HOUSE OF ASSEMBLY

Thursday 3 December 1987

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

ALCOHOL DRY AREAS

Mr GUNN (Eyre): I move:

That this House calls on the Attorney-General and the Government to immediately grant the authority to district councils to be able to declare 'dry areas', that is, to prohibit the consumption of alcohol in certain areas so as to protect law abiding citizens from drunken and unruly behaviour caused by the irresponsible use of alcohol.

The purpose of this motion is to enable district councils which are concerned about antisocial behaviour and problems that have been caused to law-abiding citizens in their areas to take positive action. In relation to my district, I am pleased that the Premier is going to Ceduna, because one of the things that he will be able to consider over there relates to the request by the District Council of Murat Bay to have dry areas proclaimed in the town of Ceduna. I have made representations in relation to this on numerous occasions. The district council has continually put the view, both to Government officials and publicly, that this course of action should be undertaken. The Licensing Commissioner, Mr Secker, has been over there, and to put it mildly we are far from satisfied with his response. They had a Mr Agius, I think his name was, from the Health Commission prepare a report, and that report contained 14 pages from Mr Grassby. We know the reputation of Mr Grassby. It was an insult to the people of Ceduna to have to tolerate that sort of nonsense. However, nothing has happened. But we read in the Port Augusta *Transcontinental* of 18 November:

Another Dry Area

The Holdsworth Triangle area off Tassie Street has been declared a dry area and Port Augusta City Council is seeking a similar ban for Mackay Street . . . Approval was granted last Thursday by the Liquor Licensing Commissioner, Mr Andrew Secker, to prohibit alcohol consumption in Holdsworth Triangle. Mr Secker met with council . . .

I want to know why the council at Port Augusta can have these areas declared while the District Council of Murat Bay cannot and, further, why cannot areas of Coober Pedy be declared dry, following requests that have been made from people for that?

The Hon. D.C. Wotton interjecting:

Mr GUNN: I just want to know why. I now quote from the *Advertiser*—

Members interjecting:

Mr GUNN: I wish there could be a bit of decorum in the place. The article headed 'Councils want some "dry" beachfront areas' states:

Adelaide's seaside councils want to ban alcohol consumption . . .

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr GUNN: I want to quote a letter that I have received from the Ceduna Community Council; it is a copy of a letter which was sent to the Premier on 22 October, and states:

Dear Sir,

The Directors of the Ceduna Community Hotel are again concerned about the level of vandalism and violence at Ceduna and in particular within the vicinity of the hotel.

A section of Aboriginal juveniles run rampant with impunity. Vicious and violent they frequently create havoc, causing great bitterness towards all Aboriginals by those who suffer and see the consequences of their antisocial deeds. The actions of a few are placing a wedge in the normal cooperative relationships between all of the community.

In general the Aboriginal community are suffering the consequences of dislocation, poor housing, poor education and unemployment. Chronic alcoholism is the sole escape from the boredom and tediousness of the pitiful lifestyle of those who have neither the economic capacity, educational capability, the inclination nor the opportunities in terms of fulfilling and meaningful employment to change their lifestyle.

Those who do enter the alcoholic cycle are in desperate need and unless the cycle is interrupted they will never fulfil any useful role in their life other than to perpetuate themselves and create another generation that will not be able to extricate themselves from the unfortunate and desperate circumstances of their forebears. The offspring of those in the alcoholic cycle are not parented properly. They have no supervision, no homelife, inadequate personal necessities and nobody to relate to as a role model.

Education is being ignored by a large number of Aboriginals. They are uncaring and unaware that education may help them escape the desperate circumstances of unemployment, leading to the alcoholic cycle. Truancy is rife at the Ceduna Area School. There is reason to believe that Aboriginal student attendance at school is 25 per cent, meaning that in any five days an Aboriginal student on average attends school on 1.25 days.

It would be foolish to pretend that there has not been subtle mutual racial intolerance perpetrated in the past. However, the level of intolerance has now been inflamed to a stage where a small incident could inflame a major race riot.

This community has neither the political clout, financial resources nor the people of ability to be able to solve the problems. It is however distressing to see the social conditions under which Aboriginal youth are being reared. A generation have already been condemned and if answers are not found shortly another generation will follow. With each day that passes the possibility of major conflict of a racial nature becomes inevitable.

This letter was signed by the Secretary and highlights the difficulty and the sad situation in that area.

The Hon. Ted Chapman interjecting:

Mr GUNN: If dry areas were created where the Murat Bay council has requested, some of those people would be moved, and not cause the problems that were explained in the letter. The *West Coast Sentinel* of 30 September 1987 in an article entitled 'Men assaulted outside hotel' stated:

Two men were viciously assaulted in separate incidents outside the Ceduna Community Hotel last week, only one of which has been reported to the police. The chief executive officer of the District Council of Murat Bay, Mr Craig Wilson, said the council was still pressing for an answer on the dry areas question from the Attorney-General, Mr Sumner.

He said the matter was being pursued by the member for Eyre . . . Mr Wilson said he had been 'absolutely disgusted' with the litter and smashed bottles on roads and gardens in the area this week. Mr Wilson said council roadsweepers had been forced to intensify cleaning efforts to keep the areas presentable. 'Dry areas are well worth introducing just to see what would happen,' he said.

In the *Flinders News* the Mayor of Port Augusta said:

The dry areas, which were instituted earlier this year, are a huge success according to Mayor Joy Baluch and Aboriginal spokesman, Mr Gordon Coulthard. Mr Coulthard said the dry areas are working wonders with the community now being able to enjoy the parks. 'The response has been very good. It has been well accepted by the Aboriginal community and all other races in Port Augusta,' he said. 'There have been no complaints about the banning of alcohol in these public places, and we have also had no problems with drunks,' he added. Mrs Baluch commented on the success of the dry areas: 'They will be a further success when the Holdsworth Triangle is also declared "dry",' she said. The triangle in question begins at the end of the new Woolworths car park.

The Mayor of Ceduna (Mr Puckridge) was quoted in the *West Coast Sentinel* of 18 November. The article stated:

The Murat Bay Mayor yesterday slammed delays in processing the council's application for dry areas in Ceduna. Mayor Malcolm Puckridge accused the Liquor Licensing Commission of 'giving us the run around'.

That is correct. I call on the Premier, when he goes to Ceduna next week, and on other Ministers who are responsible, to take the necessary action to have these areas declared dry. If they do not have the political courage to do that,

then give that responsibility to the local communities. Local communities elect district councils and corporations—give them the authority and they will act. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PRIVATISATION

Mr GUNN (Eyre): I move:

That this House supports Senator Evans' call to privatise some Federal Government agencies.

Mr Duigan interjecting:

Mr GUNN: The member for Adelaide was part of a scurrilous campaign to misrepresent the Liberal Party at the last election, aided and abetted by the member for Briggs and the Public Service Association. Members opposite should listen, because if ever the chickens are coming home to roost it is on the subject of privatisation. If ever a political Party has proved to the public of this State that it is a bunch of political hypocrites, that is the Australian Labor Party, led by the Prime Minister, who came to Adelaide and publicly castigated the present Leader of the Opposition for his plan to privatise certain Government enterprises. Yet, this Government, led by Premier Bannon, has privatised Amdel and is now setting out to put into practice Liberal Party policy to privatise sections of the Housing Trust.

That campaign has been led federally by none other than Senator Evans. I quote selectively from an article in the *Sydney Morning Herald* of 30 November 1987 headed 'Labor boosts sale of public housing':

Tens of thousands of houses have been freed to encourage public housing tenants to buy their own homes, the Premier said yesterday.

Premier Unsworth, faced with the chilly winds of the ballot box, is now putting into effect Liberal Party policy, the very policy which the Liberal Party put to the people at the last election. The article continues:

Cheap loans would be made available and the proceeds of sales would be used immediately by the Department of Housing to replace those houses sold.

Liberal Party policy! Where now are those prophets of doom who sit on the benches opposite? Where are those people who said that it could not take place? The article goes on:

Mr Unsworth told the Labor State Candidates Convention at Bankstown yesterday that details of the plan were yet to be finalised. However, the features included:

- The sale price assessed at market value;
- Subsidised home loans under the Affordable Home Loan Scheme;
- The choice for tenants of buying their own home or another one elsewhere.

He went on to say:

The creation of jobs throughout New South Wales has always been our top priority.

He realises that by selling those houses he can create more jobs. Let us see what one or two other people had to say. I quote from an article in the *News* of Monday 16 November 1987 under the heading 'Privatisation row flares':

A senior Federal Government Minister today leapt into the privatisation debate, supporting the Prime Minister, Mr Hawke, in his fight to sell off some Commonwealth assets.

The Transport and Communications Minister, Senator Evans, claimed there was a strong argument in favor of privatising some Government services if they threatened the Government's budget strategy.

Senator Evans said that if the social purpose in selling off such an asset was not clear, then the economics of the sale should be the main factor.

His comments today will fuel the debate which is set to erupt in Caucus tomorrow when a special motion on the issue will be voted on.

