honourable member has outlined, but I certainly am now. Parking within the City of Adelaide is the responsibility of the Adelaide City Council and I will refer the question to the council and to the responsible bodies in charge of the ASER project. The question certainly indicates the popularity of the casino. There is no doubt that, when the ASER project is completed and when the facilities come onstream, this will be an incredibly busy precinct and one that the State Transport Authority will need to take account of when determining the schedules for its various bus routes.

It is a fact of life that tourists like to be delivered to the door of the attraction by bus and then collected by bus, and obviously bus drivers would like a safe place to park their buses, close to the facility that they are servicing. All people, both inside and outside this House, would be pleased if we could devise a scheme that would allow that to happen. I undertake to bring the honourable member's question to the notice of all agencies that have an interest, and I will try to ensure that a solution acceptable to everyone can be found.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 2350.)

The Hon. R.G. PAYNE (Minister of Mines and Energy): Last evening I sought leave to continue my remarks and duly received the indulgence of the House. I am pleased about that, because it has allowed me in the additional time to address more specifically one or two matters raised by Opposition members. The most salient contribution from the Opposition was that of the Deputy Leader, who qualified most of what he said about the Bill and, I think, put forward his genuine viewpoint that, because of the limited time that members had had to study the Bill, it was unfair to expect a major coverage of issues in it.

In making his specific points, the Deputy Leader referred to the Bill as looking somewhat like an ambit claim on the part of ETSA. He said that the Bill 'seems to have absolved them of darn near all responsibility in relation to bushfires which may start as a result of some malfunction or event involving their equipment'. That statement shows a lack of understanding on the part of the Deputy Leader. I do not mean that unkindly, but I do not think that he has really understood what the Bill is about.

The Bill effectively creates two classes of line in respect of the reticulation of electricity: the distribution system for which ETSA is currently responsible, keeping it in a safe condition and clear of vegetation; and each consumer's supply line which connects the distribution system to the home, farm, factory, etc. Under the Bill, the distribution system, whether or not it crosses private property, will remain the responsibility of ETSA as to maintaining safe clearances. The cost of this safety maintenance will also remain with ETSA.

The Bill places the onus for keeping the supply line in a safe condition on the owner who is being served with the supply, but it provides an opportunity for the consumer concerned to pass that responsibility back to ETSA in order to ensure the safe clearance required, and to be established by ETSA at the owner's expense if he or she wishes. In support of the claim that this is a reasonable provision, I remind members that ETSA can currently be held liable for fires started by supply lines, but it has no right to enter private property where that supply line may be located, in order to make such a line safe or require the owner to do likewise. Clearly, this is one of the key points in this whole matter, and any reasonable person would understand that the proposal in the Bill is neither unnecessary nor unreasonable in the circumstances.

As a simple example, the regulation that vegetation be kept clear of a supply line, in accordance with vegetation clearance principles that are proposed, is no more onerous than other provisions under which a person cannot erect a building or shed so that it comes near or impacts with an existing supply line. As the member for Heysen will no doubt observe as the select committee proceeds, the provision is that the requirements in relation to the clearance of vegetation (that is, providing safe clearance to lines) will be implemented only with the concurrence of the Minister for Environment and Planning. As a former Minister, surely the member for Heysen should be happy with such clearance requirements. As to the requirements on the Crown, there are only two kinds of reticulation of electricity proposed if this Bill proceeds in its present form: they take care of the line that connects from the distribution system (which will be the responsibility of ETSA) to a consumer for that consumer's purpose. That is the only other kind of line that will exist. It is the consumer's supply line for which the legislation makes the owner or occupier responsible.

The Deputy Leader also said that he was disturbed by the reference in the second reading explanation to a consequential reduction in ETSA's bushfire insurance premiums. He implied that, having absolved itself of virtually all responsibility for fire starts, ETSA proposed to reduce its bushfire premiums. I shall not be uncharitable and say that the Deputy Leader has misunderstood the Bill, because this is a complex piece of legislation, as he pointed out last evening. However, ETSA does not propose to reduce its insurance coverage but, as a result of the limitation on its liability and other measures contained in the Bill, it should be able to seek a lower premium which will be reflected in a reduction in costs to benefit the consumer. This is most important for electricity users in future.

The Deputy Leader then went on to voice his concern about the Bill throwing on to landholders the responsibility for clearing 'all growth which is adjacent to power lines'. He said that it would be outrageous if a landowner with a large expanse of natural scrub was made responsible for clearing an area of it because ETSA chose to put its power lines through that part of the country. I dealt with this kind of situation earlier. If ETSA's distribution system, for example, runs along a road adjoining a section of privately owned natural scrub (and this is a good example, particularly for members representing rural districts), the responsibility for maintaining safe clearances will lie with ETSA as part of the distribution system.

If a supply line taking power from that distribution line proceeds through that natural scrub to the landowner's residence or farm, it will be the landowner's responsibility to maintain safe clearance between his scrub and his private line. I do not believe that it could be held that there is anything unreasonable about that. The Deputy Leader said that he had some sympathy for the provision in the Bill relating to the planting of trees under power lines. That section of the Bill refers to the proposal that there be a possibility of not allowing the planting of certain species. I am glad that the Deputy Leader saw logic in this provision because there is not really much sense in establishing the need for clearance for safety reasons between lines and trees and then permitting people to plant unsuitable vegetation. Every member in this place would be *au fait* with that proposition.

The Deputy Leader went on to say that he was not sure what was meant by the section of the Bill that says that existing lines will be formally established and he made the point that he would be having a good hard look at this section if it meant, as he put it, that landholders would be forced to give easements and would then be forced to accept responsibility for keeping the line clear. I am happy to clear up this point and I can understand that it is a kind of blanket establishing principle and members might have queries in their mind. The legislation proposes that that those parts of the trust's distribution system that are not the subject of official easements will become formally legitimate.

The simplicity of the Bill is becoming apparent. As formal parts of the distribution system it will be ETSA's responsibility to maintain the safe clearances concerned and landowners will be indemnified, as they are currently under official easement requirements. The Deputy Leader went on to place a big question mark over the provision limiting ETSA's liability in the event of negligence to the property on which the fire has started and prevents claim from adjoining property owners on whose land the fire may spread. He described the provision as somewhat unrealistic and suggested that some compromise may be possible. He pointed to recent legislation limiting payouts for motor vehicle accidents, because the cost of such payouts was greater than the ability of the community to pay, in his words.

The way in which I would ask members to approach this matter is as follows: is it a logical position for a land occupier to decide not to have insurance on a gamble that any fire that affects him will be a fire started by the electrical distribution system because that is what is being proposed if one does not agree with limited liability as a proposition. Surely he would need to consider insuring against the risks of fire started by any other of the 98 per cent of causes which normally apply in this area and result in fires. I would think, with due consideration (and perhaps during the course of the select committee) that the Deputy Leader will come to appreciate more that proposition. I note that he said he was not 100 per cent opposed to it, that he had some sympathy with it and pointed out that he wanted to give it further study.

I commend the Deputy Leader's approach to the matter and also his action in shortening the debating time that has resulted in the Bill coming in as it has, and I agree that he has been cooperative. Some of the other members who spoke from the other side were somewhat less reasonable in their approach than that. For example, we have the situation of the member for Hanson talking about the provisions of this Bill applying to his castle, in which case World War III would erupt. He was referring to the provisions that reasonable force could be used (as stated in the Bill) in relation to the requirement for ETSA carrying out line clearance measures on a property when entering had been obtained against the will of the owner. He was talking about his own situation in the metropolitan area and said that World War III would erupt, and so on. The member for Hanson is not really as nutty as that. He sometimes displays a certain amount of exasperation and anger, but in general those of us who have known him over some time find him somewhat more reasonable than that.

He did, however, go on to claim that never before has this sort of provision appeared, asking why it was around and commenting on people coming on to one's property. I draw the attention of the House to legislation that went through this place in 1981 in the form of amendments to the more mundane Dog Control Act during the time of members opposite. The member for Hanson was present in this Chamber. Under this Bill section 37 of the principal Act was amended by inserting, after subsection (2), the following subsection:

Notwithstanding the provisions of this section, an authorised person—

and that is who we are talking about in the case of an ETSA person—

may, without the consent of the owner or occupier and without any warrant, enter any premises where he has reasonable grounds to believe that there is a dog; a dog that has harassed or chased any person or any animal or bird owned by or in the charge of any person other than the owner or occupier of these premises and that urgent action is required in the circumstances.

That is an example where authorised persons are given licence that has come into being because of the actions of the Parliament in taking reasonable steps in support of carrying out that which they are required to do by law. I can only assume that entry in this case is permitted without the approval or consent of the owner or occupier and without anybody having any recourse. Because that exists in law, a person can go in.

Is the member for Hanson suggesting that? Assuming that the Bill became law and reasonable notice (either orally or written) had been given of a requirement for clearance of vegetation near a line and an authorised person on the property put up a 25 foot ladder to use a saw or chainsaw, and an occupier or owner of the premises comes rushing out to dislodge the ladder, is armed with an axe or some other weapon, would not that authorised person be able to use reasonable force? I give that example to illustrate why that type of wording sometimes appears in legislation of this nature. It is not to apprehend a dog that may have bitten a pet cocky or whatever, but to carry out necessary clearance from a power line that may result in a fire which could have caused $50 million worth of damage and, more important, loss of life on a scale that we saw in relation to Ash Wednesday.

I do not think it is drawing too long a bow to point out that authorised persons sometimes need protection so that they can at least operate in the required manner without being handicapped. That is really what those words mean. No doubt in due course, during the deliberations of the select committee that will become more apparent to members.

One of the general points made by the Deputy Leader was: 'It is incumbent upon ETSA to do its utmost to avoid causing fires.' I agree with that, and I am sure that all members of the House would agree with that. In fact, ETSA has been doing its damndest to reach that position with whatever authority it has had up to the present time. It has installed hundreds of thousands of spacers. Major tree-trimming programs have been undertaken annually at a cost of millions of dollars and that has to be reflected in the tariffs. Aerial bundle conductors have been introduced so, on the technical side, it is doing its utmost to introduce economic and cost-effective measures which will also improve the safety scene. Clearly, if it is incumbent upon ETSA to do its utmost to avoid causing fires, then surely it is incumbent on the owner or occupier of premises to be responsible for that portion of the supply line for which he has responsibility. That is all we are talking about.

If people are unable or do not believe that they have the necessary expertise or whatever, then ETSA can be required under the terms of the legislation to enter into an arrangement with them whereby whatever work might be necessary would be carried out at a cost to the consumer concerned. I remind members that conductors of electricity, cables, wire or whatever, either fallen or in place, which do not come into contact with combustible material, do not result in ignition and fire. That is what we are endeavouring to achieve.

We are all realistic: we all know that we will never be able to prevent entirely the possibility of this occurring, but surely it is necessary that we take steps that are possible in the circumstances. I point out that I have seen a video production of some tests that were carried out by ETSA which demonstrate how ignition can occur on contact between live conductors and apparently green foliage. I think that that video will be a revelation to most members and I will try to make it available for viewing by the select committee.

There is a need for an improved climate of safety with respect to prevention of bushfires which may be caused by ETSA conductors contacting vegetation and this legislation is aimed at achieving that goal. I do not believe that it is unnecessary or that it is an unreasonable ambit claim. However, from the outset, it was always my intention to refer the matter to a select committee, because I understand that it entails considerable change in the situation that has occurred up until now.

The only other useful comment that I can make is that no retrospective component is contained in this legislation. It does not seek to change in any way events that have already happened and that will happen until the day of any possible proclamation of the legislation. I thank members for their support in this matter and I commend the Bill to the House.

Bill read a second time.

Mrs APPLEBY: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. R.G. PAYNE (Minister of Mines and Energy), having obtained the suspension of Standing Orders, moved:

That this Bill be referred to a select committee.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): The Opposition supports the motion that the Bill be referred to a select committee but, on the conclusion of this motion I will seek to suspend Standing Orders so as to enable the hearings to be conducted in public. I do not know that I need to enlarge on the reasons for that. It is a matter of great public interest. In times of confidentiality, the select committee will be able to exclude those people whom they do not want to be present or if a witness wishes that to be the case, but I will seek to suspend Standing Orders further so that the proceedings of the select committee can be open, as happens quite frequently in another place.

Motion carried.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition), having obtained the suspension of Standing Orders, moved:

That the public be enabled to attend meetings and disclose or publish any evidence presented to the committee, except that the committee may at any time, by resolution, exclude the public from a meeting.

Motion carried.

The House appointed a select committee consisting of Messrs Eastick, Goldsworthy, Gregory, Payne and Robertson; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 23 February 1988.

WASTE MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 2339.)

The Hon. B.C. EASTICK (Light): I indicate at the outset that the Opposition supports the Bill, which comes to us

from the other place with amendments having been made to it by the Opposition and accepted by the Government. It could be argued that amendments made in the other place in relation to the size of the commission provide still for too large a commission. Although the number of members was decreased from seven to five, a very strong argument could be made that the size of the commission should be no greater than three. The work of the commission is vital to the State and is becoming more vital day by day. What one is looking for is action, and that can be more readily attained by a smaller commission rather than a larger one.

It is ironic that the Minister in charge of the debate and I had this argument on an earlier occasion, when reluctantly I acceded to increasing the number of members of the commission to 10; in fact, I was able to get the number reduced to nine, leaving the option available to the Minister of the day to appoint a tenth commissioner, who could be responsible for special assignments and for a limited period of time. It is subsequent to those events and the review of the total Waste Management Commission Act that these measures are currently before us.

I think it is reasonable to suggest that the linchpin of the changes and the reason for our considering a rewrite of the Act was initiated by grave concern expressed by the Local Government Association on behalf of its member councils following a decision by the Minister of Local Government, in her capacity as Minister responsible for the South Australian Waste Management Commission, to levy councils in the country for services rendered. It was initially intended that all councils, including country councils, would be levied. There was a great deal of debate and some acrimony concerning what the cost should be and this continued during the subsequent periods of the Labor Government, then the Liberal Government and a further Labor Government. Subsequently, the Minister responsible for this matter in 1985 stipulated that the charge be made against the individual country local government bodies, and there was a great deal of consternation and threats from various councils that they would not pay their dues. The up-shot of the whole activity was that the Minister undertook to consult with the Local Government Association relative to the whole Act—where it was going, what its direction was, what changes the association saw necessary—and to generally review the Act.

I would have to say also that part of the public problem—relating not only to local government but also to the generators of waste and, more specifically, to those responsible for the handling of waste—concerned a very poor public image of the commission, due to very poor communication. I go no further than that, other than to say that a number of people were trying to do the right thing. A large number of people were providing a worthwhile service for the State. A large number of people in the community were demanding more of waste management policy, but difficulties arose because there was a very grave difference of opinion as to how the message should be communicated widely across the State. Some very excellent professional people on the commission tried their darnedest to get things into their right perspective, but it was the delivery at the coalface which, unfortunately, created some of the problems, some of which were directly associated with the fairly belligerent attitude by some people in the commission who were more keen to see people in court than to have dialogue in order to resolve various matters or to seek changes to the legislation, with the concurrence of the Minister and, subsequently, the department, which would ensure more equitable provision of services in line with the increasing demands upon waste management services.

A very extensive report, which was publicly released some four years ago, resulted in a number of seminars, with a great deal of input being made from all people directly associated or likely to be impacted upon by waste management matters. I can recall going to two such seminars on the one day at the Waite Agricultural Research Institute. The report prepared by consultants was examined in a number of different ways. There was some fine tuning of it and, indeed, following consideration of that report at that venue a document was subsequently delivered that sought to provide a 10 year plan for waste management in South Australia and, more specifically, the metropolitan area.

I do not mean this in a disparaging sense at all, but the criticism that I would make about this is that there seemed to be stops and starts in relation to what was taking place in waste management and in public activities directly associated with moving down the track and providing a better relationship with all concerned. Illness, and problems of that nature, certainly played a part. However, I issue a challenge in relation to the passage of this Bill and the changed circumstances relative to the person I believe will be the new Chairman of the Waste Management Commission following the introduction of this scheme, subject, of course, to the advice given by the Government to His Excellency the Governor, namely, that the Chairman has a high profile position in environment and planning, that there be a move forward in that respect, the end result of which would be what the community wants.

A number of difficulties have arisen due to the lack of communication to which I have referred. I can refer to instances of letters having remained unanswered for three years, relating to information which was sought but which never came out of the other end of the pipeline, even though it was sought on several occasions. It is almost like the labyrinth into which letters fall once they are in the hands of the Deputy Premier of this State at present. I have heard members on both sides of the House criticise the situation where, if one sends letters to Environment and Planning, Water Resources or Emergency Services, unless one follows up with three or four letters to the Minister and perhaps checks on the Minister with a personal note, one still does not get an answer.

An honourable member interjecting:

The Hon. B.C. EASTICK: That is rather interesting. I would not mind getting one star, but I do not get it. My colleague the member for Morphett on an earlier occasion highlighted the number of problems which existed within various ministerial circles, and the result came out very heavily against the honourable Deputy Premier. I recognise his heavy workload, but that does not get away from the proper management of correspondence. The Minister presently in charge of the House, the Minister of Transport, from the days when that portfolio was in the hands of the Hon. Geoffrey Virgo, subsequently the Hon. Michael Wilson and currently the Minister of Transport who is with us today, has had an excellent record. They obviously have a filing system, which means that people get answers and, if answers are not forthcoming, people are given an interim indication of what is taking place.

The position in the great labyrinth within the Deputy Premier's area of responsibility is not unlike that which has existed from time to time in relation to the Minister of Education—whoever the Minister of Education happens to be at any given time. I raise this point in a constructively critical way, that it is extremely important that communication is paramount in relation to the ongoing action which the Waste Management Commission will take with its broad community. I will make further mention of that later.

I indicated that the dialogue following the introduction by the Minister of Local Government of the fee system for country councils proved very successful. In fact, on 12 August 1986 the Minister forwarded to the Local Government Association and the working party which had been formed between departmental officers and that association a proposed Waste Management Bill. At the end of preliminary discussions by that body, it is interesting to note a few areas of concern which were summarised. Their comments were as follows:

1. Penalties in the Bill appear to have been set with scant regard either for the nature of the breaches to which they apply or to overriding alternative sections of the Bill.
2. Rather than clearing up the lamentable lack of provisions in the Act requiring accountability of the commission to the industry it serves, there are no new areas where the industry or the community may have a say in decisions and policies which will affect them all.
3. The effective removal of an appeal provision is to be deplored and, rather, the existing appeal provision should be broadened.
4. The provision in numerous sections of absolute power to the commission is also to be deplored, since it assumes that such powers will always be correctly exercised.

I mention those as being the summation of the dialogue which has taken place. Subsequent to that time, the LGA has made very clear (as has the Chamber of Commerce) its general acceptance of the provisions of the Bill as it was introduced in another place. The draft which was circulated required some fine tuning. The Minister and her departmental advisers in this field accepted the suggestions which were made and, except for the size of the commission, everything which had been asked for, which had been discussed and which was reasonable and rational was accommodated in the Bill as presented in another place. As a result there was relatively little debate on many of the clauses because they had been worked through in a sensible and proper way.

The area of waste management which has been under some criticism of recent times by the Chamber of Commerce, the Employers Federation and other similar organisations related to a regulation which tended to embrace every backyard painter, printer, and so on. There was an expression in the regulation—which still stands, although there is a motion on the Notice Paper both in this place and in another to disallow the regulation—which, taking it at face value, could have created a great deal of difficulty for people who were not full-time printers or carpenters, etc.

That matter has been resolved, as I understand it, in the field by an undertaking that commonsense will prevail and that people who are functioning in that area will not be adversely affected in the conduct of their business by the intrusion of inspectors from the Waste Management Commission. Again, I draw to the attention of the House a view which I put to the Premier as recently as last week in relation to another matter on stamp duties.

Members who have been around for a reasonable period of time will know the statements which have been made by Mr Andrew Wells, formerly Justice Wells of the Supreme Court, and which have been made by others, that the court is not interested in the intention of the regulation or the intention of the Parliament when it passed a Bill for an Act, but in what the words say. Again, I say that the words within that regulation provide for people to be harassed in their small business or backyard enterprise. It is not happening, and it is another area where some attention will need to be given by the new commission to make sure that the regulations do not intrude or cannot be made to intrude by an over-zealous inspector or someone who is out to earn Brownie points in the field.

I have mentioned that communication is extremely important. I would now like to refer to one or two documents which I brought back with me in 1985 from a visit in North America, more specifically the Los Angeles area, to several waste management disposal groups. I have previously referred in part to some of the matters. One of my specific interests was in what they were doing in relation to waste management, specifically in relation to toxic products. I found that they were in somewhat of a state of fear because the United States Supreme Court had quite recently before I arrived determined that closed down waste depots which had been closed for anything up to 25 or 30 years, which were admitting materials into the aquifers or gases or were likely to create any toxic or other contamination to the populace, were the responsibility of the original depositors in respect of the cost of cleaning up.

This was retrospective for 25 to 30 years, in many cases even after the organisation had gone out of existence. Examples were quoted to me of people who were a second generation removed from the owner or manager of the enterprise being pursued by the Federal Court to provide funds with which to overcome the problems of the toxic leachant or the toxic gases. When I was there in 1985, the nearest disposal site for toxic waste from Los Angeles city was 135 kilometres from the city, there having been great difficulty in finding that spot or any spot which would take the toxic waste of Los Angeles because of the likely penal and legal difficulties which followed.

The Hon. G.F. Keneally interjecting:

The Hon. B.C. EASTICK: Yes, there are problems with the fault line, similar to Adelaide, one might say. The fault line has come into consideration here as has the problem of the shallow aquifers on the Adelaide Plains in the Bolivar, Burton and St Kilda area. On that point, I draw attention to an article that appeared in the Salisbury, Elizabeth and Gawler *Messenger* of Wednesday 25 November 1987—a week ago—which carried the headline 'Burton rubbish depot proposal causes uproar' and stated that 300 residents and businesses had protested to the council. It is not an unusual sort of headline. Indeed, on many occasions similar headlines have been printed about that area. Everybody wants a disposal site, but not next door to them.

The Hon. G.F. Keneally: Somewhere else.

The Hon. B.C. EASTICK: Yes, they want it somewhere else. I will come back to that in a moment. I mentioned that I returned from America with some material. One document, 'Hazardous Materials Management: A California Perspective' put out by Edmund G. 'Pat' Brown of the Institute of Government Affairs reports on a seminar held in Santa Monica, California, on 18 June 1982. I will not read the lot to the Minister, but his officers and other members are welcome to look at the document. In presenting the results of the conference, a number of pertinent comments from contributors were highlighted, and I will share most of them with members. The first comment to which I refer is as follows:

The reason we are not cooperating is because we are not communicating.

That goes back to my comment about the importance of communication, whether it be public or through industry. I lay down the challenge again, as I did earlier, that the biggest task facing the reorganised Waste Management Commission is to get onto a proper communicating basis with the community that is seeking its assistance.

I will go one step further and say that, although in 1985 a large number of local government bodies did not want to pay the fee because they did not receive any service, many have since found themselves in a position of wanting expert

advice. Having received that advice from the commission, they realised that they could need particular advice at any time and that it is nice to know that there is somewhere to go to get it. That is part of communication. Without the commission, if a local government body had to deal with the upset of a van or truck carrying toxic or caustic material, it would have clamoured for a Mr Fix-it, not knowing where to go for advice or how to cope, except through the laudable efforts of the Metropolitan Fire Service, working in conjunction with the State Waste Management Commission. Another encapsulated comment from the American conference was as follows:

It is our responsibility, basically, to educate the people.

Education is really the name of the game. The producers of waste material in industry, together with users, can be educated about recycling, reducing the cost of the cycle to the State and the community at large by containing the cost within industry. A further comment from the report was:

Those vast masses who are referred to as the community are not stupid, are not unsophisticated and are reasonable.

That is only part of the quote but by adding to it 'subject to being advised, subject to being consulted, subject to being part of the discussion and subject to being part of the end result', another philosophy of considerable importance in the role of the commission emerges. The report commented further:

The public can successfully block many facilities, including some which are very much needed.

The public will block facilities if they are left in ignorance of what has taken place and if they are not given the opportunity of knowing why certain things have been done and for what purpose. Another comment was:

People would rather live closer to a nuclear power plant than they would to a hazardous waste landfill.

I have no doubt that that situation has eventuated from toxic gases emerging from a waste landfill, as a result of water penetration leading to landslides or movement of earth, among other things. Another comment in the report stated:

Communities cannot be run over. They are going to have to be run over by persuasion about the ongoing commitment of facility operators to use the latest technology to minimise inevitable emissions into the environment.

Although since its inception, and as a result of the pronouncements of the consultant's report, the aim of the Waste Management Commission was to become more high tech, not in the sense of computers but in the material that it could pass on to the community, the Minister in another place stated that it has been held back somewhat by a lack of resources and a lack of people in the field.

I appreciate that that is the case in many instances but I counter that by saying that some of the obnoxious, possibly unnecessary and certainly aggressive movements of the inspectorial staff to gain a prosecution against somebody who wants to get on and provide a service are wasteful of resources. A large amount of money has been spent in court cases which the commission has lost, because it was ill advised to go to court in the first place. Four to six years ago in another place the Hon. Mr Griffin referred to those in great detail. As a result, a vital resource has been going in the wrong direction. Another comment from the American report that could be placed in probably every piece of legislation before this place was:

I want to disabuse you of the belief that every problem can be resolved through regulation.

Many problems can be resolved through communication, discussion, mutual agreement or understanding, and trust between the various parties. A further comment was:

Landfills belong in the middle of nowhere and there is nowhere that isn't somewhere.

That relates to the Minister's interjection: the waste must be put somewhere but not next door to my establishment! The report stated further:

Action is initiated because workers find out information, but some people have had to suffer first.

That has various connotations, but sometimes people do have to suffer before action is taken to correct a situation which discussion and dialogue might never have allowed to occur. Another comment was:

When it comes to the issue of disposal, the alternative technologies are available.

A wealth of information from around the world can be applied, and I hope that it will be applied, in the South Australian scene. The report further stated:

Such a broad social problem touches virtually everyone in the State. I doubt that a consensus could be reached in a century. The emphasis to date has been mostly negative.

Without referring further to that document, I point out that communication is vital to take heed of what has occurred elsewhere. I know that the degree to which that will occur is limited by available resources, but it is extremely important to get the best value out of the resources that are available rather than going round in circles and reinventing the wheel. More particularly, broader discussion or dialogue and getting mutual cooperation is better than finishing up in court. It may be that there will be occasions in the future when the court process must be followed, but I suggest very emphatically that the number of occasions when the court process will be needed will be dramatically reduced as a result of improved communication.

I have another document which was presented by a corporation that I visited, the BKK Corporation in Los Angeles. That company disposes of between 18 500 and 19 500 tonnes of waste per day in a landfill situation, extracting methane gas and bringing in material from a number of sites. At the time when I visited, the company was using an old canyon, which, at that stage, was some 340ft up in what eventually would be a 520ft canyon site.

One of the Vice-Presidents of this company, in presenting material to the community at large, stated:

As the impact of modern civilisation becomes apparent in the farthest corners of the earth and the issues of environmental protection, management of our natural resources and quality of life become more and more critical, there is a growing need for careful handling of wastes. The days of simply burying untreated wastes are gone. We can no longer afford to devote large acreages adjacent to population centres for landfills and dump sites. The socio-political problems inherent in new siting of safe and practical disposal facilities have become nearly insurmountable.

Members should read that against the background of the information I mentioned a little earlier, pointing out that, in Los Angeles, people must go 135 kilometres to dispose of toxic waste. We have certainly seen an increase in the public demand that toxic waste be extracted from the general waste cycle as it exists in the South Australian scene, and that greater safety be offered to the populace at large.

The Vice-President of the BKK Corporation went on to say:

Techniques once considered to be minimally beneficial are being re-evaluated by science, industry and government. With many of our natural resources in short supply recycling and reclaiming of materials once considered worthless is becoming increasingly attractive.

I mention that because, during previous debates on this issue, the Minister has stated that he hoped we would be able to move towards a greater involvement in recycling and that the total amount of waste and the method of disposal, needed to be better evaluated. Some interstate councils have sought to do that in relation to glass. For

example, Caulfield council, in Victoria, has special trucks which dispose of glass only; they have specially designed crushers (which were manufactured here in Adelaide) mounted on the back of trucks which crush the bottles as they are presented to the trucks and put them into 20-gallon drums. At the other end, when they get back to the depot, instead of having to go backwards and forwards on a regular basis, because of the bulk of the glass, a series of 20-gallon drums have to be unloaded.

I have talked in general terms of the sorts of areas where I believe that, quite apart from the legislative and ongoing managerial role that the Waste Commission has to follow, it is extremely important that we reduce the size of our waste by taking on board some of these new technologies and revealing the opportunities which exist within the community at large by way of communication and education.

The Bill widens the aims of the Waste Management Commission compared to the previous position. Clause 7 (2) provides:

The commission's objectives include the following:

(a) to promote effective, efficient, safe and appropriate waste management policies and practices;

(b) to promote the reduction of waste generation;

(c) to promote the conservation of resources by recycling and re-use of waste and resource recovery;

(d) to prevent or minimise impairment to the environment through inappropriate methods of waste management;

(e) to encourage the participation of local authorities and private enterprise in overcoming problems of waste management;

(f) to provide an equitable basis for defraying the costs of waste management;

and

(g) to conduct or assist research relevant to any of the above objectives.

I believe that the extended group of objectives is completely consistent with the needs of the State and that some of my suggestions fit neatly into those aims. On behalf of the Opposition, in so far as there may be a need for action on the floor of Parliament to achieve some of those results, on the evidence presented to the Opposition from time to time we seek to support any such action.

I am aware of a minor amendment to the Bill. It is a consequential amendment on changes made elsewhere that somehow got under members' guard and provide for an unworkable quorum of four out of five. I have no difficulty in accepting that the figure of four be reduced to three by amendment in Committee. Concurrent with the passage of this Bill is the passage of another measure to amend the Planning Act. I do not intend to speak to the Planning Act as such, but there will be a question in relation to the provisions of that minute Act that is consequential on the passage of this measure. I support the Bill.

Mr ROBERTSON (Bright): Initially, I wish to pick up the point made by the member for Light concerning the fact that waste management in Los Angeles necessitates that waste be carried 135 kilometres out of town. By way of interjection, the Minister made the point that Los Angeles is situated near the San Andreas fault zone, and that the reason for the long distance of the cartage related to the presence of that fault zone. In response, the member for Light said that we had fault zones here.

However, the 1906 earthquake on the San Andreas fault line in San Fancisco was 8.6 on the Richter scale. The Richter scale is a logarithmic scale, which means that each point on the Richter scale represents a 10-fold increase in energy release over the point below. When one considers that the maximum recorded earthquakes over the past 100 years on the Eden and Para faults, which are the two faults in this context closest to disposal depots such as Pedlar Creek and some of the depots on the Adelaide Plains, have been of about magnitude 4 on the Richter scale, that means that the earthquake here equated to something like 50 000 times less intensity than the San Andreas earthquake of 1906.

The largest recorded earthquake on the Australian continent since the advent if not of Europeans then of Europeans carrying seismographs occurred at Meckering in 1968, and even that earthquake was about magnitude 6, which is 500 times less intensity than the San Francisco earthquake. So, we are dealing with a considerable difference of magnitude. Australia in general is far less tectonically active than the United States of America, and Adelaide in particular is much less active than San Francisco or indeed Los Angeles.

Turning to the Bill, I welcome some clauses that I find pleasing. I am especially pleased to see the redefinition of the term 'waste', because it has been the habit of certain people in the past when cornered for non-disposal of waste to claim that what they were dumping was not waste because it had a value and therefore could not be called waste. Those people used that semantic quibble in order to circumvent the intention of the Act. That has now been sorted out, and I am glad about that.

I am also glad to see the human face of regulations shown here by way of the clause that enables minor offenders to expiate their offences. These include the kinds of offence that we have seen following a truck that is dropping bits of leaves and metal and Coke cans on the road. That is the sort of offence that can be expiated easily, and that provision is appropriate. So, the inadvertent littering of roads or even of depots can now be expiated fairly easily by the payment of a fine, as can the cartage of materials in inappropriately equipped vehicles.

The member for Light has welcomed the objectives of the commission as outlined in the Bill, I, too, support those objectives, and welcome the thrust that the legislation appears to have towards the reduction in the volume of waste. It is important not only to dispose of waste correctly and recycle it but also to reduce the overall volume of waste in the first place. That is a laudable objective. Likewise, the recycling, re-use, and recovery of waste obviously needs to be concentrated on. Indeed, with luck we can become a society that consumes more and better quality products while at the same time throwing away less. We need to get away from the old Vance Packard syndrome of the early 1960s. Society has gone some distance down that track, and I am delighted to see that we are going a little further down it.

Concerning the membership of the commission, I welcome the fact that the United Trades and Labor Council will have a representative on it. By way of, if you like, balance and representation of other community interests, the Local Government Association and the Chamber of Commerce and Industry will each have one representative. Appropriately, the Minister for Environment and Planning will be represented by a nominee on the commission, and I welcome that.

I also welcome the requirement that members of the commission shall register their pecuniary interests, because it is inappropriate for people involved in the industry to have a specific pecuniary interest in a matter that is being considered by the commission. It is nice to see that clause in the Bill, because it will obviously prevent members from considering issues in which they have a pecuniary interest.

I also welcome the degree of public exposure that plans of the commission will have. The legislation requires that such plans be submitted to councils for their comment and advice, and that plans be put on public display and for public comment to be invited by newspaper advertisement.

I welcome that, because it is important to have public consultation if we wish to achieve the objectives of the legislation. To change public thinking and public behaviour it is necessary to tell people why they are being asked to do certain things. I believe that those provisions go some way to meeting that objective.

Finally, in relation to the clauses, I welcome the clause that allows licences to be issued for the collection of waste under the new meaning of the word: 'The collection of waste for fee or reward'. It would seem that this gives an additional degree of freedom to various community groups such as scouts, and service clubs such as the Lions, which collect newspapers, scrap metal and bottles for profit. I believe that it is appropriate that such groups should use this as a fundraising mechanism. Clearly, they put much time into it. The whole of the Bright electorate is covered adequately by Lions clubs, scout groups, and tennis and cricket clubs, which in various parts of the cities of Brighton and Marion collect saleable waste for resale to raise money.

In my view they are doing an extremely good job in providing the service because it is a regular and predictable service that residents can and have learnt to rely on. It provides rather hard earned but much needed funds for those groups.

I welcome the provisions in the Act for councils to become involved in the waste reprocessing business and it is pleasing to note that the Western Region of Councils has already taken steps in this direction. It has established a commercial operation which enables it to recycle ferrous and non-ferrous metals and collect bottles and produce cullet that can be fed into the glass industry.

In this context I make note of the fact that in West Germany there is a factory not unlike the ACI factory which exists 100 per cent on cullet feed and does not require soda ash and other various raw materials for glass. If we in this country can get to the point where we have glassmakers who are able to incorporate into their process the use of extensive amounts of cullet and make a viable and commercial operation in the collection and recycling of glass, it would be a step in the right direction.

I am also pleased to note in this context that the southern region of councils has got its act well and truly together in so far as the regionalisation of the Waste Management Commission is concerned and the system being used by the southern region appears to be working well. Pedlar Creek has proved to be an excellent facility and the approach adopted by the commission of a staged filling of the various landfill sites appears to be working extremely well. It is a far cry from the time four or five years ago when all the local gullies in the area were being filled by councils wishing to save on cartage costs and we had the problem of wind blown litter and the like in the southern residential areas such as Hallett Cove.