He went on to explain what assets were involved. He was talking about Qantas, Australian Airlines and the Commonwealth Bank. The article continues:

... the budgetary outlay required over the next few years will be in the order of $1 000 million. Senator Evans' support for Mr Hawke and the privatisation issue was made at a conference in Sydney on privatisation in Australia.

I could quote from a number of other articles, but the Australian Labor Party, in its efforts to castigate the Liberal Party and to misrepresent its policies, clearly has been saddled with its own propaganda.

The Commonwealth Government, the New South Wales and other Labor Governments around Australia have suddenly realised that the economic situation and their budgetary situations are such that they will not be able to provide the necessary capital for those organisations to operate effectively over a long period of time without affecting the welfare of those in the community who are least able to face difficult economic times, that is, the underprivileged, the elderly, the sick, single parents and pensioners. If those people are to receive their fair share of the economic cake, it is absolutely essential that a responsible and well thought out program of privatisation takes place in this country.

It is nonsense to say that the Government should hang on to assets when there is no longer a need for it. When those enterprises were set up originally, there may have been very good reason for the Government to have been involved. It established TAA because, in a large country like Australia, it was necessary to have effective competition in the airline business. With the scrapping of the two airline policy there is no longer any need to have that as a Government enterprise. If the Government wants to retain some influence in that organisation, it does not have to sell all the shares; it can sell 51 per cent, 49 per cent or any percentage which it believes necessary. The same thing applies to the Commonwealth Bank and to the Housing Trust in this State. Hundreds of thousands of Housing Trust flats and houses should be sold; factories and other organisations should be sold. It is absolute nonsense to say that many of these organisations cannot be better run by the private sector.

We are talking about effective investment and development in this country, and for Labor Party members to sit back and sneer and laugh at what I am saying clearly indicates that they have no political credibility because they all, from the Prime Minister down, were involved in a scurrilous campaign not only to misrepresent it, but to tell blatant untruths and go to great lengths in castigating our privatisation policy. Now their Federal Leader is heading the campaign to put into effect the privatisation policy commenced by John Olsen during the 1985 election campaign. Where are the member for Briggs and the other poison pens in the Labor Party? Where are they today?

Members interjecting:

Mr GUNN: Yes, but there are a number of nervous nellies sitting on the back bench—those oncers who will not be here after the next election.

Members interjecting:

The SPEAKER: Order! The honourable member for Eyre has the floor; no-one else.

Mr GUNN: Thank you, Mr Speaker, I do not need the assistance. I realise they are trying to placate their guilty consciences. They all ought to feel ashamed of themselves.

Members interjecting:

Mr GUNN: Yes, and at least the defrocked Minister on the back bench, the member for Hartley, of all people, ought

to know the value and wisdom of privatisation, because at least he has had some experience in the commercial world, unlike many of his colleagues. Perhaps they should not be blamed. The member for Hartley understands: he knows the value of privatisation, but he, too, is a part of that scurrilous campaign led by the Public Service Association, which financed the Labor Party at the last election. They were part of that untruthful and scurrilous attack on the Leader of the Opposition by the Prime Minister. Fortunately, I think legal action is still pending on that. Now he has one of his senior Ministers coming out and leading the campaign for privatisation. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

The SPEAKER: Order! The honourable member for Davenport is clearly out of order, and I ask him to either cross the barrier into the Speaker's gallery or return to his seat.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Mr S.J. BAKER (Mitcham) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act 1972. Read a first time.

Mr S.J. BAKER: I move:

That this Bill be now read a second time.

Members will know that I proposed this Bill for debate in the last session of Parliament, but there was insufficient private members' time for its adequate consideration. There was no response from the Government to what I believe is an extremely important issue, that is, the rights of people. The Bill seeks to do a number of very basic but important things. It provides for the deletion of the preference clause, which was inserted in the legislation by the Labor Government in 1984. It removes the right to discriminate against conscientious objectors and removes their obligation to pay money into the State's revenue. It prescribes penalties for those unions which threaten or intimidate anyone, including managers and owners, to coerce them or their employees into union membership. Finally, it repudiates preference clauses in awards.

This is an extremely important matter about which I feel very deeply. It really goes back to a basic human right, namely, the freedom of association. Once the freedom of association is taken away, we lose at least one of the very important tenets that we believe in. What is happening out there in the industrial arena today is unworthy of a country of this size and nature in this age. I have seen from the number of people who have approached me since I have been shadow Minister of Industrial Relations that the amount of intimidation that goes on in this little State of South Australia is quite extraordinary. In fact, I receive at least one telephone call, one visit or one letter a month from someone who has been intimidated by a member of the union movement. Basically, the intimidation is aimed at one thing and one thing only: to force people to join the union movement. No doubt members on both sides of the House would have received representations about similar matters.

Mr Hamilton: No.

Mr S.J. BAKER: The member for Albert Park says 'No', and we can understand why. Perhaps his constituents do not talk to him.

Mr Hamilton interjecting:

The SPEAKER: Order! Not only is the interjection out of order on normal grounds but the honourable member for Albert Park is out of order because he is not in his seat.

Mr S.J. BAKER: It always interests me that the ALP talks about human rights. Indeed, the Federal Government has been the architect of human rights legislation. Yet, one of the most basic freedoms that we believe in, talk about and hold onto is the freedom of association. Freedom of association, which we hold so dear, is continually being trammelled by the union movement in this State and country.

I do not intend to spend the same amount of time as I did previously explaining the Liberal Party's position on this matter because it is in *Hansard* for everyone to read. I am providing Government members with an opportunity to respond and tell the people of South Australia why they allow these excesses to occur and why they allow members of the union movement to coerce and, in some cases, physically abuse people purely for the sake of ensuring that their numbers are swollen.

It is this continual erosion of our rights and human dignity which has far reaching consequences in the terms of power wielded in a careless and destructive fashion by certain elements within the trade union movement. It is important for the future health and well-being of this country that such practices are stamped out. Although members opposite often talk about disadvantage, they little understand that the actions of their friends, in many cases, can have very serious consequences in terms of the State's productive capacity.

I know that, over a period, having dealt with a number of employers who have been faced with two possibilities, they have decided either to fight or to cave in. The two possibilities are forcing their employees to sign up or go out of business. That has been seen in the building and construction industry, the transport industry and with the storeman and packers. Some of those activities have spread into other areas, although not to the same extent. I could give examples involving the AWU, the Miscellaneous Workers Union and a whole range of other unions which have indulged in this tactic. Generally speaking, about half a dozen unions use this means and abuse their privileged position.

Mr Hamilton: Name them!

Mr S.J. BAKER: I have already named three of the main ones. In the building industry I could talk about the BWIU and the BLF.

Mr Hamilton: Say that outside the House.

Mr S.J. BAKER: If the member recalls, I have made some statements outside the House. In fact, I was threatened with a writ. Somebody said that he would sue me for defamation but, of course, it never arose because they could never afford to take it to court. That is why the scavengers hide behind closed doors. I do not label the whole union movement, but only certain elements within it that carry on this activity. If a person does not wish to join a union, they should not be compelled to do so. Members will understand that, over a period, I have been a member of various unions. The law in this country should protect such people. There is no way that ALP members can argue the tenets of human rights in this place or elsewhere if they abuse the most basic of human rights. I refer—

An honourable member interjecting:

Mr S.J. BAKER: Freedom of association.

An honourable member interjecting:

Mr. S.J. BAKER: Freedom of association is one of the most basic freedoms that we enjoy. If one does not have freedom of association, one has no freedom of speech. It is not my intention to take the matter any further, given the time and the amount of business that is before the House. Indeed, I wish to canvass a number of other matters during

private members' time today. I refer members to my contribution on another occasion and ask that Government members take time to respond to the matters that I raised in the last session.

I promise members opposite that the final draft of the Industrial Conciliation and Arbitration Act Amendment Bill, which will be before the Parliament before the next election, shall include the question of secret ballots and some of the matters that have been canvassed in the Federal sphere. That is what Australians want, and that has been clearly demonstrated in a number of polls; yet somehow their rights continue to be trampled upon. In commending the Bill to the House, I seek leave to insert in *Hansard* the detailed explanation of the clauses without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the repeal of section 29a of the principal Act, which allows the commission to give preference to registered associations or members of registered associations specified in awards. Clause 3 amends section 69 of the principal Act so as to remove the provisions that allow conciliation committees to give preference to registered associations or members of registered associations specified in awards. Clause 4 repeals section 144 of the principal Act, the provision that relates to the granting of certificates by the Registrar to persons who have a genuine conscientious objection to being a member of a registered association or paying membership fees. This section is to be replaced by a new provision in clause 5.

Clause 5 provides for three new sections. New section 158a is an interpretative provision included in order to define what constitutes discrimination for the purposes of sections 158b and 158c. New section 158b makes it unlawful to discriminate against a person, or threaten, intimidate or coerce a person, by reason of the fact that the person has a conscientious objection to being a member of a registered association or paying membership fees. New section 158c contains several provisions that will render unlawful various forms of discrimination and intimidating action against a person by reason of the fact that the person is or is not a member of a registered association of employees. A court will be able to order a person convicted of an offence to pay compensation to a person who suffers loss in consequence of the offence. Clause 6 provides for the termination of awards made in pursuance of section 29a or 69 (3) and (4) of the principal Act (to be repealed by clauses 2 and 3 of this Bill).