Finally, I make the suggestion that in the future it may be necessary to provide for the recyling of waste in other ways. The member for Light has already referred to methane generation. The E&WS Department generates significant amounts of methane from the various sewage processing works around Adelaide. It is not inappropriate for various forms of soft waste to be transformed into methane to produce process heat for district heating or feeding energy into the ETSA grid. I would welcome the day when soft waste can be used in that way and we can ensure that the vegetable scraps and the surplus produce from markets and the like are not thrown away but converted to methane and used productively.

In that context local government authorities and waste management authorities in the United States quite happily conduct high temperature incineration of some of their waste products in a way that the gaseous by-products are clean and environmentally harmless. That energy again can be fed into local power grids or used for local heating. In future it may be appropriate for the commission to take on some of those functions and further minimise the total amount of waste ultimately dumped in and around our city.

Mr S.G. EVANS (Davenport): I do not have as much enthusiasm as others for this Bill as in it we have continued at least one practice that was fought in this House in relation to licensing and the transfer of licences. We have reintroduced it into this Bill after fighting like mad to take it out of the fishing industry. I find it amazing that it got through the other place. I know that I cannot change it, but simply express views to have them recorded and wait until some future date when people say 'We did not think of that.'

The member for Light made the simple point about the quorum, which was missed in another place. We decided to introduce an amendment here to correct it. I will refer to one or two aspects that concern me as I believe this Bill, when put into operation, in time will do away with many of the small operators who are battlers in the industry of waste management—not because given time they will not be able to conform but because it is easier for inspectors to pin the little guys than the big guys. The little guys and gals—the smaller operators—cannot afford the lawyers to fight for them. To look at penalties of $5 000 or $20 000 is frightening. The member for Bright commented that he was happy about the new definition of waste as it includes:

> 'waste' means any matter (whether of value or not) discarded or left over in the course of industrial, commercial, domestic or other activities and includes any matter declared by regulation to be waste, but does not include (unless so declared)—

It includes 'any matter declared by regulation to be waste'. There are places in our community from which people operate wrecking yards or second-hand building material yards. Some individuals have in their backyards two spare Vanguards or something from which they take parts to keep their family car going because they are struggling for money and it is their way of staying on the road within their means. I am not talking about the rich, but about those who are struggling.

I can understand the commission, when appointed under this Act, saying that it does not intend to do that. I can understand the Minister saying that he does not intend taking those actions, nor does his Government. We must remember that with every piece of legislation that has gone through this place, succeeding Governments have got tougher and inspectors have become more arrogant, less aggressive with big operators and more aggressive with smaller operators. The big operators can go to court and defend themselves, and it happens right through the business community and to a degree in the unions.

In the future somebody will declare that, because an existing use prevails in a residential area of a wrecking yard or second-hand building material yard or whatever, that those goods are prescribed goods. Somebody else will say 'No' as it will involve all wrecking yards in the State. They can say perhaps that the model of a car over a certain age is considered in that category. A wrecking yard may not find it economically viable to wreck the whole vehicle and take off all bits likely to be valuable before disposing of the body. It is a slow process. If that is done with every vehicle that comes in, the operation could not make a profit.

The same situation applies in the building industry, whether it be a tractor wrecking place or whatever. There may be other examples. The Minister may say that he does not intend taking action in this area, but we give the com-

mission clear power to declare anything waste, regardless of its value to an individual. I will get all the assurances in the world that nothing is likely to be taken by way of action in the areas I have mentioned, but we have put it into the Act. Clause 5 provides, 'subject to subsection (2), this Act binds the Crown'. Subclause (2) provides:

No criminal liability attaches to the Crown itself (as distinct from its agencies and instrumentalities) under this Act.

I looked but could not find a definition for 'agencies'. I understand what is meant by the term 'instrumentalities', but I am not sure (and the Minister may wish to tell me) what the Government means by the word 'agencies'. Does it mean Government departments? If it means that all Government departments are being exempted, would that depend on the Minister of the day because, if the Crown is not bound, other than its agencies and instrumentalities, and the agencies and instrumentalities means all Government instrumentalities as we know them, but I am unsure as to whether 'agencies' means Government departments; what are we exempting? If it does not mean 'Government departments', why are we exempting Government departments?

I think that we need to know that because, later on, I will have no chance of changing what is in this Bill. However, I can annoy people by moving amendments if I get answers that show me I am right. If I get answers that are not accurate I will learn to know they are not accurate and then learn what is right. Clause 8 provides:

(1) The commission consists of the following members—
(a) three members appointed by the Governor on the nomination of the Minister—

paragraph (iii) provides:

one being a person actively engaged in some aspect of the waste management industry selected from a panel of three submitted by the Chamber of Commerce and Industry S.A. Incorporated.

You can lay your bottom dollar on the fact that a battler in the industry will not be appointed but, rather, it will be somebody who has been in the industry for years and probably has been able to gain some knowledge of operations in the past. Further, they will be able to pick up information from the present operation of waste management and the same thing will apply. It is a distinct advantage. Clause 40 provides:

A person who is or has been engaged in the administration or enforcement of this Act must not disclose any confidential information to which he or she has had access in the course of official duties unless the disclosure is made—

The clause then clarifies some areas which I think are quite legitimate but it does not say that a person may not use the information that he obtains in that management to the benefit of his own business operation if he has been appointed to the commission. It does not place an obligation on him that, if he uses that information in his own business, he is liable. It only states that he must not disclose any confidential information to which he has access in the course of his own official duties unless for certain other legal reasons which are quite legitimate.

An individual can be appointed and operate in that industry and get all sorts of information. He can then use that information. For example, clause 25 provides:

(1) A licence will, subject to this Act and the terms of the licence itself, remain in force until—
(a) the licence is surrendered;
or
(b) the licensee dies....

Somebody sitting on the commission can know that a licensee has died. This is the point I make about transfer of licences: there is no provision to transfer the licence. We argued this matter in relation to the fishing industry. When it comes to this area of licensing, we do not give a family member the opportunity to take over the licence; in other words, if whoever was running the business may die, be it the father, mother, or mother and father, they have spent money on equipment which has to conform to commission regulations. The whole business might collapse because all that can be done is to have a person run it on a temporary basis. I think that can happen for a period of six months without a licence, but there is no suggestion that the licence can be transferred to another member of the family. Tens of thousands of dollars worth of equipment can be tied up and that may have been made to specifications to suit the commission's requirements. Suddenly, that business will have to be put on the market where everybody knows that the vultures will pay what they like for it because, unless that family can meet the requirements laid down, the licence will not be available to the family.

A situation could occur where somebody sits on the commission and has knowledge of what is happening in the industry. Perhaps he may have friends in the industry and somebody other than the family member gets the deal. I believe that we should have provided that, as long as another member of the family is of good repute and is a suitable person to operate it, he should automatically have the right to apply for the transfer, but the Bill was passed in the other place and was sent here.

Nobody seems concerned about the huge costs that people will have to pay to buy equipment in order to protect the rights of that family business. It will be destroyed without a semblance of recognition of the expense that they have had to go to in order to conform and operate in that business. That is another area about which I am concerned.

The member for Bright referred to clause 21 which provides:

(1) A person must not collect or transport waste for fee or reward unless licensed under this Division.

I have no qualms about this Bill in relation to dangerous wastes. I refer to such things as poisoned waterways, streams or dangerous wastes that affect the health of the community. I have no queries about licensing or the conditions that apply in that area. When we say that 'a person shall not collect or transport wastes for fee or reward unless licensed under this Division' and failure to comply attracts a penalty of $20 000, probably that is a larger penalty than is imposed in the case of a driver who knocks somebody down and leaves them injured on the side of the road. In this case, the maximum is $20 000. The member for Bright mentioned that that will help Apex, Lions, etc. I belong to one of those groups, and I believe that others also collect and shift waste. I understand that this Bill does not exclude them from the provision of abiding by the provisions contained in this Bill. They cannot litter the streets.

How far have we gone in this area of fee and reward? I cannot find a definition for 'reward'. If, for example, I said to a neighbour, 'You take my rubbish away and I will come over and mow your lawn. I will use the same amount of labour.' In that situation, is that a reward or a barter? I suppose that a legal eagle will tell me that possibly it is a reward, but we have gone a long way down the track of licensing. I do not complain about the dangerous material area at all and I know that the Minister has power to exempt certain materials. A fairly lenient approach has been adopted towards building material wastes, such as solid material, bricks, sand, clay, earth and that sort of thing.

That might not always prevail. It would take only one small utility to tip over and spill its contents in front of a Minister's house, or near some special function, for the Government of the day to bring in some regulation to cover that. It is the trend nowadays, as soon as a new problem

arises, to jump in with a new law, instead of recognising that it is not a very common occurrence. So, I have a concern about that, particularly the 'for fee or reward' stipulation, because I do not think that it is clearly defined, although I suppose it is always the job of the courts to define what we are talking about.

I have no doubt that many people will come to an arrangement where 'fee or reward' will not apply. For example, people will cart rubbish for other people or go and pick up someone else's groceries, but they would say that those arrangements had not been discussed. So, there will be a way around this for the ordinary battlers in the community, who try to do things for themselves in order to avoid paying high costs.

There is no doubt that this legislation will result in much higher costs for the disposal of ordinary waste. I am quite happy about that in relation to the disposal of dangerous waste—and that usually involves industry. However, it will be more expensive to dispose of just ordinary waste. In fact, government instrumentalities, like waste commissions, get more and more expensive every year; they keep on employing more and more inspectors, having more and more rules, and wanting, for example, better office equipment. Costs are pushed through the roof because they know that they can apply whatever licence fee they can convince the Minister to apply; they tell the Minister that if he cannot impose a higher licence fee the Government will have to provide a subsidy—and so up go the licence fees.

I know that more and more people will find a way of carting their own waste. They will still have to go to the licensed tips, but they will arrange with friends to cart it and thus the 'fee or reward' provision will be difficult to apply. Local government will probably have some of the refuse dumps operating, but one could bet that private operators will get in on the scene, and there will be big money in it for some people. Under Division IV—Production of Prescribed Waste, clause 22 provides:

> A person must not carry on an industrial or commercial process or a teaching or research activity in the course of which prescribed waste is produced unless licensed under this division. Penalty: $20 000.

At what point do bottles and such things become 'prescribed waste'? Are bottles, cans and containers designated as 'prescribed waste' only after they have been used, or are they waste once they have been produced? I do not claim to be a lawyer, but I raise that aspect in relation to this provision. Must bottle or container manufacturers become licensed? And this could relate to many other fields. Someone might tell me that this is not the case, and I will accept that, but I will wait to see what happens in future and whether we start to get problem areas arising from these products.

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

Mr DUIGAN (Adelaide): I will not detain the House for long, as a number of the points that I wanted to make have been put very eloquently by the member for Bright, and I refer in particular to the comments that he made about both the Southern Region of Councils and the Western Region of Councils in terms of their cooperative efforts in bringing together their constituent member councils for waste collection, and transportation and waste depot purposes. I shall perhaps comment a little more on that in a moment.

I refer specifically to the development of waste management plans and the ability that will exist with this measure, together with amendments to the Planning Act, which will be done in parallel with this measure, to have waste management plans incorporated into the overall metropolitan development plan. I think that that is an excellent model, as presented in this Bill, in two respects. The first is that an area of environmental control that is so intrinsic to the maintenance of public health and the cleanliness and good order of our cities is being raised to a standard which, hitherto, has not existed.

There will now be in legislation an incentive, an active inducement, for councils to develop plans and to have those plans accorded a particular status by the Waste Management Commission. In itself, orderly development is a good thing but I think that orderly development in the waste and environmental control area is particularly useful. I think also that the possibility raised by the use of these waste management plans to have a cooperative planning approach with two or three councils or, in the case of the western region, seven councils and, with the southern region, six councils, is something that ought to be welcomed in general planning terms.

As far as waste disposal goes, it is obviously more practical, efficient and economic to have collection, cartage and management of disposal sites done on a cooperative basis, with consequent benefits for individual ratepayers, the councils and the actual operations themselves. With all councils operating through a certain site, a number of other objectives incorporated in this Bill can be achieved in terms of the sanitary landfill method and the way in which sites can be prepared and made useful for other purposes at the completion of the landfill site operation. One has only to compare the operations at Wingfield and on Garden Island before and after the original establishment of the Waste Management Commission to understand the extraordinary impact that a more concerted approach to waste management and environmental control has had in these areas.

I was fortunate to be involved in the establishment of the Garden Island waste management site when working with the councils of the western region at the time they decided to take the initiative and establish a single depot for their waste and for that depot to be operated in accordance with the then new objectives of the commission. The transformation that took place at Garden Island over a few months was absolutely extraordinary—both visually, in terms of the operation, and in terms of the immediacy with which areas were able to be returned to other more useable activities. Of course, all the other activities being undertaken on the Garden Island site were also enhanced by the way in which the waste operation was being conducted.

The member for Bright alluded to the continued success of the waste management operation in the western region, particularly in terms of the recycling operation in which it is now involved. The Southern Region of Councils, too, is to be commended for the way in which councils have come together for the purpose of managing a single waste depot, which is able to take refuse from both councils and individual ratepayers, with that depot being managed in an environmentally sound way.

That is the first reason why I would like to commend this whole idea of waste management plans, because it brings together the major authorities involved in the waste arena as far as at least domestic waste is concerned, because they will run an efficient service; they will provide one for the ratepayers and for themselves; and they will take the lead in terms of the number of industrial waste collectors operating in their area. The second reason why I would like to commend this notion of waste management plans, and in particular their possible incorporation into the development plan, is that I think it is showing us the way in which a number of planning opportunities will open up for us in the future, namely, by the coming together of the objectives

of a number of neighbouring council areas in dealing with activities other than waste.

One can think of a number of other activities that are conducted by councils in terms of residential development objectives, in terms of open space and community recreation facilities objectives, and so on, which could more properly and beneficially be managed on a regional plan basis rather than an individual plan basis. I think that this concept as it is laid out in this Bill provides us with the opportunity to look at other areas of joint council and State activity so that we can start to look at a more efficient use of the resources in our councils, and start to look at regionalising the planning process that is being followed in councils throughout metropolitan Adelaide. I would again like to commend that initiative in the Bill. The other matters really have been canvassed by the member for Bright, and it only remains for me, therefore, to indicate my support for the Bill.

Mr PETERSON (Semaphore): I agree with the comments made by previous speakers, in particular, the member for Bright, in his comments about the recycling of materials, because that will have to come in the future. He spoke about the generation of electricity from domestic waste, and I understand that that is being done in Singapore at the moment, so the recycling and electricity generation is something we should be looking at. The member for Adelaide spoke about improvements in facilities at Garden Island and Wingfield, and that is very true. There has been a great improvement since then.

The member for Davenport spoke about the waste, and I think there is a point the Minister can perhaps answer in his response, as to just what is the definition of 'waste'. Will it come to lawn cuttings and tree loppings, if someone cleans up his backyard? Perhaps the Minister can clarify that in the response. One area of waste management concerns me, and has for some time, and much of it is linked into the Wingfield area, as mentioned by the member for Adelaide. The member for Light said that everyone wants the rubbish dumped, but not alongside them. Unfortunately, I live in an area which has been right alongside where it has all been dumped over the years, and that is Wingfield, St Kilda and the surrounding areas.

A lot of toxic and dangerous waste has been dumped there over the years. I live there, and it has caused problems. It is an old area and the end of the chain for many people, who get rid of their rubbish and do not care where it goes. It has been dumped there for years. We are at the end of a drainage system that feeds into the river and environs, and for many years there has been the feeding of toxic materials into that area.

One only needs to look at the river currently, at the West Lakes and Patawalonga area, to see what happens in respect of domestic waste. We do not know just what sort of industrial waste is being pumped into the area. I am sure that the Deputy Speaker knows that, because of his area being close to the sea and West Lakes. We need much more control over the disposal of this sort of waste. There are reports, including one from the Department of Environment and Planning itself entitled 'South Australian Land Based Marine Pollution', which covers many areas of marine pollution from heavy metal and heavy waste that has been pumped into the river, the sea and the gulfs over the years.

The Minister in charge of the Bill in this House lives in an area where it has been happening from various outlets. Many industries are pumping waste, and even the report to which I referred is not definitive in its findings, as it restricts itself to a certain size outlet pipe and does not cover all the outlets, so there is still a lot of waste being pumped. I am sure that the member for Price is also well aware of that. There are many physical signs of this, and the Minister for Environment and Planning, who has just come into the Chamber, will be well aware of the die-back of seagrass around the treatment work outfields, the die-back of mangroves and the Aldinga Reef die-off. All of that is caused—and no-one denies it—by land based pollution and from waste of some sort that goes into the sea. The member for Adelaide spoke of Adelaide. That area was used many years ago. I have known that area well over the years, and great quantities of waste have been dumped there, and I am sure that there has been absolutely no record of what has been dumped.

Recently in the *News* in a centre spread article, one of the major contributors was an operator of a dump in Wingfield for many years, who was very clear about the type of waste that had been dumped there and had been dropping into the water table and going into the sea. Reports are being put out by marine scientists on the accumulation of heavy metals and waste and other toxic materials in the seafood around the area, and we really do not do enough about that. We do not police it enough or analyse it enough to know what is happening. In his second reading explanation the Minister said:

> Significant difficulties have arisen in proving illegal dumping of both hazardous and non-hazardous waste.

This is what has caused the problems over the years, and I support the Bill in the hope of achieving effective control over the dumping of hazardous waste, especially as it affects the marine environment.

The Hon. G.F. KENEALLY (Minister of Transport): I would like to thank all members who have contributed to what I believe has been an excellent debate, and, so that I will have the opportunity to make further comments along those lines, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

BARLEY MARKETING ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1 (clause 3)—After line 20 insert the following subsection:

(5a) A liability that would, but for subsection (5), lie against a member of the board, lies instead against the board.

No. 2. Page 2, line 10 (clause 5)—Delete 'except in proceedings for an offence against this Act' and substitute 'against that person except in proceedings for an offence against this section'.

Amendment No. 1:

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendment No. 1 be agreed to.

Motion carried.

Amendment No. 2:

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendment No. 2 be disagreed to.

Mr GUNN: Over the past few years, the Opposition has consistently been most concerned about provisions in Acts of Parliament which allow people to incriminate themselves. One of the reasons for the Opposition's concern is that an individual, when dealing with the Government, does not have the same resources, opportunity or legal advice, and it is appropriate that measures of this nature be contained in legislation. I believe that some concern has been expressed on this matter by the United Farmers and Stockowners, and I understand that association's concern. I support orderly

marketing of primary products as strongly as anyone in this place, but this provision is necessary because we must consider the broad parameters of the legislation. We cannot be selective; otherwise we create anomalies. Orderly marketing will not be affected, and the barley industry will be able to continue in the same orderly fashion as in the past. I believe that this amendment warrants support.

Mr S.G. EVANS: I am amazed. Under the usual practice adopted in this place, I thought that, if the Minister disagrees with an amendment from another place, he may tell the Committee why he disagrees. The shadow Minister at least told us why the Opposition agrees with the amendment, and it is only fit and proper that the Minister give us some idea of why he disagrees: the Committee needs to know that. If he does not do so, I do not believe that he is carrying out his responsibilities. Will the Minister please explain to the Committee why he disagrees with the amendment from the other place?

The Hon. M.K. MAYES: The Opposition knows my position on this. If the honourable member has not bothered to find that out, I am happy to say that the industry agrees with the provisions of the legislation. It is quite discriminatory in its process in the sense that it allows for people to make statements that are admissible under the provisions of the Act but not outside those provisions. That is not uncommon. It would be impossible to administer the Act without this provision, and the United Farmers and Stockowners agree with my position.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 2 was adopted:

Because the amendment is not supported by the industry.

AGRICULTURAL CHEMICALS ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1 (clause 2)—After line 14 insert the following subclause:

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

No. 2. Page 4, lines 32 to 37 (clause 10)—Leave out subsection (6) and insert the following subsection:

(6) A person must not decline to answer a question put by an inspector under subsection (5), but where, before answering, the person objects on the grounds of self-incrimination, the answer is not admissible in proceedings against that person except in proceedings for an offence against this section.

Amendment No. 1:

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendment No. 1 be agreed to.

Mr MEIER: I seek some clarification on this amendment. I assume that I am correct in saying that it relates to the Governor making a proclamation fixing a day, etc.

The Hon. M.K. Mayes: Yes.

Mr MEIER: This move is certainly needed. I am very disappointed that an amendment has not come from the other place relating to specific issues in the Bill, and I refer to the possibility of mixing chemicals. I assume that this is a compromise amendment whereby certain provisions in the legislation will not be proclaimed, but the Minister may be able to answer that.

This issue has caused my constituents grave concern. They are worried that they will not have the right to mix chemicals, which apparently has been accepted practice for years. Although the recommendations may not have always been official recommendations, it has been recognised that, if farmers need to spray against more than one pest or disease at a time, mixing chemicals is the way to do it. Mixing is one thing. Secondly, contract sprayers have indicated to constituents that the label recommends a concentration to give best results. However, those contract sprayers have found that, through their experimentation over the years, they do not have to use the full concentration. They tell constituents that, knowing they are up for a lot of money for spraying, they can do it at a reduced concentration level at less cost. The only thing that they cannot give is the label guarantee. Constituents have been saved money, and less concentration of chemical has been sprayed on the land, which we all agree is a positive move. I seek an answer from the Minister as to whether this amendment, which can delay the operation of a specified provision, is in part designed to overcome the controversy which has existed with respect to the mixing of chemicals.

The Hon. M.K. MAYES: This amendment is to allow time for further discussion on a range of issues, one of which the honourable member has referred to.

Motion carried.

Amendment No. 2:

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendment No. 2 be disagreed to.

Mr GUNN: This is a similar provision to the one that the Committee discussed a few moments ago. As a matter of policy, the Liberal Party has adopted a principle that these safeguards should be placed in all legislation. I say to the Minister that, if the Government wants to avoid this difference of opinion between those of us who believe that the average citizen has a right to be protected against self-incrimination, particularly if he is under cross-examination by an aggressive inspector, and he does not have recourse to legal advice at the time, and if the situation persists, the Opposition will argue on every occasion that a matter of this nature comes before the Parliament. The Hon. Mr Griffin, in another place, and I are absolutely determined that, on every occasion, amendments will be moved.

From my experience as a member of Parliament, it is absolutely essential, otherwise we will have to provide free legal aid for every citizen. The average citizen is not in a position to properly represent or defend himself against the Government. That is the reality. I have seen too many occasions on which the average law-abiding citizen is bullied by inspectors. If the Minister is not satisfied with this amendment he may be able to come up with other words, but I believe that it is necessary. The legislation with which the Committee is dealing is new and controversial. It will lead to a great deal of discussion, and some prosecutions will end up being tested in the courts. The amendment is essential.

Mr D.S. BAKER: If the Minister will explain why he is against this amendment and why self-incrimination is not to be protected against, I will sit down.

The Hon. M.K. MAYES: The member for Victoria should look at the amendment, because it refers to a section. I am advised that, if this provision becomes part of the Act, it will make it almost impossible to administer. From the point of view of prosecution, if someone with a solicitor or legal adviser present makes comments about his illegal activities under another section of the Act, which is not admissible, the administration of the Act is almost impossible. Therefore, if we are to solve this problem we must determine the correct wording and act speedily for the

agricultural industry to have the full implementation of this legislation.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 2 was adopted.

Because the amendment will make the Act difficult to administer.

APIARIES ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, lines 25 and 26 (clause 4)—Leave out the clause and insert new clause as follows:

Amendment of s. 5—Registration as beekeeper

4. Section 5 of the principal Act is amended by striking out from subsection (1) 'Penalty: Five hundred dollars' and substituting:

Penalty:

—for a first offence—$500;

—for a second or subsequent offence—$5 000.

No. 2. Page 1, line 29 (clause 5)—Leave out 'within 24 hours' and insert 'within 48 hours'.

No. 3. Page 3, line 8 (clause 11)—Leave out paragraph *(c)* and insert the following paragraph:

(c) by striking out 'Penalty: Five hundred dollars' and substituting:

Penalty:

—for a first offence—$500;

—for a second or subsequent offence—$5 000.

No. 4. Page 4, lines 1 and 2 (clause 16)—Leave out the clause and insert new clause as follows:

Amendment of s. 13aa—Bees to be kept in frame hive

16. Section 13aa of the principal Act is amended by striking out 'Penalty: Five hundred dollars' and substituting:

Penalty:

—for a first offence—$500;

—for a second or subsequent offence—$5 000.

No. 5. Page 4, lines 3 and 4 (clause 17)—Leave out the clause and insert new clause as follows:

Amendment of s. 13a—Hives to be branded

17. Section 13a of the principal Act is amended by striking out 'Penalty: Five hundred dollars' and substituting:

Penalty:

—for a first offence—$500;

—for a second or subsequent offence—$5 000.

No. 6. Page 4, line 10 (clause 18)—Leave out 'Penalty: $5 000' and insert the following:

Penalty:

—for a first offence—$500;

—for a second or subsequent offence—$5 000.

No. 7. Page 4, lines 11 and 12 (clause 19)—Leave out the clause and insert new clause as follows:

Amendment of s. 19—Regulations

19. Section 19 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A regulation under this section may create an offence punishable by a fine not exceeding for a first offence $500 or for a second or subsequent offence $5 000.

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendments be agreed to.

Mr GUNN: These amendments were canvassed during the second reading debate in this place, and the Minister undertook to consider them. I thank him for doing so and I hope that the industry is happy with these provisions and that the legislation fulfils the needs outlined by the Minister in his second reading explanation.

Motion carried.

PLANNING ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 1 December. Page 2340.)

The Hon. B.C. EASTICK (Light): I had indicated to the Minister that I would not speak to the second reading of the Bill but would save my queries for the Committee stage. The Opposition supports the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Certain amendments may be made without preparation of supplementary development plan.'

The Hon. B.C. EASTICK: We may be a little presumptuous because in this measure we are taking an action that depends on the passage of another Bill, although I do not doubt that it will pass because there is unanimous agreement on it subject to an amendment being carried. Can the Minister say whether it is intended that future supplementary development plans will be more simply prepared, despatched and made available to the House than at present? Local government is concerned at present that it seems to take forever to have a supplementary development plan approved. Although this clause provides that an approved waste management plan or part of such a plan will not require the preparation of a supplementary development plan, nonetheless a *caveat* or proviso under an existing supplementary development plan will be needed when a waste management plan has been submitted in respect of a specific part of the State.

I am concerned about the present difficulty of management in providing the tools of trade for those in the planning area or in local government or those seeking to determine the legality of certain actions in a community. As we have said on the passage of the Waste Management Bill, the siting of a depot should always be elsewhere. If such a matter is to be progressed, there is a clear legal understanding in the community that it will be readily transmitted and clearly defined on the general plans of the State so that there can be no contention later that someone purchased a property without knowing that a depot would be placed alongside it.

Although it is necessary for local government, a vendor and an agent to provide an intending purchaser with all the information necessary, sometimes those three people may not know the intention of a statutory authority, and information on the registration should be disseminated as soon as possible.

The Hon. G.F. KENEALLY: This is an important matter. No doubt, supplementary development plans at times cause concern to councils and people who generally depend on such plans for direction as to how they should carry on their business and arrange development. I am sure that the department is aware of the concerns that the honourable member has raised and has taken action to meet those concerns. I accept that and hope that the Committee accepts it. Nevertheless, the assurance I give to the honourable member ought to be backed by the Minister of Local Government and I will make it my business to bring to her attention directly the concerns of the member for Light as I am not unaware of the difficulties that could arise if one supplementary development plan proves to be in conflict with another. As the honourable member has pointed out, if the advice and information is not readily available when these decisions are made, it could well present problems. I am assured that the Local Government Department, along with the Department of Environment and Planning, has taken this matter clearly into consideration and the possible problems that the Committee may foresee are unlikely to occur.

Clause passed.

Title passed.
Bill read a third time and passed.

WASTE MANAGEMENT BILL

Adjourned debate on second reading (resumed on motion.)
(Continued from page 2428.)

The Hon. G.F. KENEALLY (Minister of Transport): I thank the House for allowing the legislative process to take place since I commenced my response to the second reading. I know that the member for Light mentioned a slight feeling of *deja vu* about part of this debate because some years ago when I was in another role he and I debated changes to the Waste Management Bill. We are again debating what I believe to be a vastly improved Waste Management Bill, mainly because of the experience of the Waste Management Commission over the past couple of years and also having available to it the input from those people concerned with waste management in South Australia. I would like to put on record that, whilst I enjoyed the contribution of the member for Light and it brought back to me many of those aspects of waste management in which I was involved, I also felt that he made a very notable contribution to the debate generally, as he always does in matters of his expertise, including local government and waste management.

I too had the opportunity a few years ago to visit Los Angeles and some of its waste management depots, mainly those used for toxic wastes. I was agreeably and disagreeably surprised about some of the depots I saw. In some instances I felt that North America had not progressed as far as some parts of Australia. Sydney, for example, did have an excellent system of waste management, particularly in landfill. However, lessons were to be learnt in North America. I do not know whether the honourable member had the opportunity of going to Florida which is largely swamp land with no opportunity for landfill on toxic wastes. They have to be moved from Florida to North Georgia before finding a stable piece of land to accommodate toxic wastes with the stability needed so that they do not get into aquifers or create problems for generations either in the next century or centuries beyond.

The whole area of waste management is a very interesting one. People would not necessarily understand that at first flush when they look at it, but it is a complex one and of increasing importance to the communities in which we live. Adelaide generates an enormous amount of waste. We are generating a great deal of dangerous toxic waste and we need to dispose of it adequately and have the mechanisms to do so. The Waste Management Commission is progressively acquiring those skills.

I refer to a point made by the honourable member. He was very critical of what he felt was generally arrogant or intolerant attitudes to waste management in its early days. I hope that he was talking in historical terms and one would hope that the Waste Management Commission's operations in more recent times was such that if that criticism was legitimate in the past it is certainly not legitimate now. I personally would defend the present Waste Management Commission and its officers from charges that may or may not have been relevant at another time.

I also place on record my appreciation of the contribution made by a number of members of the commission for whom I may have been responsible to recommending to Cabinet for appointment. It has not always been an easy role for them or for the staff. My experience with waste management is that some of the people involved in it are very difficult people to handle or to deal with and do not readily take advice and certainly do not readily take to regulation. There are pros and cons as always in these matters.

The Hon. B.C. Eastick interjecting:

The Hon. G.F. KENEALLY: As the member for Light points out, it is a matter of communication. That is a critical factor and I am pleased that he brought it to light. The other contributions he made were also of importance and acknowledge the importance of the subject generally. I thank the House for its support of this Bill and look forward to support in the Committee stages when a minor amendment will be moved by the Government.

Bill read a second time.
In Committee.
Clauses 1 to 3 passed.
Clause 4—'Interpretation.'

The Hon. B.C. EASTICK: An amendment to the Bill in the other place to define 'council', is not of great moment. However, with the proliferation of the word in local government or community circles, it was felt necessary to make very clear the intention that it was to apply to municipal or district councils. It appeared in the original Bill and, whilst it may be termed an abundance of caution, it is placed in the Bill on this occasion. The least amount of query or question relative to the management of the Bill, the better. I compliment the Government in another place for having accepted the minor amendment.

Mr S.G. EVANS: I raised a point in the second reading and the Minister may like to ease my mind. I refer to the definition of 'waste' which provides:

> 'Waste' means any matter (whether of value or not)... and includes any matter declared by regulation to be waste.

The point I raised in the second reading debate was that some businesses in our community do not conform to the planning regulations because they have an existing use. It can be a wrecking yard, a salvage yard for timber or iron, a tractor wrecking yard, or whatever. The people living nearby, even though they moved there after the operation was established, tend to lodge objections. They can bring pressure to bear on Governments. I can visualise a commissioner saying, 'Any vehicle older than such-and-such a date should be discarded altogether and be classed as waste', even though the owner might consider that it has a very high value.

Another example is where somebody might buy a car for spare parts and keep it in the backyard. That might upset the neighbours and I can understand that, but so too might the neighbour's screeching pet galah or cockatoo. I cannot work out why clause 4 provides:

> 'waste' means any matter... discarded or left over in the course of industrial, commercial, domestic or other activities and includes any matter declared by regulation to be waste.

It leaves it wide open for the commission to isolate individual areas. It can say, 'We are not declaring all motor cars in the wrecking yard to be waste, but we are declaring the wrecking yards in this particular area as being waste, or that particular matter.' I think there is a great danger there. On most occasions the Minister of the day is a reasonable man, except when it comes to trains, and I do not think that he would rule that way and nor perhaps would the present Commissioner or those who are appointed to the commission. I am looking at what could happen down the track.

The Hon. G.F. KENEALLY: In raising his query, in a sense the honourable member answered part of it, because he drew attention to the word 'discarded'. Unless the matter is discarded or left over, this clause does not apply. The wrecks in a used car yard or a wrecking yard are not

discarded or left over: they are still very much part of the operation or the business, so they would be regarded as such under this Bill. The honourable member understands that, because he has pointed to the word 'discarded'. His concern is that, by regulation, the Waste Management Commission might seek to declare, say, wrecking yards, as—

Mr S.G. Evans: A wrecking yard.

The Hon. G.F. KENEALLY: —a wrecking yard as coming under the definition of 'waste'. My advice is that that will not happen because of the existing use and, if it does, it would have to be by regulation and then there would be the opportunity to oppose that before the Subordinate Legislation Committee. I think I can give the honourable member the assurance that the existing use provisions that currently prevail would prevail with this legislation. Matter would have to be discarded or left over, so it would have to be rubbish in the real sense of the word and no longer of any use (and not regarded as having any use), whereas a wreck in the backyard of somebody's place is not discarded and a wreck in a wrecking yard is obviously of commercial value. In that sense, the matter is not discarded. Regulations would have to be drawn up to include other matter. That would then be subject to the consideration of the Subordinate Legislation Committee and in due course Parliament.

Clause passed.

Clause 5—'Act to bind Crown.'

Mr S.G. EVANS: I raised this matter in the second reading debate. This clause mentions in subclause (1) that this Act binds the Crown. Subclause (2) provides:

> No criminal liability attaches to the Crown itself (as distinct from its agencies and instrumentalities) under this Act.

I understand what instrumentalities are, but I do not understand what agencies are. Does 'agencies' include all Government departments and, if that is the case, who are we talking about when we talk about an exemption in this area; in other words, no criminal liability attaches to the Crown itself but, if we have all of its instrumentalities plus all of its departments, I cannot work out who else in the Crown is not likely to be liable. If 'agency' means something else, I would like to know because, if it is something else, why are we exempting the Crown?

The Hon. G.F. KENEALLY: I thought that it was self-evident and, because it is so self-evident, I will seek information from the Minister and give the honourable member a list of the bodies that would comprise agencies and instrumentalities. For instance, I would imagine that Queen Elizabeth Hospital is an instrumentality. I am not too sure whether or not it would be an agency. My interpretation (it would only be my interpretation and I need confirmation) is that 'agencies' very likely would be Government departments which could be regarded as Government agencies, as is the case in some definitions. I think that the honourable member raised a very good point. I trust that it will not affect his decision to support the measure. If that is the case, I am only too happy to obtain a full report from the Minister as to the difference between 'instrumentality' and 'agency' in the legal sense. We have been advised by Crown Law to draw up the provision in this way because of the necessity to have the definition legally correct. I will seek the advice of Crown Law in obtaining the information sought by the honourable member.