Mr GREGORY secured the adjournment of the debate.

ISLAND SEAWAY

Mr GREGORY (Florey): I move:

That this House congratulates the Government for its initiative and foresight in having the *Troubridge* replacement vessel, the *Island Seaway*, built in South Australia using advanced technology to provide a safe and economical vessel for the people of South Australia.

I have been a member of this House for five years and have sat and had to listen to some of the greatest drivel from members opposite that I have ever heard. From time to time in their questioning of the Government members opposite really illustrate their lack of knowledge of the matter at hand. If ever we saw a demonstration of the lack of knowledge, we have seen it from members opposite concerning the *Island Seaway*.

The honourable member who has just resumed his seat illustrated his ignorance the other day. Certainly, it is worth quoting what the member for Chaffey had to say about the replacement of the *Island Seaway* and its cost. The member for Chaffey spoke on this matter in Estimates Committee B and asked why the vessel, which was a replacement for the M.V. *Troubridge*, was costing $15 million instead of the $5 million cost of the *Sandra Marie*, a general cargo vessel recently constructed. I was astounded to hear that question asked in Estimates Committee B. I would have thought that the member for Chaffey could read and would know about the *Herald of Free Enterprise* when it rolled over leaving Rotterdam Harbor. I would have thought he understood that roll-on/roll-off ships are a different construction from bulk carriers. I thought he would have understood that. He illustrates his ignorance on that matter. He did not appreciate that roll-on/roll-off ferries are a compromise in ship design in order to do a particular job, whereas a bulk cargo hand-ling vessel involves fairly simple construction. It does not carry and is not licensed to carry passengers. It does not need the rigid hull and shape in order to handle rough weather and the strengthening required for a roll-on/roll-off ship.

It annoyed me to hear that member making those comments and wasting the committee's time. He then went on to say that it was a radical design with the Z drive as part of the motive power of the *Island Seaway*. The member for Chaffey claimed that he was familiar with Z drives because, I suppose, he had had an outboard motor from time to time. The Z drive is not a new fangled idea used in shipping and is the latest technology to be employed in South Australia. It is something that has been around for 30 years; it is used on tugs in the Port River and in similar vessels—ferries—that ply to islands on the west coast of Canada, where it has proved useful. Perhaps the House needs a description of how the system works. When they want to berth a vessel like the *Troubridge*, its engines need to be under way—

Mr D.S. Baker interjecting:

Mr GREGORY: We have the member for Victoria shooting his mouth off again about something of which he knows nothing. If it were a matter of keeping sheep or livestock alive in a paddock I am sure he would have done better than his fellow graziers. He is that tight that he would not have allowed those sheep to die if they could produce $30 a clip of fine merino wool. I compliment him about that; he would not have allowed it to happen. As to ships, like other members, he would not know, and all he can do is just shoot off his mouth.

With the *Troubridge*, propulsion power is by way of screw in a fixed direction and it was the rudder that was able to move the ship left or right, which meant the berthing was a forward or reverse movement of the vessel. With Z drives and the bowel thruster the vessel is able to move at 180 degrees to the axis of the vessel, which means it can move exactly sidewards and cuts berthing time from one hour to half an hour. It saves money.

It is also interesting that the Z drive means that it can rotate the propellers on a 360 degree axis. Another innovation with the *Island Seaway* is the bow thrust. Instead of having a variable speed as the *Troubridge* had, the propellers have been feathered so that they can accurately judge the amount of power used. The *Island Seaway* is an entirely different vessel from the *Troubridge*—and so it should be.

The *Troubridge* was built over 25 years ago and members opposite are complaining about the *Island Seaway* and wanting the *Troubridge* to be put back into service.

Mr S.J. Baker interjecting:

Mr GREGORY: You go and have a look. I will get around to dealing with your excess of knowledge— you cannot even write your own name properly.

Mr S.J. Baker interjecting:

Mr GREGORY: That just shows your total lack of knowledge in this area in even being able to talk about it. When we come to the new vessel and compare it with the *Troubridge* we find some startling facts. It has 35 per cent more room for vehicles, which is 10 more 40 foot trailers, and 33 per cent more weight—an extra 180 tonnes of freight. I suppose the people on Kangaroo Island would be looking for that extra capacity so that produce from the island can be carried off it. When we come to the operation of the vessel, we find startling economies of scale have been introduced with the new design. Fuel costs show a saving of $2 800 on each round trip from Port Adelaide to Kingscote and back. The *Troubridge* was using marine diesel oil and the *Island Seaway* uses heavy fuel oil. If we look at the costs on 100 trips per annum we have a saving of $280 000. If it is for 150 trips (about the average), the saving is $420 000.

We have a 40 per cent reduction in maintenance costs because the *Troubridge* had to be docked every two years instead of every five years, as with the *Island Seaway*, and had to be taken to Melbourne instead of Port Adelaide as in the case of the *Island Seaway*. If we work it out over five years using today's dollars, the *Troubridge* would cost $825 000 for each five years to service and maintain, whilst the *Island Seaway* on today's dollars would cost $100 000 each five years. That means that the *Troubridge* is costing $165 000 per annum and the *Island Seaway* $20 000. The *Troubridge* would be unavailable for 25 days and the *Island Seaway* unavailable for six days during that five-year period. The *Troubridge* was done in Melbourne and the *Island Seaway* has its survey done in Port Adelaide—again providing work for South Australian people.

One of the advantages in cost but not in employment of people is that there are fewer people involved on the *Island Seaway* than the *Troubridge*, the *Island Seaway* having 17 crew as opposed to 29 on the *Troubridge*. If we look at the saving annually for the crews, it works out to $1 080 000. If we look at it as 100 trips per annum we have an overall saving of $1.5 million and for 150 trips a year a saving of $1.645 million per annum—not a bad saving for a new radical design using current technology. Listening to members opposite in criticising the vessel, one would honestly believe that they wanted a conventional ship that could do all sorts of things and even have a sail on it. We had the ridiculous situation of the member for Bragg making an inane comment that when the ship lost power they could not steer it. I do not know of any vessel propelled by motor engines which, when the engines stop and lose power, we can steer the damn thing anywhere.

This brilliance opposite really astounds me when it comes to ships. Crew facilities have been greatly improved. All the crew have private toilet facilities and modern furnishings to current standards for ships on the Australian coast. When it comes to safety, trailers and other vehicles are lashed using a new system which is quick, utilising an air driven spanner which is tensioned at the right pressure and special jacks which are provided so that the fuel tankers do not have their load sloshing around the tanks. That eliminates surge in the tanks and also the possibility of fuel vaporising. Something else needs to be made very clear: the fuel carried by tankers over to the island is usually highly volatile petrol, whereas diesel oil and heavy fuel oil are not highly volatile. Certainly, the *Island Seaway* carries fewer people—96 compared with 152 on the *Troubridge*. However, during the term of the Tonkin Government (and I am sure one or two members opposite remember this), there were plans to build a replacement for the *Troubridge*, and people were told that there would be no passengers and that it would be just for cargo. This ship has been built on a cargo basis, but our Government determined that it should have some passenger carrying facilities.

I do not know where the member for Mitcham is: he had a lot to say a while ago but has now nicked off. In this House on 9 September, he asked a question about a number of modifications following sea trials. I ought to read the response to that question in detail, but before I do I want to comment on the flippant way that he asked that question, which again illustrates his lack of knowledge and grasp of detail regarding manufacturing industry. As an aspiring Minister of Employment or Industrial Affairs in this State, he should learn that, with a one-off construction project as large, complex and costly as the *Island Seaway*, there are always modifications to be made to it. The matters raised resulted from sea trials, and they were rectified: that is what sea trials are for. People who think that a vessel like the *Island Seaway* can be built, put in the water for sea trials and commercial operating without anything being done to if first off must have rocks in their head. They would be stupid to even suggest that, because part of the sea trial is designed for the fine tuning of the vessel, and anyone with experience would know that.

It is only then that the owners or operators can know that the vessel will operate satisfactorily, and they will accept delivery only after all of those modifications have been completed. That is not something peculiar to ship construction: any other major installation, such as a computer, for instance, requires work after the installation date to get it to work properly. If any of us have had a house built, we know that there is a list of things to be done before and even after we take possession, and we have passed legislation in this House to enforce builders to live up to those obligations.

Members opposite have sold motor vehicles, and I understand they claim that the vehicles in question were new and not second-hand, but even they know that when vehicles are sold there is always something to be done after the new owner has taken delivery. We all know that with the many consumer goods available something always has to be done, so what is so different about the *Island Seaway*? I want now to deal with the member for Mitcham and his response to these matters. He made the comment about steering like a supermarket trolley, and that is a fair enough thing to say. The drive was responding too quickly to the signals and, after appropriate dampening down of the drive, it now operates quite well and within the requirements. The automatic pilot was correcting it all the time, and that is where the member for Mitcham may have got the idea that it was steering on a zigzag basis like a supermarket trolley.