Mr S.G. EVANS: I appreciate what the Minister said and I thank him. Probably it will not change my attitude to the Bill. I am caught in a bind. I want to have the dangerous wastes covered, but I am a little worried about how far it goes in other areas. When the Minister talks to his colleague, is it possible for him to ask that a copy of the Crown Law opinion be made available to me (and then to others), because as a Parliament I think we should know why it has been worded in the way it has—it is very strange wording. In one place we say that it 'binds the Crown', but it seems to be saying that we do not bind the Crown if it includes all Government departments.

The Hon. G.F. KENEALLY: I will make that information available to the Committee, but I will contact the honourable member direct. I see no reason why I should not be able to provide the honourable member with the information that he sought. Here again, I would need to take advice from the Crown Solicitor. I see no reason why I should not be able to do that, but I add the caveat that I would have to take legal advice.

Clause passed.

Clause 6 passed.

Clause 7—'Objectives of the commission.'

The Hon. B.C. EASTICK: This clause has the subtitle 'Objectives of the commission'. As I indicated during the second reading debate, I hope that in reality it becomes 'the achievements of the commission'. I also recognise that realism is important, in that without resources those achievements will not necessarily flow and they will flow to different degrees, depending on where the urgency of action is deemed to be most important, either by the Government or by the pressures that are placed upon it.

I note that the Environment and Conservation News Sheet No. 21 of 1987 does tend to suggest that in the past the Government has only provided lip service to a number of these issues, and a point of view is expressed that it is important that more be done. Specifically, it raises a point in relation to the importance of recycling, and apparently there was a deficiency in this regard in the draft measure that was circulated. The news sheet states:

> However, the legislation remains weak in regard to either reduction of waste or recycling, and continues to reflect the interests in the waste collection industry, who have every interest in maintaining, if not increasing, waste levels and, accordingly, the profitability of their industry.

I do not necessarily accept the cynicism in the latter part of that statement by the Conservation Council, but I do point out that in the drafting of the legislation, provision has been included:

> . . . to promote the conservation of resources by recycling and reuse of waste and resource recovery.

This matter was canvassed fairly generally in earlier consideration of the Bill. I was interested to note the comments made in relation to the Minister's intending to continue with 'Gus the garbo' as the promotional vehicle for an improvement in—

The Hon. G.F. Keneally interjecting:

The Hon. B.C. EASTICK: Yes, I can remember when I was out in the park in North Unley with the Minister when he was offered the T-shirt—I was not quite sure whether I did not get one because they did not have one that was big enough or whether one has to be a Minister before qualifying for such an article. However, Gus the garbo, like Norm, Smoky the koala for fire services, and so forth, has become a recognised promotional vehicle, and Gus the garbo activities in association with Kesab and other interested parties have been very worth while. I applaud the fact that the campaign will be used to achieve a number of these objectives, and I would like to believe that by taking this initiative and, hopefully, by taking youth into its confidence by way of essays or some form of posters, the whole promotion of waste management will continue in a positive and beneficial way in future.

The Hon. G.F. KENEALLY: I certainly accept that point. I think the honourable member is saying that we need to create a consciousness among young people of the impor-

tance of waste management and the environment. I agree with that. I shall certainly pass on to the Minister of Local Government the Opposition's desire that resources be available to properly comply with the provisions of clause 7. I am certain that the Minister of Local Government would welcome the support of the Opposition in her efforts during the budgetary stages of securing those funds.

Clause passed.

Clause 8—'The commission's membership.'

Mr S.G. EVANS: I want to follow through a point made by the Minister in the second reading debate. As to the membership of the commission, subclause (1) *(a)* (iii) provides:

> ... one being a person actively engaged in some aspect of the waste management industry selected from a panel of three submitted by the Chamber of Commerce and Industry S.A. Incorporated.

That is probably an appropriate body to represent the industry, but inevitably it is the power boys, the people at the top, who get the nominations. I referred to a matter pertinent to clause 40 during the second reading debate, and I will draw further attention to that later. However, the point I make is that the small operators never get a chance to be represented and, as is usual with things that we do in this place, it is the big ones at the top who get the chance to have the say, to push their barrow and to lay down all sorts of conditions that should apply. Any expenses incurred by them are recoupable in the long term, while the small operators just do not have the capital to compete. It is quite obvious that the small operators will not get a voice, unless the Minister can say now that he might put to the industry the view that in sending in the three nominations they must pick them from three different categories of operation, and give the Government of the day the opportunity to decide whether to have small or large operations represented on the commission.

The Hon. G.F. KENEALLY: I want to respond briefly to the honourable member's point. I do not disagree with him at all. I think that what he is saying is absolutely correct, in the light experience. It is often the case that, in appointing members to a commission or a committee, it is very likely that the major interests involved will be represented. I will refer this matter to the Minister, who after all will have the responsibility of making the choice as to who should be recommended to Cabinet as a member of the commission. The honourable member believes that she should look not only at the major interests but also the smaller operators in the industry. It is very likely that the best possible person to make a major contribution to the commission's consideration would be someone who has had an interest in waste management from the perspective of a small operation. So, I will certainly bring this matter to the Minister's intention. I think the point is well made.

Mr S.G. EVANS: I thank the Minister for that. I missed one point, and I simply point out that I can see an opportunity for alternating membership. Perhaps Governments in future might decide that it would be appropriate to have a smaller operator on the board at that time and then to have the interests of a larger organisation represented later.

Clause passed.

Clause 9—'Meetings and procedure.'

The Hon. G.F. KENEALLY: I move:

Page 4, line 22—Leave out 'Four' and insert 'Three'.

The purpose of the amendment is to provide that three members of the commission shall constitute a quorum. This matter was referred to by the member for Light earlier. It is quite clear that for a membership of five a quorum of four is restrictive and that it would be more appropriate at three members. I seek the Committee's support for the proposition.

The Hon. B.C. EASTICK: It is with some fear and trepidation that I rise to inform the member for Bright that the Bill is a little different from that to which he referred in that the number of members on the commission will be reduced from seven to five. However, I believe that in achieving that result in another place we have a great degree of flexibility which will allow the Minister of the day not only to provide a very worthwhile commission but to select from amongst those five members a person to be the Chairman of the commission. I look forward to the announcement of the four other members and acknowledge that Mr Madigan, who became Chairman of the commission recently, will retain that position in the revitalised commission. That is the expectation. His position as Deputy Director of the Department for Environment and Planning puts him in a very favourable position to achieve the liaison that is so necessary for the benefit of the State.

Amendment carried; clause as amended passed.

Clauses 10 to 14 passed.

Clause 15—'Waste management plans.'

The Hon. B.C. EASTICK: This clause relates to waste management plans, a matter with which we have already dealt when discussing amendments to the Planning Act. Opportunity exists for public display and advertisement in the *Government Gazette* and in newspapers. I consider this to be part of the communication process whereby it is essential to give people as much information as possible because fear of the unknown creates so many problems. I believe that the approach set out in the Bill will benefit waste management control in the future.

Mr D.S. BAKER: Subclause (1) of this clause provides:

> The commission may prepare a waste management plan for a specified area of the State setting out the measures that the commission considers necessary or desirable for proper waste management in the area.

I am concerned that in the past the Waste Management Commission has built up a bureaucracy. Past reports of the commission show that it is an empire founded on rubbish. The commission's bureaucracy has expanded each year not because of need but because it considered that the more money it was given the more it should spend.

I am worried that the commission may prepare waste management plans for the whole of the State and that once the bureaucrats get their teeth into this they will prepare such plans for small country areas that do not need them. Although I concede that in the metropolitan area and in major council areas in the country, especially where there are both a corporation and a council and especially where a council is receiving waste from another council area, certain rules and regulations must be made, I believe that many country areas do not need a waste management plan where the quantity of waste to be disposed of is negligible and where, as in some small country towns, it is all disposed of on rural properties around those towns.

I do not want to see an excuse for a larger and larger bureaucracy, which tends to happen under such legislation. When that happens, the fees rise each year to pay for the larger bureaucracy that is formed. We will watch the performance of the commission closely to ensure that it does not become an even greater monster than it has become over the past seven or eight years.

The Hon. G.F. KENEALLY: At present, there are 13 people working for the commission and there have been 13 for the past three years. When approving this legislation, Cabinet applied the condition that no further positions be allocated to the commission. Therefore, I welcome the statement that the honourable member and his colleagues will

check the progress of the commission over the next couple of years.

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

Clause passed.

Clause 16—'Waste depots'.

Mr D.S. BAKER: This type of clause really worries me. It is all right in the city where there are major waste disposal problems, but it is not all right in the country where the problem may be very minor indeed. In country areas some rural producers share dumps. If a couple of neighbours get together and say, 'If you provide the money to get the bulldozer in we will dig a hole and half a dozen of us in the district will share the dump,' will they be liable under the Act for a penalty of $20 000? If they are, it is absolutely draconian.

It goes on now in country areas, especially where the water table is high. Several of us construct rubbish dumps in higher areas so as to be above the water table. This clause, as I read it, will catch them. Can the Minister assure me that that will not happen?

The Hon. G.F. KENEALLY: The cost of a licence is $60, and that certainly cannot be seen to be excessive. The examples that the honourable member mentions may be relevant. I do not know how often three or four neighbours get together and decide that they will dump their rubbish on the one property, but the provision says 'where waste is received'. If one dumps his own waste down at the rear of his property or yard, that is no problem: one has to deal with that oneself and will not come under the provisions of the Waste Management Act: but, if a group gets together and decides to dispose of their waste on one of the properties, that property is in receipt of waste and would need to be licensed, and properly so.

If that provision existed and an exemption were given in what might be suggested is an individual case, that would soon become common practice. Waste, and its disposal and management, is too important an issue to be the prerogative of groups (individuals can do as they like on their own property) who may want to take a collective decision on such a serious matter as where they should dispose of waste. It may not be merely household waste: the sorts of waste that people dispose of, both in small industry and collectively, could be much more toxic than mere household or farm waste, so the provision is sensible and is not draconian. It does not require individuals to do any more than get a licence for $60.

People have dumped waste and then been found guilty of illegally dumping it and fined $100: that is laughable. Because of that, the penalty here is as high as it is. It is necessary for it to be as large as it is so that irresponsible people who may want to litter the countryside with toxic waste as well as non-toxic waste, are discouraged. I am not saying that it will happen regularly, but the legislation has to ensure that it does not happen at all.

Mr D.S. BAKER: Almost all rural producers in this State have a rubbish dump, in which they put empty chemical containers, old motor cars, dead stock and all sorts of rubbish that accumulates around any farm, whether it be a cattle, sheep or cropping farm. The more the farm has cropping, the more are chemical drums used, not only drums that contained dangerous chemicals but drums of any sort, whether or not they contained drench.

If it is the middle of winter and farmers cannot get to their rubbish dump and say to their neighbour, 'Can I dump my rubbish in your pit (which happens to be next door) during the winter months and I will push it in with my tractor?', under clause 16 not only will they have a $60 licence but they will come under all the other bureaucratic measures as do the major metropolitan rubbish dumps. The Minister has to give an assurance that rural people throughout South Australia will be exempted under this Act if a minimal number of people are using the dump. Otherwise, people will be caught up under this draconian legislation, which imposes a fine of $20 000.

The Hon. G.F. KENEALLY: I confidently give that assurance to the honourable member. The Waste Management Commission is not interested in policing one or two farmers who may want to share the disposal of waste. As the honourable member says, every farmer has a degree of waste that needs disposal. In the circumstances that the honourable member has described to the House, I do not think that he or any of his neighbours need be concerned about having the Waste Management Commission coming to see them. But, as a rule of thumb, where it is required to apply to the Planning Commission for a change in land use, this provision would apply. However, in the circumstances that the honourable member has mentioned, he can rest assured that if one, two or three neighbours want to make that sort of collective decision they will not have the Waste Management Commission worrying them.

The Waste Management Commission has 13 people working for it. It will not have the time and energy to be going around checking that sort of waste disposal process. It is interested in ensuring that the major waste management operations operate in the best interests of the community. The honourable member could say that farmers disposing of their waste on their own or a neighbour's property are acting in the best interests of the community, and by and large that is a fair comment. I would be concerned only if there was a likelihood that farmers were disposing of toxic wastes that might get into aquifers or cause problems, but the normal sorts of farm land waste or household waste that farmers would dispose of would not present any problem at all.

Mr S.G. EVANS: Is it the intention to go on exempting goods such as earth, bricks, sand and rubble that have no organic or chemical material within them?

The Hon. G.F. KENEALLY: In brief, the answer is, 'Yes, they will be exempted.'

Clause passed.

Clause 17—'Licence to operate waste depot.'

The Hon. B.C. EASTICK: There was a great deal of debate on this matter, both in the second reading debate and subsequently by way of questioning. In particular, I refer to subclause (1) *(a)*, which requires the person concerned to have sufficient financial resources to operate the proposed waste depot in a proper manner. I appreciate why it is there and why there is considerable concern. The position tends to arise of a person who has to be deemed by a Government to be financially sound, rather than a person being able to take an entrepreneurial role with the support, for example, of his financial adviser, possibly his bank manager. The explanation given was that the real issue is perhaps the fact not of people starting the business but of having financial resources behind them so that they can be called upon to do any restoration work or any correction which becomes necessary because of poor management of their site.

That then takes on another complexion which perhaps makes it easier to live with the proposition. I would appreciate advice from the Minister on whether any criterion has been determined in discussions the commission has had previously on this matter which might quantify the sort of financial resources a person is expected to have. Obviously, some people will be testing themselves against the commis-

sion in its new form and will be successful or unsuccessful, as the case may be. I would have thought that it was possible for the Government to indicate its general intention, or that it would become an early action of the commission to try to identify the nature of the financial support it believes an individual or individuals should have, whether it depends on the expected tonnage, on the relative area of the dump, or whatever criterion is used. The point was made in the Minister's second reading explanation that what happened was in the past and that we are looking forward to the future. I accept that, but we never want to lose sight of some of the problems that occurred in the past, so that we do not ever allow them to occur again.

The Hon. G.F. KENEALLY: It would be impossible for me to indicate what the commission would deem to be appropriate financial support. It would depend very much on the type of operation, as the honourable member pointed out—he mentioned tonnages and the location of the operation—and it would also depend on the type of waste the depot would be handling. Once the applicant is aware of the conditions of the licence as established by the Waste Management Commission, if applicants were able to obtain financial support to enable them to meet those standards, then *prima facie*, at least, that should be accepted as sufficient financial support.

The honourable member points out, of course, that there is the ongoing responsibility to improve and develop, and the Waste Management Commission would have to take account of that. I think it is probably more sensible to allow the commission to develop the guidelines, standards, rules and criteria, if you wish, in terms of what is regarded as appropriate financial capacity. I would be very pleased to refer the honourable member's comments to the Minister so that she may, in turn, refer them to the new commission when it has been appointed. To lay down guidelines would be fairly difficult, except to say that, once the conditions of the approval of the application have been advised to the applicant, if the applicant is able to secure financial support, entrepreneurial support, I expect that that would be accepted as financial capacity.

Clause passed.

Clauses 18 and 19 passed.

Clause 20—'Operation of waste depots.'

The Hon. B.C. EASTICK: I trust that the provisions of this clause do not come into being—that we will not have a situation where the commission, of its own motion, will become a series of waste development depots around the State. If private enterprise and/or local government are unable to provide the necessary facility in a particular area, there must be a fall-back position, but I would not want the position to arise whereby the commission is embarking upon a role of self-promotion or self-perpetuation at the expense of others who are in an equal or better position to provide the service. I refer to it as a fire brigade clause or hospital clause: it is there in case of need and not one to be constantly brought into play, because I believe that that would not be what Parliament intended—certainly not what members on this side would want to see.

The Hon. G.F. KENEALLY: The member for Light is correct. Clause 7 (2) *(e)* provides:

> to encourage the participation of local authorities and private enterprise in overcoming problems of waste management.

That would be in the interests of the Government and the Waste Management Commission. If both local government and private enterprise are unable or unwilling to provide the necessary waste management, the commission will have to consider what it can do.

Clause passed.

Clause 21—'Collection and transportation of waste.'

Mr D.S. BAKER: I again get back to the draconian penalties and how they affect small country towns and the smaller operators: in other words, the backyard collector of rubbish. I cannot see why someone who transports rubbish must have a licence, for a start. I can understand full well why the dump should be licensed and I agree entirely with that.

Time and time again in the suburbs and country towns someone with a car and trailer will cart a neighbour's rubbish away for a couple of bucks a load. He might be going past and do it for lunch the next day or a bottle of refreshment. The barter system goes on all the time and many people make a few bob on the side by carting a little bit of rubbish away. Why do they have to be licensed and why does the penalty under this clause have to be so high? Small business people are being put under the draconian powers of a big bureaucratic Act and I would like the Minister to answer that question.

The Hon. G.F. KENEALLY: I am happy to answer it. First, the penalty of $20 000 is the maximum and it covers the operations of companies which are involved in the disposal of toxic wastes or who are major transporters or receivers of waste. It would have to be a very serious breach indeed for the court to apply the maximum of $20 000. The court has a discretion and, in exercising that discretion, the court would understand the situation in small country towns. Having grown up in a small town and still living in the country, I am as much aware of the needs of small country towns as the honourable member. I am not unaware of the concerns of small communities on seeing penalties of this nature in legislation. However, I point out that it would have to be an incredible set of circumstances and an enormous breach for such a penalty to apply in a small community. It would be applied, as I said, at the discretion of the court, not as a result of the legislation or an act of the Minister or the Government. The matter would be determined by the court. The honourable member can be assured that for small country operations, except in the incredibly unusual circumstances that I have outlined, such penalties would not be contemplated by the court.

People who transport waste have a very serious responsibility. They need to be licensed and managed, and it must be ensured that certain types of waste are covered and transported to approved sites. The transporters of waste determine what is actually received at a waste management depot, whether it be landfill, toxic waste or a waste transfer operation. The honourable member may feel that it is a bit oppressive to license the transporters of waste, but after due consideration, the Government has concluded that it is appropriate and, as a member of the Government, I believe that it is appropriate to license transporters because they are critical to the proper waste management operation throughout the State.

Mr D.S. BAKER: I do not accept the Minister's explanation and I think that there might be another way around it. I accept the need for a licence provision regarding the transportation of heavy wastes in large transports, which I class as over four or five tonnes. I can also understand that the Government may wish to license major waste disposal people in the metropolitan and outer metropolitan areas; that is fine. However, why must a licence fee be imposed on someone who carts a couple of hundredweight or less of rubbish in a two wheel trailer behind a vehicle and make him subject to the fines and provisions of this legislation? That is one of the criticisms that I have of the Government's legislation; it is all encompassing.

It would be much better to have some classes that are not covered under the Act, and if anyone should step outside the Act, he should be penalised, and I agree with that. Surely it is better, as is the case with all load carrying vehicles, that under a certain weight they come under a different registration. That would be easy to administer and to license, so that all that the Government was catching would be the major waste disposal transports.

The Hon. G.F. KENEALLY: This provision can be found within the existing legislation so it is not new or draconian, as the honourable member suggests. It covers people who transport wastes for fee or reward; who do so as a business or charge for their services. If a person is to charge for such services, the fee is $25 to be licensed to transport the waste. Members of the industry support this provision, and the honourable member can say that he is not surprised because it protects their operations and, by and large, that is correct. They are the two considerations that the Committee must take into account. First, the provision is already in the legislation and has been acting quite effectively for a couple of years. Secondly, the measure provides that a person must not collect or transport waste for a fee or reward unless licensed under this division. It is not unusual in areas as sensitive as waste management that people who ply their trade for fee or reward should be licensed to enable them to do so.

Clause passed.

Clause 22—'Production of prescribed waste.'

Mr S.G. EVANS: During the second reading stage I questioned whether it is possible to catch up with those people who produce bottles, cans and other items of packaging. This clause provides that a person must not carry on an industrial or commercial process or a teaching or research activity in the course of which prescribed waste is produced. A can or a bottle can be waste, but at what point does it become a prescribed waste? Is it at the point of manufacture? In other words, does the manufacturer have to have a licence? Can the handling of waste be controlled from that point to where it ends up in the gutter or backyard?

The Hon. G.F. KENEALLY: I am advised that prescribed waste is hazardous waste and does not include containers. An amendment to the regulation has recently been made to delete reference to containers, so cans and bottles are not included in this provision.

Mr S.G. EVANS: What about industries that manufacture those prescribed wastes?

The Hon. G.F. KENEALLY: My advice is that they would be licensed.

Clause passed.

Clauses 23 and 24 passed.

Clause 25—'Duration of licences.'

Mr S.G. EVANS: In speaking to this clause I will refer also to clause 26. In my second reading speech I mentioned the question of what happens when a licensed person dies. In the fishing industry, for example, the licence of a person who dies is transferable to another member of the family. In this case, the Bill does not provide for that automatic transfer. The Bill provides that the business may be sold or, after a six month period of a non-licensed operation, the licence expires. This can be considered on another day, and I will certainly introduce an amendment next year if it is not dealt with now.

I thought we would have provided for a husband who died. The conditions of the licence may have severe provisions about the type of vehicles used for certain waste disposal businesses. The wife could become the unlicensed person for six months, or the estate might be able to sell it to the wife or another member of the family, but there is no automatic right. With the fishing industry we did that subject to the person being suitable for the business. The Minister may say that if a person is suitable he or she can apply and might get it. We have not given that guarantee. If the Minister cannot give me a full answer, I ask him to look at it with his ministerial colleagues. We could do the same in this area as in the fishing industry, and there is no harm in that.

The Hon. G.F. KENEALLY: There is a slight difference between a licence in the fishing industry and the licence for waste management. The fishing industry is a managed industry in that there are only a certain number of licences and additional licences cannot be issued. In the waste management industry additional licences can be issued. Where a person dies, the spouse can carry on the operation for six months and then, if all the conditions are met, can be licensed to continue. The honourable member says that there is no automatic continuation of that licence and I think that is correct. If he feels that that is of sufficient concern, he may consider in future moving an amendment. I will advise the Minister of Local Government so that she can consider it.

My advice is that there is not likely to be any problem because if the owner of the business dies, these days it is likely that there will be joint names in ownership. The joint spouse is likely to be included on the licence. However, if that is not the case, the spouse will be given every opportunity to carry on the business, but there will be a requirement to meet the standards of the commission. The commission would, as always, act with a great deal of common sense. The honourable member has been around long enough to understand that legislation based on the expectation of common sense sometimes falls through the cracks in the floor. My advice is that it is unlikely to be a problem, but I will pass on the honourable member's concerns about what he sees as an open ended provision in terms of the right of the spouse or the family if the licensee happens to die.

Clause passed.

Clause 26—'Business may be carried on by unlicensed person where licensee dies.'

Mr D.S. BAKER: As I read this clause, if a person dies the business can carry on for six months. Someone may run a weekend trailer service carting rubbish around a town or city and may suddenly become ill. If someone dies, an unlicensed person can carry on the business for six months and it then has to be sold, but there seems to be no provision for the small operator who suddenly becomes ill. It must go on as rubbish cannot be left in the street. That person may also want to take holidays for a couple of weekends. No provision exists for him to carry on his business and that concerns me greatly.

The Hon. G.F. KENEALLY: I am not sure of the point that the honourable member is making. I am aware that he is putting a case for a small operator in possibly a small country town who may not be able to collect rubbish on two weekends because he may be ill or on holidays. Is the honourable member saying that in these circumstances nobody can do it?

Mr D.S. Baker: It appears that there is no provision as in clause 26 for him to carry on for a month.

The Hon. G.F. KENEALLY: He can appoint somebody as his driver/employee to do his work while he is ill or on holidays. There would be no problem with that and he would not have to record that individual on the documents when applying for the licence. It would automatically be accepted as that person carrying on his business. There has

to be a provision to accommodate the concerns the honourable member has put to the Committee.

Mr D.S. BAKER: I thank the Minister. We are saying that if a situation exists where somebody is ill for a month or goes on holidays, it is provided for within the Act for that business to carry on and that there will be no penalties?

The Hon. G.F. KENEALLY: Yes, it is on the record that I give that assurance.

Clause passed.

Clauses 27 to 30 passed.

Clause 31—'Offence.'

Mr D.S. BAKER: I refer to the amount of the penalty. The clause provides:

A person must not, without lawful authority, deposit waste so that it results or is likely to result in—

(a) a nuisance of offensive condition;

I would have thought that if someone deposited rubbish (and it may only be a bag of rubbish) and it were deemed to cause a nuisance, the penalty of up to $20 000 is getting a bit steep. I agree with the reference to it being a risk to health or safety or causing damage to the environment. However, the first part is all embracing and I would have thought it could be deleted from the clause.

The Hon. G.F. KENEALLY: The difficulty the commission faces without this provision is how to control unlicensed persons dumping very dangerous and hazardous wastes, whether at a dump or elsewhere. The example has been put to me that where a person dumped a load of asbestos at Wingfield it was quite dangerous and entirely contrary to the Act. All the commission could do was fine that person $100 because hazardous waste was dumped without a licence. Whilst it would be draconian to apply such a penalty to a small operator or individual, it is nevertheless there to ensure that the powers or penalties are sufficient to discourage highly irresponsible people in charge of highly toxic and hazardous waste from treating these wastes indiscriminately to the threat and danger of the community at large.

Mr D.S. BAKER: I agree with what the Minister says.

Mr Gregory: Of course you would.

Mr D.S. BAKER: If the member for Florey can contain himself, we will be able to have a sensible discussion.

The ACTING CHAIRMAN (Mr Duigan): We will ignore the member for Florey.

Mr D.S. BAKER: The situation as the Minister described it would be a risk to health or safety or cause damage to the environment. I agree totally with that. I would have thought that the dumping of a load of asbestos would not have come under paragraph *(a)* relating to a nuisance. I agree with what he is saying, but it is a little too all embracing to have paragraph *(a)* with the other paragraphs.

The Hon. G.F. KENEALLY: I understand the point that the honourable member is making. He would be more relaxed if there were two provisions—a 31 and 32 with 31 carrying a penalty of $20 000 for *(b)* and *(c)* and 32 had a much lower figure for 31 *(a)*. I think that we have to have some trust in the good sense of the courts, which would clearly distinguish between what is a nuisance or offensive condition and a risk to the health or safety of people or that which may damage the environment. Because inevitably we have to place the trust in the courts and, because they have to determine what our legislation means (and they will interpret it as they see the meaning rather than how we at times intended it to mean), I believe that they will interpret it fairly. In fact, most of the criticism about the courts has been that they tend to impose too light a penalty rather than too heavy a penalty. I take the point made by the honourable member. I think it is fair to say that I disagree with it, but nevertheless, quite clearly it could be a matter for concern if one did not trust the courts as I do.

In any event, the courts, in determining what a provision means, take account of the debate in Parliament. The very fact that this debate has taken place between the member for Victoria and the Minister (a debate of quite good commonsense, I might say), would in itself be of some influence on the courts.

Clause passed.

Clause 32 passed.

Clause 33—'Powers of authorised officers.'

The Hon. B.C. EASTICK: I am sure that, if my colleague the member for Eyre were here, he would enter into the debate on this issue. This area has been a cause of concern over a long period of time. The authority given to inspectors has been debated several times in this current session. The Opposition has checked the matter and it is consistent with that which has been passed by both Houses in recent times. It only means that again attention is drawn to the importance of commonsense and a cap placed on over-zealousness.

The Hon. G.F. KENEALLY: I agree with the honourable member: the member for Eyre gets better each time he makes the speech. He is firmly confident that, before he leaves this place, he will be successful. I think we all agree that, if it were possible not to provide those powers to inspectors and still see the provisions of the legislation put into effect, then we would not wish to do it. The plain commonsense fact is that we need to give inspectors these powers. Unpalatable as they may be to many members of Parliament and the community, these powers have to be given to the inspectors to ensure that the provisions of the Act are adhered to.

Clause passed.

Clauses 34 and 35 passed.

Clause 36—'False or misleading information.'

The Hon. B.C. EASTICK: This clause does not provide a defence. It provides:

A person must not, in furnishing information under this Act, make a statement that is false or misleading in a material particular.

If a person is unfortunate enough to make a mistake, it can be construed that the opportunity exists for their being found guilty and suffering the consequences of the penalty. Another argument is that, if they were able to defend the circumstances and to identify satisfactorily to the court as to how the mistake came about, it is likely that no conviction or penalty would be applied.

Clause 36 does not provide a defence and clause 44 provides for a similar set of circumstances, but there is an opportunity for a defence. This matter has been drawn to my attention by the member for Davenport. I raise it more specifically on his behalf so that it is part of the deliberate debate on this quite important issue. Is the Minister able to indicate why no defence is provided? Is it simply that it is couched in such terms that the provision of a defence would be considered, even though it is not spelt out that a defence may be entered?

The Hon. G.F. KENEALLY: I am not too sure that the honourable member does not make a valid point. Clause 44 does provide for a defence. On my very rapid reading of clause 36, it may not do that. I am not sure whether or not that is a problem. The member for Davenport has already indicated that, in relation to another clause, he will see how it operates before he decides whether or not he might be encouraged to move an amendment to it. I would have to refer this matter to Parliamentary Counsel (to whom I am not able to refer) to determine whether or not clause 36 provides for a defence.

Clause 37 provides for an appeal. If one breaches clause 36, one can appeal to the District Court under clause 37, but the defence is not clearly stated. However, I am certain that the court would take into account what could be regarded as a reasonable defence by anybody so charged. I am happy to take advice from Parliamentary Counsel on this matter and to report back to the Committee on that advice.

The Hon. B.C. EASTICK: I accept the assurances given by the Minister. If somebody were placed in the position of not being able to enter a defence, it could be a rather unfortunate experience. I suspect that natural justice would always apply. I would like to believe that that is the intent and that is the manner in which the matter would be adjudicated before it went for a decision as to penalty. I think it is sufficient to advise that it may well be that, if the argument I put forward is correct, a minor amendment could be required. I know that attention will be given to it.

My colleague the member for Mitcham has just sought to obtain that additional advice from the appropriate people, but it is not immediately available. We will take that matter on notice and, when we return in February, it may involve a minor amendment.

Clause passed.

Clauses 37 to 39 passed.

Clause 40—'Non-disclosure of information.'

The Hon. B.C. EASTICK: This clause provides:

> A person who is or has been engaged in the administration or enforcement of this Act must not disclose any confidential information to which he or she has had access . . .

This clause does not say that they may not use material. They may not disclose it, but they could be in the position of using it. Really, inside information might allow somebody who has occupied a position provided for in clause 40 to make use of that inside information for their own benefit. I have in mind no specific example, but this area causes concern as it would appear not to embrace the sort of advantage that a person who, albeit unwittingly two or three years after concluding service with the commission, could gain by turning confidential knowledge to his use and to the detriment of someone else. Again, this may be a matter which, on consideration in the broader area of government, could be more tidily put together in subsequent legislation.

The Hon. G.F. KENEALLY: The matter raised by the honourable member is similar to certain problems under the Local Government Act, where local government officers possess information that they may use after their employment ceases, and action is taken to ensure that this does not happen. If the person was still employed, such action would be in breach of the Public Service Act. Commission members themselves are required to divulge their interests, and rightly so. So, the opportunity to breach in the way described by the member for Light is limited.

Again, I would have to check to ensure that the provisions of the Public Service Act that control or regulate the activities of public servants, among whom staff of the commission will be numbered, would apply in those circumstances, but I feel certain that they do. However, I will get the assurance for the honourable member.

I am aware of the potential circumstance to which he alludes. The honourable member said that he could not think of a specific occasion on which this might happen, and I agree that such an occasion would be difficult to contemplate, bearing in mind the protection provisions as regards disclosure of interest in the Public Service Act. Any person in breach in the way described by the honourable member would suffer the disciplines of that Act, but the honourable member would be more interested in the former employee's suffering under the provisions of this Act, because it provides a penalty of $5 000. If there is a problem, as has been suggested by the honourable member, I will ask my colleague to look at it. However, I understand that this Committee need not fear those circumstances because protection is provided here or in another Act.

The Hon. B.C. EASTICK: The Minister's argument falls a little flat because at least some of the commissioners will not be public servants and therefore will not be subject to the Public Service Act or the Government Employment Act. On that basis, the position to which I referred could occur. However, I will not pursue the matter now because it will be considered in the broader area of Government and made the subject of a report in due course.

The Hon. G.F. KENEALLY: I give the honourable member that undertaking. He is correct when he says that a commissioner is not likely to be a member of the Public Service and therefore would not be constrained by the provisions of that Act. If an officer left the commission in possession of information, he would not be subject to the provisions of the Public Service Act, and it is in those circumstances that the honourable member is seeking an assurance that confidentiality would be maintained and a penalty imposed in case of breach of the legislation. I will get that information for the Committee.

Clause passed.

Clauses 41 to 47 passed.

Clause 48—'Regulations.'

The Hon. B.C. EASTICK: It is interesting to see that under subclause (2) *(b)* of this clause provision is made for a differential rate of broad interpretation, whereas in another Act concerning local government that is before another place differential rates are taboo and not allowed to operate. During an earlier debate I referred to the problems that are in the minds of people who are small-time printers, small-time carpenters, or other small-time users of prescribed waste under the regulations. In the 1987 annual report of the Master Builders Association the following statement appears:

> The Waste Management Commission regulations which were of concern had the undesired potential of requiring builders, painters and other contractors to be licensed by the commission but, following consultation, action is to be taken to ensure that such a requirement will not be brought into effect.

That is a nice assurance, but it would not hold up in law if someone were to change the interpretation at the coal face. The dictum of Mr Justice Wells, which is acknowledged by all and sundry, states that it is not a matter of how we like to interpret the words but how the court interprets them. So, notwithstanding the acceptance of certain words by the MBA on this occasion, the position to which I have referred could occur.

Mr D.S. BAKER: I make a similar observation to that of the member for Light concerning the differential rate. In the South-East there has been a problem, but it is now covered by subclause (2) *(b)*. One of the largest employers in South Australia, Apcel Pty Ltd, under its enabling Act has for many years passed its effluent into Lake Bonney. Because it is a reputable company with a sense of social responsibility, it chose to take some of the solid waste out of the effluent and dispose of it differently. That helped the environmental state of Lake Bonney considerably and the company got great kudos for that action.

One of the criticisms that I had was that the company had to pay the full per-tonne rate to dispose of the effluent, which was 80 per cent liquid and 20 per cent wood fibre and which was disposed of in a quarry and broke down virtually to nothing. That cost the company much money each year. We made several representations to the commission but in the early stages the commission did not want

to know about the problem. However, I pay a tribute to the new Chairman of the commission who, when invited, came down to a meeting and foreshadowed that this legislation might be introduced. His input was well thought of by all those present.

I give credit to the gentleman concerned (Mr Madigan). This company, which has been environmentally sensible and sensitive, has been penalised under the old system, whereas under this system due recognition will be given. I therefore fully support paragraph *(b)*. Further, I thank the Minister for his participation in this debate: his answers have been greatly appreciated.

Clause passed.

Schedule and title passed.

Bill read a third time and passed.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 2341.)

Mr S.J. BAKER (Mitcham): I am pleased to report that this Bill is not as momentous as the Waste Management Bill, with which we have just dealt. It is a simple Bill, dealing with three basic amendments: the first relates to the bank accounts that can be held by agents, brokers and valuers; the second deals with the qualifications that are deemed appropriate for the industry, and how they will be monitored and determined over time; and the third clears up an anomaly where a company comprises a director and joint director/spouse, and the confusion that is in the existing divisions.