It was decided that fins should be fitted onto the vessel to assist the steering. The member for Mitcham may well laugh about this, but he should understand that sea trials are undertaken.

Mr S.J. Baker interjecting:

Mr GREGORY: I will talk about that in a minute, Mr Know-all! In relation to the design and operation of the vessel, the sea trial is undertaken to prove something. The addition of the fins proved that the vessel was able to steer correctly and the reason for putting the fins on was to lower

fuel costs. Even the member for Mitcham would know that, if you travel in a straight line between point A and point B, it is a lot quicker and cheaper than if you zig-zag all over the place like a sailing vessel tacking. I can recall when the Minister of Marine answered this question that the member for Coles kept on yelling like a parrot, 'What about tank testing? What about tank testing?' Some members can recall that recently the *QE2*, which is owned by the Cunard Line, was refitted for $192 million. There were considerable complaints from passengers that a number of things did not work on its first trip to New York. It took three trips before the complaints ceased.

One of the things that members opposite do not know in their parroting calls about tank testing is that that ship had fitted to it veins around the propellers so that there would be more direction and thrust in the propellers and less fuel would be needed to maintain speed. When the *QE2* arrived at New York oxy torches were used to cut the veins off, because some of them had fallen off and they had become dangerous. That vessel had been through tank testing.

People who are familiar with naval architecture would know that there are basic designs of ships, and tank testing is used only when there is a new and radical design of a hull or when maximum speed is sought. We were not building a 12 metre yacht to be raced in the America's Cup but, rather, we were building a ship, with a fairly proven design, for travel between Port Adelaide and Kingscote.

Mr S.J. Baker interjecting:

Mr GREGORY: Again, the member for Mitcham illustrates his ignorance by calling for tank testing. He wants the State to spend increasing amounts of money but he never suggests how that money can be obtained.

An honourable member interjecting:

Mr GREGORY: I think it is very good, actually. All the other questions that the member for Mitcham asked were based on rumourmongering, and it was an attempt by him to denigrate this ship. I believe that the member for Mitcham did not know what he was talking about, particularly when he said that the engines were not powerful enough and that the generators were smaller than specified. Actually, they are exactly the size specified. The engines are 996 horsepower, and they drive only the propellers: they do not drive the auxiliary power of the vessel. The power for the stern door, operating rams, deck winches, bow thruster and all other machinery is provided by two diesel alternators.

In relation to the trimming of the vessel, those who can read and who have an interest in this matter would realise that, when the *Herald of Free Enterprise* left the harbour in Holland, it did so before it was trimmed and before the front doors were closed. The reason for trimming on a roll-on-roll-off vessel is entirely different from that involving bulk carriers where the volume and weight are known and the ship's officers know exactly where and how to put the load. On a roll-on-roll-off vessel there is so much space, because motor vehicles have considerable air space in and around them. It is not until they are placed on the vessel and the vessel is on the water that it can then be understood what has to be done to the ballast to balance the ship correctly. If a vessel goes to sea either bow or stern heavy, it would be difficult to handle in particularly rough weather, so ballast is used to provide trim for the ship. When the *Herald of Free Enterprise* left the port, they were still trimming and the doors were open. The other day somebody complained in this Chamber that it took a while to secure the rear door.

Sure, the member for Mitcham can laugh, but in Holland that meant that because care was not taken to make sure that the doors were shut properly hundreds of people lost their lives. But the experience here is relevant: the *Straitsman*, which is the vessel operating out of the port of Melbourne and which operates between Melbourne and Tasmania, was berthing when its rear door was open; as the ship pulled up there was a surge of water, it rushed into the back of the ship, it sank, and the only person to die was the third engineer, who was a South Australian, asleep in his cabin. So, sure, the member for Mitcham might find it amusing in respect of someone who is over-cautious in respect of safety, but all those people are doing is trying to save people's lives. All they are doing is ensuring that things are being done safely. However, the member for Mitcham carries on that it is a mechanical fault that can be fixed up.

I want to refer to a few things that have happened in the past few days, about which all the Jeremiahs opposite have been carrying on about. The *Island Seaway* went over to Kingscote and did not berth. I find it amazing that some people should even suggest that it should have been able to berth, when I have been advised that winds and the wave height at the time were equal to force 8 on the Beaufort scale, and this was in a harbor that is exposed, where the jetty consists of poles driven into the sand. If the vessel had been able to get up alongside without crashing into it there was a strong possibility that because of its high profile out of the water the vessel would have pushed the jetty over anyway.

The suggestion has been made that the *Troubridge* could have berthed there, that it would have been all right, but would it? I heard the member for Chaffey say that the *Troubridge* never came into Port Adelaide with the assistance of tugs. However let me tell members opposite, who think they know everything, that on this occasion they are wrong. An article published on 23 June 1987 indicated that the motor vessel *Troubridge* was turned back to Port Adelaide on its voyage to Kingscote because of poor weather conditions. Further, on 1 June 1981 it was reported:

> The *Troubridge* could not berth at Kingscote and was forced to return to Adelaide, where the conditions prevented it berthing at Princes wharf. It berthed east of the Birkenhead Bridge with the assistance of a tug.

What is so different about the two vessels? On 26 May 1984 it was reported that the *Troubridge* could not sail from Port Adelaide due to adverse weather making it impossible to sale through the Birkenhead Bridge. In other words, the weather at Port Adelaide kept it on the western side of the Birkenhead Bridge. On 1 July 1983 the *Troubridge* was diverted to Port Adelaide on the Port Lincoln to Kingscote voyage because of bad weather. Further, on other occasions the *Troubridge* was anchored off Kingscote awaiting more favourable weather conditions.

Mr Klunder: Have the Liberals been misleading the House?

Mr GREGORY: Of course they have. One has only to read an article in the *Islander*—and I would have thought that members opposite would have read that before making the comments that they made. An article in the *Islander* of 10 December 1986, which was sort of saying farewell to the *Troubridge*, stated, in part:

> Amazingly, over 25 years apart from industrial problems, the *Troubridge* through good and bad weather had only missed twice, once when the end of the Kingscote Jetty collapsed and it couldn't berth and once when due to 40 knot winds it had to return to Adelaide as there was no way it could berth.

Those members opposite who know a bit about weather and the Beaufort scale would know that force 8 on the Beaufort scale is 40 knots, with 5.5 to 7.5 waves. My advice is that the winds at Kingscote at the time were force 8—and that means 40 knots.

Members interjecting:

Mr GREGORY: Had the honourable member been here earlier, or awake and listening, he would realise that the

Troubridge had a bit of trouble coming up the Port River from time to time. Let us talk about that. Captain Gibson, who ran the *Troubridge* for 21 years, on one occasion had two tugs helping him up the Port River.

Mr D.S. Baker interjecting:

Mr GREGORY: If the member for Victoria listened instead of talking to the know-all from Davenport he would know that on that occasion two tugs were used. So, fancy suggesting that the captain of a vessel who would know more, and would have forgotten more, about running the vessel than members opposite collectively, would decide that he would take the action suggested. He had been on his feet for 24 hours, in fairly dangerous conditions, and when the vessel came in through the channel to Outer Harbor between 12 and 1.30 on the day in question, winds were blowing at 100 km/h.

That would mean that at the time they were moving into the Port River the wind was of a similar velocity. The profile of this vessel out of the water means that once it starts to slow down and lose weigh, the ability to manage the ship is reduced. Any captain would have been foolish to take that vessel through the gap in the Birkenhead Bridge. If there was a collision and damage was caused, the captain would have lost his licence. Being the master of a vessel is one of the few jobs in the world where your every move is logged, and if you make mistakes, you can lose your job. That is not like members opposite; they just sack a few more people if they make a mistake.

Mr S.J. Baker interjecting:

Mr GREGORY: We have heard a lot about you in relation to running businesses. When you make mistakes you just sack people. When it comes to running a vessel, these people lose their jobs. On this occasion they took the opportunity to act in a safe and wise manner.

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

OCCUPATIONAL HEALTH, SAFETY AND WELFARE

Mr S.J. BAKER (Mitcham): I move:

That the regulations under the Occupational Health, Safety and Welfare Act 1986 relating to general provisions, made on 22 October and laid on the table of this House on 3 November 1987, be disallowed.

The regulations in relation to this Act were passed in 1986. I am unhappy with three of them and request that the Government redraft them. The offending section concerning health and safety representatives provides:

For the purpose of section 34 (3) of the Act a health and safety representative who is employed by an employer who employs more than 10 employees is entitled to take at least five days per year off work, without loss of pay, for the purposes of taking part in courses of training.