I first address the question of the Agents Indemnity Fund. As most members would be aware, there have been some very well publicised cases where land brokers have defaulted and taken money from accounts and trust funds, and many people in South Australia have been left lamenting. The Agents Indemnity Fund is intended to provide a buffer so that, if people, having placed their faith in a broker or agent, are disadvantaged by such agent or broker breaking the rules and not complying with the Act, the fund will meet the liability.

The Government intended that moneys deposited in trust would earn interest, and that interest would be used in the indemnity fund to ensure that people defrauded in this fashion would not be disadvantaged. In essence, the agent is required to deposit all money held in trust with a bank or prescribed financial institution in respect of which interest at or above the prescribed rate is paid by the bank or other financial institution.

There is concern that the capacity for the rate to be prescribed allows only one rate to be prescribed, which is likely to be the lowest rate to be paid by any bank or other financial institution, thus not recognising the fact that some banks or other financial institutions may be prepared to pay a higher rate. This is likely to prejudice the amount of interest paid into the Agents Indemnity Fund. The Bill allows differential rates to be prescribed if necessary.

The guidelines will be set down by the Minister, and the Commissioner of Consumer Affairs will be able to negotiate with banks and financial institutions prior to a regulation being made prescribing rates. In simple terms, if we prescribe a rate under the legislation there will be a tendency to prescribe the lowest rate available on the market. Obviously, in the public interest we should get the highest return that is available in a secure financial institution so that the indemnity fund can receive the maximum funds available and will be sufficient to cover those people who may have been defrauded.

The Opposition supports that proposition. We recognise that one or two minor problems could arise as a result of this provision, but those matters will be canvassed in Committee. The standard of qualifications can now be set by the Commercial Tenancies Tribunal. It is interesting to look at the different means of setting qualification standards in the State. For some time I have been a critic of professional licensing, as I call it, where the profession sets its own standards. Many anomalies have occurred. Probably the two most notable professions are the legal and medical professions, in which people with more than adequate qualifications have been refused certification and registration. In some cases, of course, the ability of those people to sit for exams and by example prove the worth of their qualifications and experience has been rigidly tested, with the result that people with talent and qualifications have not been able to have those qualifications recognised in this State.

It is pleasing to note that the qualification standards in this case do belong not within the profession itself but with an independent body. A number of cases have been brought to my attention in my electorate office of people coming from overseas who have wanted official recognition and to be able to practise but who have found that path difficult. A national accreditation body handles these matters, but still some of the State rules that are applied prevent adequate recognition. We should always ensure that we have the highest standards available within the State, but often these are taken to such a ridiculous extent that the professions are closed clubs. That does not enhance our reputation either within Australia or overseas because often we miss out on the very talent that we need.

So, it is proper to free up the process of qualification recognition, and it is appropriate for an independent body, under specific guidelines, to be able to say to the community at large that these people have to comply with these minimum standards, whether through tertiary or on-the-job training, for example, before they can be properly licensed. So, the Opposition supports that proposition.

The third amendment deals with the anomaly under which it was not certain whether a person in a joint directorship situation had to get an exemption or whether the company should do so. That matter has now been sorted out. The Opposition believes that, whilst this Bill is not of great moment, it is an improvement on the current legislation, and for that reason we welcome it.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support of this measure. I will not go over the issues that the member for Mitcham has raised on behalf of the Opposition, but obviously these measures will improve the operation of this important piece of legislation and the important services that are provided by the professions that are included in the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Entitlement to be licensed.'

Mr S.J. BAKER: This clause authorises the tribunal to determine the adequacy of qualifications for licensing purposes. Some fears have been expressed within the profession that the tribunal may determine that the qualifications existing within the profession are not adequate and that it may demand higher standards. I think it is worth putting on record that the Attorney has already given his guarantee that that is not the intention of this measure. I also note

that it will free up the situation concerning interstate and overseas people who can come to this State, perhaps do simple examinations to test their knowledge and experience, and, through a fairly effective and efficient means, be licensed, whereas that would not have been possible previously.

The Hon. G.J. CRAFTER: I think that my colleague in another place may already have done so, but both the Real Estate Institute and the Institute of Valuers were concerned that the amendments to allow the tribunal to set qualifications may allow different qualifications to be set from those currently set, or allow a lack of industry input to the qualifications the tribunal sets. Clause 10 of the Bill was revised to ensure that the tribunal could set qualifications only in accordance with procedures prescribed by regulation, and both associations have been advised that the common rule for qualifications set by the tribunal will use the existing qualifications; that they are free to make submissions to the tribunal at any time as to what the rules should contain; and that there will be close consultation with them in developing procedures by which the rule is made. On this basis I understand that both associations withdrew their objections to this clause. That has now been put on the record.

Clause passed.

Clauses 4 to 7 passed.

Clause 8—'Trust money to be deposited in trust account.'

Mr S.J. BAKER: This is probably the most contentious provision in the Bill in that it gives the Commissioner the ability to prescribe institutions in and out of the market, as the Minister of Education would appreciate. If the prescribed rate is high enough, given that there are some institutions which are more competitive than others, it could leave the door open for trust accounts to be directed in one or two areas. I note that the Attorney, in another place, has also given some guarantees that the rates that will be prescribed will be in keeping with the market itself and will not in any way attempt to disadvantage any particular institutions which may not be offering rates at the top of the market.

I ask the Minister how this will work to the maximum advantage of the indemnity fund. Members would note that the highest rates returned for what is essentially short-term moneys are on the money market, and this is not quite as secure as a bank or bank bill. Can the Minister say whether the money market will be pursued or whether that option will not be used because it will not be classed as a prescribed financial institution?

The Hon. G.J. CRAFTER: There is no intention to prevent any individual institution or class of institution from holding trust moneys, or to unreasonably restrict the type of accounts which can be held. As a safeguard, the Attorney has already stated that the guidelines will be set for the Commissioner for Consumer Affairs on the manner in which negotiations with financial institutions have been completed, including an obligation to keep the Attorney informed of the results of those negotiations, and the amendment we have before us is based on similar provisions governing agents' trust accounts in Western Australia and solicitors' trust accounts in Victoria.

These provisions have been important in maximising the funds established from the interest on such accounts. Once again, this proposal has been discussed with the Real Estate Institute, which has no objection to it. It is not anticipated that the financial institutions to which the honourable member refers would be brought into the ambit of this legislation.

Clause passed.

Remaining clauses (9 to 11) and title passed.

Bill read a third time and passed.

CROWN PROCEEDINGS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 1 December. Page 2341.)

Mr S.J. BAKER (Mitcham): This is virtually a one clause Bill and can be dispensed with speedily. It deals with the situation concerning service of processes or documents on the Crown. It is common practice for the Crown to put some of its work out to private practitioners, particularly when dealing with civil proceedings, and in the past when documents have been served they have actually been served on the Crown. The Crown has now deemed it inappropriate that these documents be served directly on the Crown, and has determined that they should be served on the legal practitioner who is handling the case. The Opposition found no difficulty with that concept.

However, I must admit that, having read it at least twice since I have had the Bill, I have some questions about the way in which this provision is worded. I will tackle my disquiet about the wording of this section when we get to the Committee stage. In principle, the Opposition supports the measure. Obviously, it will cut out a lot of bureaucracy if documents can be served directly on those who are handling cases on behalf of the Crown. We hope it will lead to a speedier resolution of cases if the documents do not land in the Crown Solicitor's Office, find their way around that office and finally get sent off to the practitioner handling the case. It is an eminently sensible move, although I have one or two questions that I will ask during the Committee stage.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support of this minor measure although it has some importance to the legal activities that involve the Crown and the matter of service of proceedings, processes and documents relating to those proceedings by or against the Crown. It is to be hoped that more efficiency can be obtained in that way and some of the difficulties of a personal nature that have arisen in the past can be overcome.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Service, etc.'

Mr S.J. BAKER: I know that the collective wisdom of two giant legislators has been applied to the wording of this legislation. However, I ask whether the terminology is correct and I will read it very carefully so that the Minister can respond accordingly. The clause provides:

> Service on the Crown of any process or document relating to proceedings must be effected by service on the Crown Solicitor except in the following cases:

I outlined these cases during the second reading debate. It continues:

> *(a)* if special provision relevant to service of the process or document is made by or under this Act, service must be effected in accordance with that special provision;

That means that, if the Crown is deemed to be the recipient, it must receive the process or document. Paragraph *(b)* provides:

> if the party by or on whose behalf the process or document is to be served has notice that some solicitor other than the Crown Solicitor is acting for the Crown in relation to the proceedings, service must be effected on that other solicitor.

That paragraph says two things. First, it says 'has notice' and the second reading explanation says that the notice must be given by the Crown Solicitor to the person serving the document, but that is not included in the legislation in

those words. Secondly, it says that it disallows the service of that process or document on the Crown Solicitor, which means that if a solicitor has not taken note that the legal practitioner is acting on behalf of the Crown, he is in breach of the legislation because he has served it on the Crown. The Bill uses the word 'must'. In his second reading explanation, the Minister said:

> Therefore, it is considered desirable to amend the Act to enable service of process by a party on a solicitor nominated by the Crown Solicitor. Where, therefore, the Crown Solicitor gives proper notification, to the other party (or parties) or his, her or their solicitor (or solicitors), service should thenceforth be effected on the solicitor nominated by the Crown Solicitor in the notice.

This clause is not worded that way because it does not require the Crown to give notice to the person who is serving notice on the Crown for something that was handled by a legal practitioner. The clause also provides that it must be served on the legal practitioner who is acting on behalf of the Crown. That will lead to some difficulty, unless my interpretation of the section is completely wrong. I would appreciate if the Minister could inform the Committee where I have gone wrong.

The Hon. G.J. CRAFTER: As I understand the thrust of the honourable member's concerns, and I think that there is some validity in what he is saying, they will be overcome by mechanisms that will be established by the Crown Solicitor upon the passage of this legislation with respect to the recording of solicitors' names who are dealing with matters in which the Crown is involved and a system whereby such practitioners can lodge their names with the Crown. That is a practical matter and will be dealt with in a practical way by the Crown Solicitor and the legal profession upon the passage of the legislation.

Mr S.J. BAKER: I thank the Minister. I presume that such steps would be taken but I find it very sloppy that it does not say in the Bill itself that the notice must come from the Crown Solicitor informing the person who is to transmit the documents that the legal practitioner is acting on behalf of the Crown. It should be written into the legislation because it could mean any notice. Under English terminology, 'notice' implies that he could be talked to or rung up and told that John Smith would be handling the case. The drafting is quite indefinite as to what particular notice will be given. While the legal profession might operate as a very nice club, it seems that it has been less than exact in the way it has put together this piece of legislation. Having had that notice, the clause provides that service must be effected on that other solicitor. In that regard, I do not think that it fits completely within the spirit of the legislation insisting that the legal practitioner who is in charge of the case must be served with that document because I am sure that there will be cases when they are not.

The Hon. G.J. CRAFTER: I acknowledge the concern of the honourable member and his keen interest in the drafting procedures, but the advice to the Government is that the matter can be dealt with more efficiently administratively because a wide variety of circumstances need to be covered. It may be that it can be a notice other than that in writing or in the way prescribed in the legislation. At times, one needs to serve processes within hours and there must be a great degree of flexibility. As the Bill is drafted, it will allow for that. Administrative procedures will be established in due course.

Clause passed.

Title passed.

Bill read a third time and passed.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill repeals the Second-hand Goods Act 1985, and transfers existing police powers to inspect goods, records and other related matters to the Summary Offences Act 1953. This is a significant deregulation initiative, which affects approximately 3 500 licensed dealers.

The Second-hand Goods Act 1985 repealed the Second-hand Dealers Act 1919 and the Marine Stores Act 1898 and followed a review undertaken by an inter-departmental working party established in January 1981. The key provisions of the 1985 Act provide for the licensing of second-hand dealers, require second-hand dealers to keep prescribed records in a prescribed form and provide the police with powers of search and entry of second-hand dealers' premises. The objectives of the Act are to restrict the sale of stolen goods and to prevent the entry into the second-hand goods industry of persons who are likely to engage in the selling of stolen goods. The regulations contain a number of exemptions for various types of goods, and since the Act was proclaimed on 1 June 1986, there has been a steady stream of requests for further exemptions. Numerous concerns have been expressed by business, by the Commercial Tribunal and others about the justification of the legislation and a review has been carried out to develop an alternative system which will satisfy the police but not be as regulatory as the present system.

The system proposed is one of 'negative licensing' with the courts being given an additional sentencing option of prohibiting offenders, who commit an offence under the Act or an offence involving dishonesty, from carrying on the business of buying or selling or otherwise dealing in second-hand goods for such period of not less than 12 months as the court thinks fit.

Most of the stolen goods recovered from second-hand dealers in the past have been due to information supplied by dealers to the police and not as a result of police visiting dealers to check the records prescribed under the Act. The imposition of excessive recording and restrictions, which dealers considered could not be justified, does not encourage this spirit of cooperation which is essential if stolen goods are to be detected. The police fully support the need to obtain the cooperation of dealers and the police have agreed to reducing regulation. The main areas of regulation which will be removed are as follows:

- licensing of dealers and managers
- annual returns
- registration of premises
- keeping of prescribed records which are a duplication of normal business records
- tagging and identification of goods
- recording movement of goods
- holding goods for 4 days
- inclusion of prescribed information in advertisements.

It is proposed that dealers should only record information of goods bought or received which a prudent business person would be expected to keep. Very few businesses are likely to be granted exemptions from recording information of goods bought or received. Examples which come to mind are charitable organisations, collectors of bottles, cans and scrap metal, dealers in fabric off-cuts and second-hand book marts. Any person who sells second-hand goods, regardless of the value of the goods, on not less than six different days within a period of 12 months, will be required to comply with the Act.

Clauses 1 and 2 are formal. Clause 3 inserts a series of new provisions into the principal Act dealing with the business of selling second-hand goods. New section 49 provides definitions of terms used under this heading. Section 49a requires a second-hand dealer to maintain records containing information prescribed by the section. Section 49b is a method of requiring second-hand dealers to watch out for stolen goods. Section 49c empowers members of the Police Force to enter premises for the purpose of enforcing these provisions. Section 49d enables a court to order that a person convicted of certain offences not carry on business as a second-hand dealer. Section 49e is an evidentiary provision. Section 49f provides for offences by directors of companies and section 49g limits the time in which proceedings must be commenced. Clause 4 replaces section 77 of the principal Act. Clause 5 repeals the Second-hand Goods Act 1985.

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

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is a minor technical amendment of the Residential Tenancies Act 1978. It is necessary because of some uncertainty which has developed during the preparatory work which has been necessary to implement the Government's desire to make moneys available from the Residential Tenancies Fund, on strictly controlled conditions, to support some specified housing projects proposed for the International Year of Shelter for the Homeless. That application of the income from the fund was recommended by the Residential Tenancies Tribunal, subject to some detailed control mechanisms, and approved in accordance with the requirements of section 86*(d)* of the Act. The amount involved was $400,000.

The Tribunal recommended that this money be contributed towards total capital costs of $710 000 in three joint projects to provide shelter for the homeless. The application for funds for this program came from the Housing Advisory Council Industry Committee, which has a membership representing all sections of the building industry, public and private. The industry committee developed these proposals in conjunction with the South Australian Housing Trust and they are among a list which the Committee has submitted to the International Year of Shelter for the Homeless Secretariat. The Tribunal considered the projects and selected from the list three housing projects to which it was prepared to recommend providing funds upon strictly controlled conditions. One is to provide premises in Princess Street in the city of Adelaide which would be administered by the Sisters of Mercy to provide emergency accommodation for 10-12 homeless women in the Adelaide area and to develop a day care centre for resident and non-resident women. Such a project would go some way to overcoming the inability of existing emergency facilities to deal with the needs of homeless women in the Adelaide area.

The Sisters of Mercy identified that there are 50-60 homeless women in the area in need of this type of accommodation. Another project involves renovating existing premises at Mile End recently purchased by the South Australian Housing Trust to be operated as a shelter for homeless youth. The third project, at Glenelg, involves the renovation of premises in Byron Street, at present owned by the South Australian Housing Trust, to provide accommodation for 12 persons in boarding style accommodation. Again, it is contemplated that a community organisation would operate the premises to provide accommodation services to homeless people. By a similar process, a smaller allocation of $18,500 was approved, on the recommendation of the Tribunal for research into the situation of boarders and lodgers. The Residential Tenancies Tribunal has before it further applications for support for similar kinds of projects.

Honourable members will be aware that paragraph 86*(d)* authorises the application of income from the fund 'for the benefit of landlords or tenants in such other manner as the Minister, on the recommendation of the Tribunal, may approve'. In making its recommendation, the Tribunal considered closely the question of its power to make these recommendations under this paragraph of the Act. It came to the conclusion that these proposed allocations were within the scope of that paragraph, because of the benefits which accrue to landlords and tenants alike from these additions to the total rental housing stock in ways which meet the needs of persons whom landlords often find to be difficult propositions as tenants. However, during the detailed work to implement the decisions to apply these funds in the way I have mentioned, some uncertainty has developed about the appropriate way to interpret the phrase 'landlords or tenants' in that paragraph of the Act.

There are differences of view as to whether the phrase limits allocations to projects which benefit persons who are (or have been in the past) parties to a Residential Tenancy agreement within the meaning of the Act, or whether the expression can be interpreted more broadly. It is possible to argue that the allocations of the sort I have mentioned have indirect benefits for persons who are parties to Residential Tenancies agreements, and are therefore authorised by paragraph 86*(d)*. It is, however, not appropriate to let these recent doubts remain where significant sums of money may be involved. Accordingly, this amendment is proposed in order to remove that possible area of doubt. The proposed allocations for the projects already detailed is to be made on a properly controlled basis, with binding undertakings to apply the moneys to the projects approved and an agreement only to pay them out of the fund upon acceptance of audited progress cost accounts. Undertakings will be required that the projects will be used for their nominated purposes for a minimum of 25 years.

As for the research project, the recommendation is that it be subject to close and regular review by the Chairman of the Residential Tenancies Tribunal and the Commissioner for Consumer Affairs. The Government believes that

there should be no risk of any impediment to these worthwhile projects which will make a significant contribution to the International Year of Shelter for the Homeless and which reflect the views already expressed in the setting up of the Select Committee on Availability of Housing for Low Income Groups in South Australia. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 amends section 86 of the principal Act which deals with the application of income derived from investments of the Residential Tenancies Fund. The amendment is designed to enable income to be used, with the Minister's approval, for research into the availability of rental accommodation, areas of social need related to its availability or non-availability, and for projects directed at providing accommodation for the homeless or other disadvantaged sections of the community.

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

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council without amendment.

WORKERS REHABILITATION AND COMPENSATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PAROLE ORDERS (TRANSFER) BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

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

That the House do now adjourn.

The Hon. E.R. GOLDSWORTHY (Kavel): I refer to a matter I raised earlier in the House; I did not have time to do it full justice, due to the constraints of time under Standing Orders. I refer to correspondence I received from one of my fairly newly acquired constituents from the northern part of my district. He has written a couple of fairly engaging letters and in them makes a couple of quite significant points, with which I agree and which convey with them a sense of humour which I found quite entertaining. I will let my constituent speak for himself. He states:

Dear Mr Goldsworthy,

I have been required to pay $60 for three years permission to own a firearm and I protest strongly. I have a 410 shotgun that I keep for the purpose of killing vermin—feral cats and snakes which threaten the many children that frequent the Murray banks during holidays. Conceivably it may come in handy to defend myself, living as I do in a remote area far from neighbours for most of the year. At age 68 I need some supplementary defence. In the five years I have had the gun I have discharged it once, largely because I am averse to shooting anything unless I have to. At $20 a year my shooting comes pretty expensive and I am forced to consider letting the feral cats go, endangering children (and perhaps myself) and making it possible to contribute instead to such worthy causes as the Three Day Event, snail pace 12 metre yachts and other Labor Party circuses. In rural areas we get no bread to go with them.

He then signs it 'Sincerely'. I gave the letter a brief mention at the end of a grievance debate and sent a copy of it to my constituent and it brought forth another response, which I will read into the record because he continues to make this point in this inimitable way as well as one or two other points. He states:

Dear Mr Goldsworthy,

I am obliged to you for your letter and enclosure of 13 November and for your prompt response to my protest against the iniquitous increase in the cost of a firearm licence. No doubt the Minister responsible (leaving aside the very questionable proposition that nowadays Ministers, Federal or State, accept responsibility for anything) will justify the impost by trotting out the excuse that it will decrease the amount of violent crime.

Implicit in this idea is the belief that when a bankrobber or someone who has blown a hole between the ears of a fellow citizen, or even his ever loving, comes before the judgment seat, he will feel a glow of satisfaction that at least he did what he did with a licensed fowling piece and that so heavy a drain on the balance sheet of a would-be assassin would deter him from his evil intent. The whole proposition, however, does show a quite remarkably Christian and generous side to socialist philosophy—the idea that anyone wanting to use a gun for criminal purposes would be so solicitous about the law that he would be deterred by $60. I am particularly gratified by your tactful description of my decrepitude—

I forget how I described him and I must have remembered that he was 68—

a marked improvement on one of my granddaughters who asked me why I was so old—was it, she wanted to know, because I eat too much or because I drink too much. Grandparents nowadays apparently do not qualify for a third option! I look forward to a further lambasting of the wet and witless—more power to your elbow. But, I fear that farting against thunder is a fruitless exercise. Wishing you a very happy Christmas and 1988.

I thought that those two engaging letters had a clear message for the Government: one which I heartily endorse. I did not think that I could do my constituent any greater justice than reading his letters into the record. I must apologise to him if I gave the impression of decrepitude. His correspondence does not reinforce that impression. His message is there.

The Government is prepared to waste millions of dollars on its pet projects such as the Three Day Event, which cost the taxpayer dearly and like the slow yacht which it had to sell off at a considerable loss. Yet, it is prepared to slug the public $60 to own a firearm, as my constituent says, and he has fired his once in the last few years to get rid of vermin. I intended to raise the matter during the debate in private members' time on a motion moved by the member for Goyder, but did not know what time was available. I wanted to ensure that I got the letters on the record. I wish my constituent a merry Christmas and happy 1988 although, under the present Administration, he will face continued imposts from the Labor Party to go on its merry way.

The only other matter to which I shall refer is correspondence from the District Council of Eudunda. I raised the matter earlier in relation to the fact that the Government wanted to slug the District Council of Eudunda for the use of its War Memorial land and reserve which it developed over the years on some useless railway land.

No doubt as a result of some of the publicity that this preposterous proposal generated, the Minister visited the area and said that, if the council made him an offer for the land, he would accept it. As a result, the council offered him $2 000 and, if he is to keep face with what I read in

his public statement (namely, that if the council made him an offer, he would accept it), the Minister would accept that offer. I have not received the last word on this matter, but I think the STA has tried to up the ante. I remind the Minister of his public offer to the council that he did not intend to slug them for the land on which the war memorial was situated, along with the memorial gardens, which had been developed over 30 years in order to use up a bit of useless STA land, which was an eyesore and fire hazard in the middle of the town. I have received from the District Council of Eudunda another letter which refers to the fact that the STA has now stopped the bus service to Eudunda.

An honourable member: Is that in your electorate?

The Hon. E.R. GOLDSWORTHY: Yes, it is in my electorate and I give them the service to which my constituents have become accustomed over many years of faithful service. The letter from Barossa-Adelaide Passenger Service reads:

It is with regret that Barossa-Adelaide Passenger Service will no longer provide a bus service to Eudunda as from 16 October 1987.

The company then outlines the reason for this, and states:

Our present service will continue to operate from Kapunda for those wishing to travel to Gawler and Adelaide.

The Government is quite prepared to subsidise public transport to the tune of about $105 million for the convenience of the travelling public in metropolitan Adelaide, but it is loath to spend a cent on ensuring that a public transport system operates for the benefit of country people.

I will not go into the facts again, because I do not have the time, about the contribution that the country makes to the economy of this State. It is still the backbone of the economy but, when it comes to the dispensing of public funds, particularly in relation to public transport, massive subsidies are readily available to support an inefficient public transport system in the metropolitan area, but the Government is not prepared to subsidise country travel to any extent at all.

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

Ms GAYLER (Newland): Following the comments by the member for Kavel, I am tempted to take him up on his problem about the .410 shotgun, which has been described to me as sufficient to do damage to a marauding elephant crossed with a giant rabbit. However, because the member for Kavel is a constituent of mine, I will restrain myself.

An honourable member interjecting:

Ms GAYLER: No, but you are. Instead, I will deal with some substantive matters affecting the Tea Tree Gully area. Three important planning matters are being considered by the City of Tea Tree Gully at the moment: first, the future housing needs and residential development standards for the area: secondly, the development of the office and commercial heart of the city of 79 000 people; and, thirdly, plans for future light industrial development, about which I have some concerns.

I congratulate the council on the first two initiatives. It is looking to future plans for what will be a population of 100 000 people by the year 2000, which is an increase of 54 per cent and which makes it the third fastest growing city area in South Australia. These important initiatives are covered in three documents called 'Future Directions Reports' and the 'Tea Tree Gully Housing Project Report'. Council planners have done an extremely good job, with great foresight, enthusiasm and vision, and they have had the support of their elected council members in doing so. The pamphlet circulated by the council called 'Tea Tree Gully Future Directions Planning Beyond 2000' is quite a rare document. It is very clear, in simple language and it has gone into every post box in the city area inviting comment at this very preliminary concept stage.

The housing section of the future directions work points out that the city caters very well for detached family housing for the traditional family, mainly by three bedroom houses. It does not cater so well for the elderly, the small households, single people, youth who have left their family homes and those in financial hardship who find it difficult to pay mortgages or to meet rentals. The report makes a number of very worthwhile proposals for affordable and appropriate housing for the frail elderly, and the elderly generally (whose population is expected to increase from 5 per cent to 9 per cent of the city by the year 2000) and for young people aged between about 20 and 24. Essentially, we do not want the young and the elderly to have to leave Tea Tree Gully to find housing elsewhere.

In line with that housing report, the Future Directions Residential Development Report proposes a neighbourhood zone which would allow for more choice of housing, along with greater controls over the siting and location of housing and the problems of one house overlooking another. These developments are designed to ensure a pleasant residential environment and to retain residents' rights to object to neighbouring development where it is inappropriate. I am delighted also to see that the council's plans protect the environment and the heritage of the City of Tea Tree Gully. I am very impressed with the way in which the council has investigated these issues and publicised them.

At its September meeting council adopted a housing policy which set out council's role for the future. It is a 16 point policy which recognises council's obligation to consider the housing needs of all exisiting and future residents of the city while maintaining standards of amenity and utilising council's resources in the best interests of the residents. This is a superb step, and one that could well be followed by many other metropolitan councils. I also welcome council's recent resolution which accepted the need for a metropolitan Adelaide residential supplementary development plan, subject to some redrafting, to ensure local compatibility.

I express my dismay about council's plans for new areas to be zoned for industrial use. I think that council has well established that there is a need for additional land for industrial development, employment, business opportunities and economic development. It is appropriate that it should plan ahead and it has done so in the Golden Grove area where it has established that a strong demand exists for further industrial land. In fact, in Golden Grove 14 new industrial enterprises are about to begin in an area that has barely gone on the market, so the demand is there and it is being taken up very quickly.

I draw attention to the problem of the proposed industrial zoning at St Agnes in 12 hectares of land fronting Whiting Road. Residents there have had to put up with smell, dust, noise and flies from adjoining land uses, including council's Smart Road dump, Halletts dump and brickworks. As a result of that, they have endured much from existing land uses which, however necessary, were unsuitable to adjoining residential areas. Those residents had been looking forward to the restoration of the area and its development as a recreation park, as was promised by the council. The council has therefore helped those expectations. Now, however, out of the blue the council has proposed an industrial zone virtually surrounded by residential development. In its report it states:

The land is ideally suited to be rezoned.

I find that statement rather staggering. To be fair to the council, tight controls to ensure high standards of amenities

facing Whiting Road are suggested, but it seems to me that it is not just a question of amenity and appearance or the frontage to Whiting Road. The other issues that must be considered are the traffic generated, dust, noise, smell, smoke, and the hours of operation of such enterprises. It seems to me that local residents have good grounds for being totally opposed to this proposal and that the opposition is not limited to those opposite the site on Whiting Road. Many in the eastern part of St Agnes, along Whiting Road, Cinnamon Street, and adjoining streets are also very much concerned.

I am not challenging the assessed need for further industrial land or the importance to local economic development opportunities of further industrial zoning, but I question the appropriateness of the area. After all, other industrial land is available and properly zoned in Holden Hill and in Golden Grove and any new industrial development planned for a new area should avoid the obvious conflict with the peaceful attractive residential environment, and that can be achieved.

Finally, I commend the council on its plans for the city centre. The council has looked at the heart of Tea Tree Gully and established that the commercial and city centre heart needs to be further developed so that the city has a focus, with more office development and employment opportunities, as well as entertainment facilities, especially at night. The council has developed exciting plans for the city centre, based around the civic park area adjacent to Tea Tree Plaza, the proposed O'Bahn terminus and the new site for the Tea Tree Gully TAFE College. I wish the council well with those endeavours.

I support the council in its proposals for future measures to meet the housing needs of disadvantaged people, including the elderly, the young, and the single people who need different housing opportunities and housing at an affordable price. I congratulate the council on the way in which it is going about consulting residents and advising them through direct publicity of its plans.

Mr LEWIS (Murray-Mallee): I have a number of matters which I wish to draw to the attention of members this evening. Several of them relate to Education Department problems in schools and in the services provided through schools in the electorate that I have the responsibility to represent. First, I refer to the closure of the Keith school dental clinic. This closure is part of the unfortunate, so-called rationalisation of school dental services in the South-East. At present the school dental service opens in a clinic building on the campus of the Keith area school and it is to be closed at the end of the school year in a week or so.

Equally, I understand the concern of the member for Victoria about the 'rationalisation' (to use the school dental clinic's own words) at Penola in his electorate. We are working together to get a reversal of this ridiculous decision about which the Minister of Health wishes to know nothing. He wants it to go away without his having to do anything about it, but that is not the nature of ministerial responsibility: he must face the music. This is a ridiculous proposition whereby the people of the Keith and Tintinara communities must travel all the way to Bordertown and take their children there for treatment by the School Dental Service.

Most members may not regard that as an onerous responsibility, but the journey from Tintinara to Bordertown is the equivalent to people in Prospect having to take their children to Victor Harbor for treatment at a school dental clinic. An equal opportunity, to children who are defenceless and incapable of earning the means by which they can obtain services for themselves is a philosophical commitment of both major political Parties I should have thought. It certainly is of my Party, and whatever terminology other people may wish to use to describe this matter, that is the gist of it.

The first reason given for the closure of the school dental clinic at Keith was the under-utilisation of that clinic. However, that is ridiculous nonsense and piffle. I know of one parent whose child has been trying to get an appointment at that clinic for a year but has been unable to do so. So, to say that the clinic is under-utilised when there are waiting lists of over three months is foolish.

The second reason given was the stress on the staff, but the clinic staff wish to dissociate themselves utterly from that reason. It was not something for which they asked and it is something from which they resile and will not own. They resent being referred to as having complained of being stressed by the travel from Bordertown to Keith. What does the Minister think it is like if one has a child screaming with an aching tooth and one is trying to get the child ready to travel to Bordertown from say, Tintinara? What sort of stress would that mean to the parent who accepts the responsibility for the conduct of the journey to get the child to the clinic? I do not think that trained adult staff would find it anywhere near as stressful as the resulting stress on parents.

Of course, the overall economic consequence of the decision is that much more energy, in terms of resources such as road use, fuel and risk of accident, and time will be spent by people travelling individually to Bordertown for service at the school dental clinic there than would otherwise be used if the staff were to travel to the existing clinic at Keith.

The third reason given for the closure was the age of the clinic building, which is identical to the building at Bordertown. The argument is that it will need substantial maintenance over the next two years. That building is 12 years old and of Samcon construction. It is perfectly sound and one of the few buildings that never leaks. Further, it is unlikely to be rifled in the unlikely event that country schools such as Keith were to be subjected to the same degree of vandalism and burglary as city schools. That building is not in danger of collapsing, and it is not antiquated.

It is a ridiculous situation in which the people of Keith and Tintinara find themselves and an untenable one. I call on the Minister and the School Dental Service to reverse the stupid, irresponsible and improper decision that is taking a service away from Keith and putting two services at Bordertown, which already has a professional dentist in residence. By the way, it is now proposed to work a five day week (it has been worked at Keith for the past month) to try to catch up on the backlog of people waiting to see the paradental professionals. Then they will close down the clinic. How cynical! How stupid!

The next matter which I wish to draw to the attention of the House concerns another problem at the Tintinara Area School. The Secretary of the Tintinara Area School council (Mr Rob Sanders) tells me that, since 17 August, the Principal of the school has been away from the district and acting as Superintendent of Schools at the Area Education Office in Murray Bridge. He was supposed to have been at Murray Bridge for only three weeks but at the end of that time he was told that he was needed for another three weeks, and so on and so on until now. So, the school has not had its Principal since the middle of the year.

The Minister of Education has done nothing about it, and they cannot get an answer as to whether they will have a principal even next year. He continues to act in that capacity because of some stupid bureaucratic procedure that is being undertaken at present within the Education Depart-

ment about the permanent appointment of someone to that position.

That is not fair to the kids at Tintinara, and it is not fair to their parents; indeed, it is an insult to their intelligence to expect them to go on trying to run a school without a principal and provide no additional staff by way of replacement. He is not a principal who sits on his butt in the room doing nothing else but administer the place; he gets out and has a workload in the classroom.

The next matter to which I draw the attention of the House is the financial institutions duty and the way it has adversely affected the East Murray Area School. In the course of remarks made to this House on Tuesday 24 November, in a debate about State taxation, the Premier, in response to a question from the member for Light, said:

> That is appropriate in certain cases. It would not be a direction to the Commissioner to take certain action; it would simply be an indication that, for instance, an *ex gratia* payment should be made of a fine remitted or not collected.

That is all very generous in that context. I now call on him to make an *ex gratia* payment of about $60, which he has ripped off that school council in the financial institutions tax and which the Commissioner has refused to refund to that school council on its request. It was taken off the council in the course of its banking arrangements for the construction on the schoolgrounds of its community/school recreation complex, which it subcontracted itself and did, with its own labour. If it had not done it that way it would not have got it. I commend the school council and the community for the effort they made.

The Government is being pettifogging, bloody-minded and penny-pinching when it taxes a school $60 financial institutions duty and then gets its Commissioner to tell the council to go hop when it asks him for an *ex gratia* payment in refund of it. It was his fault in the first place for not getting his officers to respond to the request that the council made for assistance in getting the exemptions on those accounts.

The last thing to which I want to draw the attention of the House concerns the Premier again and involves Schubert's Farm. Some items loaned to the farm by people in Murray Bridge for as long as the farm remained a part of the History Trust's museums have now disappeared and have not been returned as promised. Some of the things that were given to the farm on the condition that they remain there, and in the event that it went to be given back to the council, have also disappeared. I have received a complaint from Mr E.H. Schubert, the grandfather of the family, pointing out that one of the vintage model Chevrolets, with 'Schubert's Farm' written on the door, was seen being driven down the main street of Murray Bridge 14 days previously (as of 26 October) and had disappeared. I do not know why the Premier, or whoever else is responsible, can allow that kind of thing to happen. That is really crook.

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

Motion carried.

At 9.34 p.m. the House adjourned until Thursday 3 December at 11 a.m.