I am unhappy with that on several fronts. In my copy of the Bill as it passed this House I note that it contains no reference to section 34 (3) but, when it was sent to the Printer, it may well have been changed. A number of aspects about the provisions concerning the 10 employees and the five days off work concern me. If an employer has 10 employees and there is a safety representative, then that safety representative, according to the regulations, is entitled to five days off. It does not provide that this should occur at the discretion of the employer. It creates an entitlement. One would presume that that person can take those five days at any time he desires. That could create an unhealthy situation, particularly where there might be some antagonism or compelling needs in the workplace that need to be addressed.

This provision is also unhealthy from the point of view that it requires an employer with 10 employees to allow one person off each year for the purposes of training. I am a strong advocate of training, particularly in relation to health and safety, but the legislation does not specify what training will be applied. However, I note that in the principal Act the courses have to be approved by the commission.

The fact is that this State is at a fairly critical stage of its development and needs as many people on board for as long as possible. Indeed, it is a little onerous in this respect, that there is no option for the employer in this regard. I am sure that in most situations sanity will prevail and that this period of time off will be provided for appropriate courses at appropriate times.

However, that is not what the clause provides; it merely provides that a person is 'entitled'. That means that we have the potential—and I am sure that potential will actually become reality—for people, principally with union background, to decide to say 'I am entitled to this time off at my convenience and I shall take it.' This provision does not allow any discretion on behalf of the employer; it simply says there is an entitlement and that entitlement shall be met.

So, there are a number of questions involved: first, the period of five days off a year may well not be appropriate in a situation where there is continuity of service of a particular health and safety representative; secondly, it allows no discretion on behalf of the employer as to what time that training shall take place; and thirdly we are unsure as to the linkages and, indeed, the courses that will be approved by the commission. So, we have another impost on the employers of this State.

As I said at the very beginning, I am a great believer in safety representatives receiving appropriate training. However, I have received examples already of so-called safety issues being used for industrial purposes. It concerns me that we may be providing further leverage through this regulation, which could exacerbate sometimes tense situations whereby the employer again is left with very little right to manage his affairs. It should be sufficient for an employer to give an undertaking that there shall be training at the earliest convenience. He should not be tied down in regulations to the extent shown here, and should be allowed that discretion.

For that reason, if the regulation provided that such training shall take place within the first two years of operation of this Act, I would have been quite content. But, it requires the employer for a week of each year to have a safety representative attending a course. There is no guarantee that the course will be appropriate—and I know that many inappropriate courses are run by TUTA and the UTLC—and there is no guarantee that, if a person has already attended a training course, the next course will provide an upgrading of the skills already developed. As far as I am aware there is no system in train at this stage for progressive education. Courses run by the UTLC and TUTA are reasonably homogeneous in the way in which they are represented. I have these concerns and I ask the Government to look at this regulation; and as an interim measure I believe it should be disallowed.

Mr GREGORY secured the adjournment of the debate.

TOMATOES

Mr MEIER (Goyder): I move:

That in view of the risk of excess concentrations of residual dimethoate in Queensland tomatoes, this House calls on the Ministers of Agriculture and Health to immediately reassess the acceptable level of dimethoate from the current level of 1 p.p.m; and in the interim, to stop the importation of dimethoate treated tomatoes until they can give absolute long term assurances about their safety to people who eat them.

In moving this motion, I draw attention particularly to the fact that dimethoate is suspected of being a carcinogen dangerous to pregnant women because of possible birth defects, and potentially dangerous to public health.

I think that most members of this House would, if they did not know it before, have found out during the past few weeks that the big objection to the importation of Queensland tomatoes has centred entirely around the fact that those tomatoes are dipped in dimethoate. Dimethoate is an organophosphate, a group of chemicals now suspected of causing residual damage to the nervous system and possibly cancer and genetic defects. Dimethoate has a short residual life under glasshouse conditions and, when exposed to full sunlight, high temperatures and freshly circulating air, disappears from treated plants after about seven days. However, fruit treated with dimethoate after it has been picked is not exposed to similar conditions and does not lose its toxicity at the same rate; in fact, it holds on to that toxicity for a long period of time in some cases.

This is the key factor about dimethoate, namely, the dipping of it and therefore its concentration. Our Minister has decided that 1 p.p.m. is quite acceptable. However, many overseas countries will not allow a concentration higher than 0.3 of 1 p.p.m. and, in many cases, will not allow dimethoate at all. Research papers published in such countries as Russia, Germany, the USA, China, Italy, France and England pointed strongly to the dangers of dimethoate. Last week, I believe, the Minister of Agriculture's adviser said that the National Health and Medical Research Council had been asked to investigate the safety of dimethoate and to report next February.

What have we seen from our Minister? We have seen a reaction that is quite unbelievable in the face of the irrefutable evidence that is available. Yesterday the Minister attempted to answer a question from the member for Eyre, a multi-pronged question that sought answers as to what tests were being carried out, how safe the imported Queensland tomatoes were, and whether the Minister would make sure that imported tomatoes were clearly distinguished from South Australian tomatoes. The Minister fudged around the question and tried to throw a real spanner at his own local industry—South Australia's own tomato industry—and he had the hide to mention to this House a list of nine chemicals which contain dimethoate.

He listed them individually and said that these chemicals are being used in South Australia now on our South Australian tomatoes. If there was any truth in the matter, one could understand the Minister doing that, perhaps, because admittedly there is suspicion put on the South Australian tomato industry. Since the Minister's announcement yesterday of those nine dimethoate chemicals, I have had people check for me with the three principal suppliers of chemicals to the Adelaide Plains tomato growers, some 500 growers, a huge industry in this State even in relation to the submarine project.

The truth of the matter is that one of those stores, the Adelaide Plains Tomato and Vegetable Cooperative Store, said that since its inception it has not had and does not stock or distribute any dimethoate product under any brand name for the use of its members in the glasshouse tomato industry.

Of the other two stores—and I will refrain from naming them—one has indicated that it has on its shelves the product Rogor Diostop EC, and the other supplier has three chemicals: Roxion, Rogor Diostop EC and Nufarm Dimethoate. However, these stores say that the bulk of sales were used for large field and pasture crops and were hardly, if at all, sold to the glasshouse tomato industry. I suppose we could ask how many people get their stocks from these stores. My information is that all tomato growers on the Adelaide Plains would obtain their chemical supplies from these three stores.

So, the truth of the matter is that the Minister told the House an untruth when he said that dimethoate was being used on South Australian tomatoes. It is a tragedy for the South Australian tomato industry that the Minister, who is part of a Government that supposedly supports South Australia and supposedly trumpets South Australia's achievements, is hell bent on knocking one industry out of this State—knocking an industry comprising 500 or more growers, let alone their wives and families. So we are talking about thousands of people who are employed in and rely on this industry—but the Minister could not care less. The Minister is determined to destroy the industry. So much for any statements about supporting this State or our industries.

I wonder how Senator Button would react if he knew that the Minister of Agriculture (Hon. M.K. Mayes) had made this statement. Some months ago I heard Senator Button trying to promote Australian industry and, therefore, by implication, South Australian industry. Yet here we have a Minister who is prepared to kick the tomato industry in the teeth. In fact, one tomato grower told me yesterday, 'It just does not make sense. I thought that the Labor Government was supposed to support labourers and people who labour hard. It is quite clear that the Minister in this Labor Government could not care less about the tomato industry.'

Mr Oswald: Pre-Dunstan days.

Mr MEIER: Yes, it is possible that Labor had some consideration for labourers in the pre-Dunstan days. On Tuesday the Minister said that dimethoate is used widely for the control of tomato aphids. I think that the Minister should resign his portfolio or, at the very least, he should get some advisers who know a little bit about the industry that they are supposed to be advising him on. I point out that the tomato growers have advised me (and have asked me to bring to the attention of the House) that tomato aphids do not occur in winter planted tomatoes, which are the South Australian tomatoes that we are talking about—the tomatoes being picked now. So, it is another deliberate scare tactic by the Minister of Agriculture to hit the tomato industry for a six. Why does the Minister keep making these untrue statements? It is absolutely disgraceful. Does the Minister have money coming in from the Queensland market?

We must certainly ask serious questions about why the Minister has been derelict in his duty. Of course, I can understand his embarrassment because he was pushed into making a decision. Members opposite are laughing about this. You are laughing about the health of South Australians and about the 500 growers who could lose their jobs; and, if they lost their jobs, they would have to be paid unemployment benefits. It is disgraceful. The sooner you are thrown out of office, the better. You could not care less about the small people of this State—not at all.

Members interjecting:

The ACTING SPEAKER (Mr Tyler): Order! I remind the honourable member that he must direct his remarks through the Chair.

Mr MEIER: Thank you very much, Mr Acting Speaker. I am pleased to be able to do that. If members would take a serious attitude to this serious problem I would not have to react as I have.

Mr Robertson: You are grandstanding.

Mr MEIER: Okay, here we go.

The ACTING SPEAKER: Order! I ask the honourable member to resume his seat. I call Government members to order. There are far too many interjections.

Mr MEIER: I will deal with the problem with respect to wholesalers and the importation of Queensland tomatoes. After the Minister announced that Queensland tomatoes were allowed into South Australia, approximately 12 000 cartons were dumped on the Adelaide wholesale market in one morning. It is impossible for this market to even contemplate being able to use anywhere near that number. It absolutely flattened the market, not overnight but instantly. The price immediately dropped to virtually nothing, with Queensland tomatoes selling, I think, at $2.50 per kilo, and local tomatoes at 80c per kilo. Favouritism was given to the Queensland tomatoes because the wholesalers and merchants recognised that they would hold much better in cold storage and they wanted to keep them for as long as they could.

I realise that my time is limited and that I cannot go into all the details that I wanted to. I wish that the Minister would change his decision now. If he cannot face that decision, at least he should be aware that the concentration levels of dimethoate are too high, according to the findings of many research papers here and overseas. The Minister should forbid importation until proper tests are done as soon as possible by appropriate authorities. He should not be grandstanding trying to mislead the public that dimethoate is used on local tomatoes, when clearly it is not. He should stop kicking our own industry and our own tomato producers. Give them a fair go! Let them have a chance! Encourage and help them in every way possible and not kick the—

Mr Gregory interjecting:

Mr MEIER: Exactly; we must keep the public of South Australia in mind. Their health should not be put at risk. The South Australian public should be put first and foremost. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Mr D.S. BAKER (Victoria) obtained leave and introduced a Bill for an Act to amend the Local Government Act 1934. Read a first time.

Mr D.S. BAKER: I move:

That this Bill be now read a second time.

The Local Government Act provides that local government can use one of two voting and counting systems in its elections. One of the systems is proportional representation, which is not amended in this Bill. The other system is the preferential system, which is the correct term for the voting system, although the counting system is quite unacceptable. This is the most disgraceful counting system that has ever been devised, and it should be repealed and consigned to the legislative scrap heap.

In my Address in Reply speech at the beginning of this session, I pointed out the gross injustices that could occur under this system, and I am sure that, as members understand the unfairness of the system, they will agree that it should not be inflicted on any democratic society. The case I described in that speech was an election for three councillors with six nominations—A, B, C, D, E and F—with 100 persons voting in that election.

Candidates A, B and C are supported by 98 per cent of 100 voters, with 2 per cent of the voters supporting candidates D, E and F. One would assume that in such a case candidates A, B and C would be elected but, if the 98 per cent who supported candidates A, B and C vote one for A, two for B and three for C, the voting parcel will be 98 votes for A, 0 votes for B, and 0 votes for C.

If the remaining two votes are cast, one for F and one for E, the parcel of votes is as follows: 98 for A, 0 for B, 0 for C, 0 for D, one for E and one for F. Under the present system A, E and F are elected, even though 98 per cent of the voters did not want E and F elected. The chance of that occurring may be remote, but the fact that it is possible—that it can happen—should not be permitted under any democratic system.

Although not as dramatic as the illustration I have given, candidates were elected at the last council elections in South Australia who would not have been elected under any other counting method. If local government wants to use proportional representation, then it should have the right to use that system but, if local government wishes not to use proportional representation, but favours a majoritarian system, such a system should be fair and just to all concerned. The system now available to local government is unfair, undemocratic, and a disgrace to any modern society. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for an amendment to section 100 to provide a voting system that will require a voter to mark the ballot paper by placing consecutive numbers commencing with the number 1 against the names of all candidates.

Clause 3 will replace the method of counting prescribed by section 121 (3) of the principal Act with a new method. The count will proceed as follows: the number of first preference votes for each candidate, and the total number of first preference votes cast at the election, must be ascertained; then in the case of an election to fill one vacancy, and where no candidate has an absolute majority, the candidate with the fewest first preference votes will be excluded, and his or her votes distributed in order of the voters' preferences. If a candidate then has an absolute majority, he or she will be declared to be elected; if not, the process described above will continue until a successful candidate is obtained.

In the case of an election to fill more than one vacancy, the first vacancy will be filled in accordance with the process described above. Then, the ballot papers will be re-organised, with those indicating a first preference vote for the successful candidate being added back into the count (and therefore having continuing effect). Counting will then proceed in accordance with the earlier processess (and ballot papers indicating preferences for continuing candidates contained in any parcel of a successful candidate will continue to be added back into the count).

Mr DeLAINE secured the adjournment of the debate.

MINISTER FOR ENVIRONMENT AND PLANNING

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

That in the opinion of this House the Minister for Environment and Planning has flagrantly misled this House and should resign forthwith.

I know how serious my motion is, but there are limited opportunities for members in my position to take any other action in these circumstances. I am asking the House to pass a vote of no confidence in the Minister, but I believe that the details that I will reveal to the House show that the House cannot have confidence in the Minister. The disappointing aspect is that the Minister and the Government knew that the motion was coming on today. They knew that the time for dealing with 'Notices of Motion: Other Business' was to be extended before 12 o'clock, yet the Minister has not even come into the House to hear why I believe he has misled the House.

That just shows the contempt with which this place is treated by the Government. If the Minister could not attend, the Premier should be here, because it is a serious allegation. The facts that I will disclose show that the Minister has told an untruth: he must have known that it was an untruth. Certainly, if I were in the public arena a different word would be used. People use the eleventh, ninth, and fifth letters of the alphabet to describe the situation, but I am not allowed to do that here.

Let me go through the details of the situation. On 11 August 1986 the Minister of Transport wrote to me in reply to the letter that I wrote to him on 27 June 1986. In his letter the Minister stated:

Although I have discussed this matter with my colleague the Minister for Environment and Planning and the Commissioner of Highways, the proposal is not awaiting my approval.

The letter was in relation to the Upper Sturt Road planning study. The Minister of Transport was saying quite clearly that he had discussed the matter with the Minister for Environment and Planning. I accepted that, and he said that it was not awaiting his approval, so it was awaiting someone else's approval. One of those persons would have been the Minister for Environment and Planning. The Minister went on to state:

The preferred road option for the upgrading of Upper Sturt Road necessitates clarification and rationalisation of the boundary of the Belair Recreation Park. Officers of the Highways Department are discussing this aspect with officers of the Department of Environment and Planning.

It is obvious what happened: the two Ministers had a discussion, and said that the officers must get together. I accepted that. The Minister then stated:

Any such alteration would require a resolution to be presented to both Houses of Parliament.

I understand that as it is quite proper, and the way that the law was then worded. It had to come before Parliament. So, I waited until 27 April 1987 before writing to the Minister of Transport in the following terms:

I have to inform you that the traffic congestion, together with the number of deaths and accidents on this road, show that there is a need to take positive action.

I was referring to the Upper Sturt Road—I continued:

Therefore, I seek to know from you when the report will be made public, and when it is anticipated that work will begin on the upgrading of the preferred option for Upper Sturt Road.

That was a plain and simple letter to the Minister of Transport. He replied as follows:

A planning investigation was undertaken for the prime purpose of rationalising land requirements including the clarification and rationalising of the boundary of the Belair Recreation Park.

It was not done for the purpose of upgrading the Upper Sturt Road, but to clarify the boundary of the Belair Recreation Park with the road. Obviously, the two Ministers had discussions over that—they must have. The Minister of Transport admitted it on 11 August. The Minister further stated:

Amending legislation will need to be made to the National Parks and Wildlife Act which would permit minor variations to the boundaries of conservation, national or recreation parks where such is required for public works.

In other words, a need existed to amend the National Parks and Wildlife Act. If he had wanted to do that without bringing the regulations before Parliament, I accepted that. He further stated:

Any further action with regard to the Upper Sturt Road planning study is being kept in abeyance until amending legislation has been passed by Parliament and has received Vice-Regal assent. Such an amendment is part of a package of amendments to the Act which at this stage the Government intends to introduce into Parliament during the next session.

That was on 13 May this year. Obviously the Government had discussed it and it went further than just the two Ministers. In other words, Cabinet and I suppose Caucus had discussed the matter. Cabinet had discussed it because the Minister of Transport stated such in his letter—unless he is also telling an untruth. The story of the Minister of Transport falls into a pattern all the way through, so I believe he was telling the truth in saying that the Government intended to amend the legislation. The last paragraph of his letter of 13 May states:

At this stage it is not possible to indicate when this study will be available for public comment nor when any upgrading works will start on the road.

I accepted that—it was quite proper. On 3 November, I raised the matter in this House in the second reading debate on the National Parks and Wildlife Act Amendment Bill. I raised the matter of the Belair Recreation Park boundary and the Upper Sturt Road planning study. The Minister for Environment and Planning heard that debate and heard the second reading explanation.

He chose not to make any reference to it when he summed up the second reading debate, even though the matter was so important that we had to put a clause into the Bill to cover it, a major change to a law to avoid Parliament having the opportunity to discuss a change to a park like the Belair Park. So, when it came to the Committee stage and we reached the appropriate clause, I asked what the present Minister intended in relation to the interpretation of the provision. I was talking about minor changes to the Belair Park boundary and the Upper Sturt Road. He replied with a lot of explanation and I do not need to read it all because of the time factor today—but I would like to. I later said:

I believe that tonight the Minister should give an indication of the proposed changes.

In answering my queries in Committee, the Hon. D.J. Hopgood said:

I know nothing of my colleague the Minister of Transport's ambitions for that road.

He knows nothing. That is an untruth, an untruth as obvious as it can be to anybody in this place and to the Minister. But he went further than that; he said, 'Absolutely nothing,' even though he had changed a law to be able to achieve what the Minister of Transport wanted. The Minister of Transport told me by letter that he had discussed it with the Deputy Premier, the second highest portfolio on the Government side. This Minister says he had absolutely no knowledge whatsoever. He went on to say:

I suppose I could talk to my colleague as no doubt I will do if he has a serious proposition that he wants me to put.

The Minister of Transport's letter stated that the Government was waiting to change the law, and the other Minister responsible for that change in law was the Minister for Environment and Planning. So, it is obvious that the Min-

ister for Environment and Planning was not telling the truth. He misled this Parliament! There is no more serious offence that a member, especially a Minister of the Crown, can commit in this Parliament, and he is the Deputy Premier. Government members choose to ignore this debate with neither the Premier nor the Deputy Premier being present and with a number of members chatting away across the benches. That is how interested they are. In other words, you can go and tell an untruth in this Parliament and just ignore the consequences and be expected to be trusted in the future. However, it went further than that. The Minister for Environment and Planning, later in the Committee, said:

I can certainly assure the honourable member that Machiavelli is not at work here, because I have been given no details whatsoever by the Minister of Transport about those roadworks, and no submissions have been made to me at all.

Yet the Minister of Transport points out that they have had discussions. As I said earlier, they were seeking to wait for a change to the law. I pointed out that I had the letter from the Minister at that time, on 3 November, which gave that Minister the opportunity to go and check the records and come back and stand up in this place and say that he made an error, but no. He treated this place with contempt or deliberately wanted that untruth to go on with people expected to believe it. On 26 November, I asked a question of the Minister of Transport:

Has the Minister of Transport had any further discussions with the Minister for Environment and Planning regarding the Upper Sturt Road planning study since the discussion in 1986 and, if so, what was the result of that and what action is contemplated now regarding that study?

I was saying to the Minister of Transport: you have had a discussion with the Minister for Environment and Planning and what has happened? If no discussion had taken place, the Minister of Transport would have said so, but he had already confirmed it earlier in a letter, anyway. The Minister made some general explanation about the National Parks and Wildlife Act Amendment Bill being before the Upper House. I inappropriately interjected, but I did that because I believed it was important. I stated:

Have you had any discussions since 1986?

The Minister of Transport replied:

I have had discussions with the Minister [the Minister for Environment and Planning] but I cannot say for certain whether they were prior or since 1986.

We know that he had some discussions in 1986, because he told us about that and I believe that there have been discussions since then, but he could not remember them. He stated:

I had discussions with the Minister some time ago and, more particularly, there were discussions between our officers, with the knowledge of my colleague and me.

The Minister for Environment and Planning stated that he had absolutely no knowledge of those discussions and that is a deliberate untruth. How can the Parliament ignore (as the Government has done) my motion? A Minister, who is supposed to be in charge of the House, continues to yak to a backbench colleague. They see the Minister's telling an untruth to be unimportant. If the Minister is not prepared to be in the House and answer this motion, how can anybody trust that Minister in the future?

I would like to go through some other facts but, because of the limited private members' time, I do not have the time. It is a rather serious matter when a Minister has lied to the House and one cannot find a way to really canvass all the details.

The ACTING SPEAKER (Mr Tyler): Order! I ask the honourable member to withdraw the word 'lied'.

Mr S.G. EVANS: I apologise, because I had it in my mind all the time. I withdraw that word. The Minister told a deliberate untruth. It is a serious matter and I accept that I should not use that word. The Minister concerned is the Deputy Premier, who chose not to enter the Chamber today when this motion was moved. If any person in South Australia wants an indication of the contempt that this Minister has for this Parliament, his non attendance is an example.

More particularly, because the Premier also did not attend, that shows how much contempt this Government has in that it supports a Minister who deliberately told an untruth. That Minister's colleague has given details to show that his own mate was telling an untruth, but neither person is here. I give credit to the Minister of Transport, because at least he has stuck by his guns. I hope that the House, including Government members, will support the motion. I believe that the Minister should resign, because we can no longer trust him in the future. If the Government does not support this motion, we can no longer trust the Government.

Ms GAYLER secured the adjournment of the debate.

HEALTH AND SAFETY REPRESENTATIVES

Mr S.J. BAKER (Mitcham): I move:

That the regulations under the Occupational Health, Safety and Welfare Act 1986 relating to election of health and safety representatives, made on 22 October and laid on the table of this House on 3 November 1987, be disallowed.

I believe that this matter can be summed up in but a few words. Whilst the Opposition has not had a great deal of difficulty with most of the regulations being promulgated under the Occupational Health, Safety and Welfare Act, one or two regulations cause concern. Regulation 269 relates to the provision of health and safety representatives elected before 30 November 1987 and it provides:

12. Where—
(a) immediately before the commencement of these regulations a person holds office as a health and safety representative representing a designated work group;
(b) if any employee at the workplace was a member of a registered association—the designated work group was formed after consultation with that registered association;
and
(c) the person was elected to that office in accordance with procedures that correspond, or substantially correspond, to the procedures set out in the Act and these regulations,

the person will be taken to have been elected in accordance with these regulations.

The three conditions apply in this regard. We are all aware that some organisations have appointed health and safety representatives, having made an honest attempt to provide safety on the work floor. I think it is important that that representative be the person who can do the job best. Unfortunately there is a strange addition to the regulations which provide:

. . . if any employee at the workplace was a member of a registered association—the designated work group was formed after consultation with that registered association . . . the person will be taken to have been elected in accordance with these regulations.

If a person is elected democratically, which is what the Bill provides, indeed that should be quite sufficient for the purposes of this legislation. It is important that the person with the confidence of his employer, as well as his workmates or the people who work around him, be the person to fulfil the role of safety representative. As we are well aware, many establishments here in South Australia have had safety representatives for many years, believing that that is a very essential part of the workplace. These representatives are the people on the spot, and not only can they report when dangerous circumstances arise but they can

certainly guide people who work around them on how to conduct themselves in a safe fashion.

Unfortunately, this regulation means that some of the people who would normally have complied with what I believe is the intent of the Act, with democratically elected representatives from work groups, who indeed should be accepted as the safety representatives, may not do so. This section of the regulations tends to override the intent of Parliament. It was indicated clearly in the legislation that the election of safety representatives was to be free of union intervention. That was part of the deal when the legislation was passed. I believe that that deal is being broken in respect of those people who have had the foresight, energy and good sense to have safety representatives, democratically elected, prior to the introduction of this legislation. For those reasons, the Opposition has brought this matter to the attention of the House, and I formally move for disallowance, on the basis that perhaps an amendment can be made or a new set of regulations introduced by the Government.

Mr GREGORY secured the adjournment of the debate.

REGISTRATION OF WORKPLACES

Mr S.J. BAKER (Mitcham): I move:

That the regulations under the Occupational Health, Safety and Welfare Act 1986 relating to registration of workplaces, made on 22 October and laid on the table of this House on 3 November 1987, be disallowed.

I have spoken somewhat mildly about certain minor problems in the regulations; they are areas that can be readily fixed, but I cannot condone the Government's bureaucratic overload on the business of this State. Regulation No. 267, which refers to the registration of workplaces, defines 'prescribed workplace' as follows:

any permanently established workplace (not being an aircraft, ship, vehicle or caravan) where one or more employees are employed on a regular basis.

Regulation 5 provides:

(1) The occupier of a prescribed workplace must register that workplace with the director in accordance with these regulations.

That involves a fee of $25 (if it is fewer than six employees, and $4 for each employee if it is over six). I am becoming tired of this Government's total incompetence. Every employer in this State is required to register under WorkCover, yet the Minister has decided that they are to register under the Occupational Health, Safety and Welfare Act as well. We know where the workplaces are, the number of employees at those workplaces, who are permanent and the salaries they earn, because that is on the WorkCover register. This incompetent Minister says that if they do not comply and register their workplace they will be fined $10 000. The community does not know what is going on. Again, there is this heavy fist of the Government, with the Minister not having taken the time to consider how he can minimise the costs and time involved with both small and large businesses in this State. It is ludicrous to have a fine of $10 000 hanging over an employer's head if he does not register.

With all the detail included on the WorkCover register, we do not need to duplicate that information. Why, in the regulation, are we requiring people to provide information twice—once to WorkCover and once to the Commission? It is important that we do not load the businesses of this State with unnecessary bureaucracy and paper work. It is high time that the Minister of Labour did the people of the State a favour, looked at the laws and regulations, and minimised the burden, because the detail is already in another place, and that detail could be utilised so that everyone is not continually burdened by useless, wasteful bureaucracy. I commend the motion to the House.

Mr GREGORY secured the adjournment of the debate.

COUNTRY FIRE SERVICES

Adjourned debate on motion of Mr Gregory:

That this House congratulates the Government for the new directions that the Country Fire Services is taking to ensure that firefighters are properly equipped and that all firefighting trucks are roadworthy and capable of providing firefighting capacity and safety for their crews.

(Continued from 5 November. Page 1719.)

Mr GREGORY (Florey): I am grateful to members of the Opposition for allowing this matter to be called on so that I can continue to speak to this motion. Also, I understand that they have some comments. I originally raised this matter because there had been considerable press publicity by people outside this Parliament (and by some people inside it) regarding the Country Fire Services and the conditions of motor vehicles, indicating that there was a lack of morale within the CFS. I introduced this motion to demonstrate that what the Government and the Director of the CFS were doing was correct.

I want to refer to the training program that has been conducted since 1985. Since 1985 the board has placed the highest priority on training. It is vital that every active firefighter receives basic training in safety and survival to enable them to use their equipment effectively and efficiently. To achieve this goal the board has adopted a policy of regionalisation of all basic training functions and provided resources to support this strategy as follows: selection and training of volunteer instructors; establishment of regional volunteer training committees; and provision of extensive physical resources—training notes, instructor guides, visual aids, and training equipment. Funds for training increased from less than $100 000 in 1984-85 to $600 000 in 1987-88.

Attendance at courses has risen from 760 in 1984-85 to 1 073 in 1985-86 and 1 821 in 1986-87. In addition to the basic courses at regional level, specialist courses are conducted at the State Training Centre at Brookway Park, shared jointly with the MFS, as follows: breathing apparatus; dangerous substances; and vehicle accident rescue.

Senior volunteer officer training seminars will be held prior to this fire season to commence a program of management and leadership training for senior personnel. A CFS officers handbook has been produced to provide CFS brigades and groups with detailed guidelines for operational and administrative procedures throughout the State. I wish to refer to those documents; they have all been produced since the Public Accounts Committee inquiry into the Country Fire Services.

There is a firefighting drill handbook of rules and competitions; the CFS officers handbook, which is quite detailed; a pocket-book for CFS officers, which is also quite detailed, so that officers can carry and refer to it at any time; a vehicle accident rescue training manual, which sets out in great detail what needs to be done; a dangerous substances training manual; a self-contained breathing apparatus training manual—and we all know that with the introduction of toxic chemicals and new materials in homes people may often need self-contained breathing apparatus when they move into burning buildings; the firefighters training notes

for level 1 and an instructors guide, a quite thick and voluminous document, and level 2 and level 3 training documents.

Whilst it has been alleged that the morale of the Country Fire Services is at a low point, I advise Parliament that when the inquiry was conducted in 1983 it was advised by the then Director that there were approximately 15 000 members of the Country Fire Services. If one inquired now of the current Director one would learn that there are 18 000 volunteers—an increase of 3 000 in that four-year period. That illustrates that morale is high, because people are wanting to join and to participate. I think one reason for that is that training is now complete; people are going along to the depots once a week and are being trained instead of just sitting around talking and having a bit of a drink. They may do that afterwards, but they go there for a specific reason—so that they know exactly what to do when they are called out.

The Country Fire Services is very proficient. It has a hotline that handled 32 000 calls in relation to the bushfire safety kit which was distributed by the CFS, and on 31 October this year to 10 p.m. it had received 931 calls. I commend my motion to the House.

The Hon. B.C. EASTICK (Light): I become very concerned when I find a Government congratulating the Government for a particular action, but I will develop that aspect of the debate at a later stage. It is right that the matter which the honourable member has brought forward should be put before the House and the public. However, it needs amendment and I give notice that I will move an amendment in that regard. I move:

After 'crews' add ', but recommends that there exists an urgent need to improve the communication of Country Fire Board policy throughout the community particularly to local government bodies and the volunteer organisation and an even more urgent need to assist the majority of currently declared unroadworthy fire vehicles to be restored to roadworthiness for the already existent 1987-88 fire season'.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

EXOTIC FISH

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

That the regulations under the Fisheries Act 1982 relating to exotic fish, made on 2 April and laid on the table of this House on 7 April 1987, be disallowed.

(Continued from 26 November. Page 2161.)

Ms GAYLER (Newland): I want to oppose the disallowance motion and seek leave to continue my remarks later.

Leave granted; debate adjourned.

FIREARMS LICENCE FEES

Adjourned debate on motion of Mr Meier:

That this House deplores the duplicity of the Government in raising firearms licence fees by up to 150 per cent when such action will have no effect in alleviating major crime, is a ruse to raise revenue and merely penalises honest citizens.

(Continued from 26 November. Page 2162.)

Mr MEIER (Goyder): Members will remember that I moved this motion, and I think that they would remember the article in the *Advertiser* of 21 August which stated:

Detailing the fee increases Dr Hopgood said: 'Given the recent alarming increases in offences involving firearms in this State, a fee increase of this magnitude is not unreasonable when community safety is considered.' He anticipated a further tightening of regulations, particularly in relation to handguns, and that would cost more money. The increase in revenue was necessary to ensure that 'control' paid for itself.

It seems that we have a situation in South Australia where the goodies are being used to try to control the baddies. I do not think that that is what we as South Australians want to happen. It is the responsible people of this State who are having to pay the fees, and it is disastrous that this Government has been following this line of thinking. I want to refer very briefly to a letter from a constituent, Mr R.C. McKnight, who wrote to me about this issue as follows:

Dear John,

1. I demand the right to own and carry firearms.
2. I object to extra licensing impositions—

Members interjecting:

The ACTING SPEAKER (Mr Rann): Order! The member for Bright will restrain himself.

Mr MEIER: The letter continues:

3. I question that the Registrar of Firearms is proficient to determine the suitability of an applicant for a licence.

Mr McKnight then comments:

I don't know anyone who is more concerned than I am at the increase in firearm related crime. There are so many guns, licensed and unlicensed, in existence now that it is ridiculous to impose higher gun fees. Regardless of fees, guns can be obtained for nefarious or any purposes. Guns don't kill people—people kill people. Will you please make those matters known?

Yours sincerely, R.C. McKnight.

I think that this letter clearly expresses the view of many people that this Government is going about trying to control guns in the wrong way, and I deplore the fact that increases in fees of up to 150 per cent have occurred. I trust that all members will support my motion when it comes to a vote. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

PETITION: MINIMUM RATES

A petition signed by 138 residents of South Australia praying that the House urge the Government to reject any proposal to phase out the powers for councils to set minimum rates was presented by Mr M.J. Evans.

Petition received.

PETITION: KEITH DENTAL CLINIC

A petition signed by 66 residents of South Australia praying that the House urge the Government to reverse its decision and retain the Keith dental clinic was presented by Mr Lewis.

Petition received.

PETITION: JUBILEE POINT

A petition signed by 104 residents of South Australia praying that the House urge the Government to stop the Jubilee Point project at Glenelg was presented by Mr Oswald.

Petition received.

QUESTIONS

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

MOBILONG PRISON

In reply to **Ms LENEHAN** (3 November).

The Hon. LYNN ARNOLD: The disposition of funds made available for education and training courses at Mobilong Prison is as follows:

	$
Total 1987-88 funds	125 000
Salary full time: Senior lecturer, lecturer and CPO	45 000
Part time: (not yet specified)	20 000
Contingencies (including several one-off items)	50 000

It should be appreciated that these allocations will change significantly once establishment purchases have occurred and full-year effects of salaries are felt. As stated in the Government's policy and plans for Mobilong Prison, education and training will be a major focus and an activity which all prisoners will be expected to undertake. The education and training programs are to be jointly planned by Correctional Services and TAFE staff and to this end a program committee and an industries committee are currently being established. No breakdown is to be made between education and training as both departments plan to adopt an integrated approach to this matter.

Each inmate is to be individually counselled upon arrival at the prison and a tentative educational plan developed for later group consideration. The specific courses anticipated for Mobilong prisoners are as follows:

(1) Literacy and numeracy, and English as a second language.

(2) Trade training (to first year or introductory level) in hairdressing, welding, spray painting, automotive mechanic and carpentry.

(3) Typing, computing and small business management.

(4) Aboriginal arts and culture and Aboriginal languages.

(5) Human relations and stress management.

(6) Sports administration, trainers and coaching.

(7) First aid and AIDS.

(8) Certificate in arts.

In addition lecturers will assist all prisoners who wish to undertake correspondence courses. In 1988 it is planned to extend the range of courses as follows:

(1) Adult learning methodologies (for Correctional Services staff).

(2) Apprenticeships in breadmaking and pastry making.

(3) Traineeships in plastics and commercial cooking.

(4) Wordprocessing and desktop publishing.

(5) Butchery and meat inspection.

(6) Drama, debating and concerts.

In addition, staff intend to encourage College of Advanced Education students to undertake practical teacher training and research projects at the prison. The range of courses is most comprehensive and worthwhile; Correctional Services and TAFE staff are to be congratulated on these early plans.

ISLAND SEAWAY

In reply to the **Hon. E.R. GOLDSWORTHY** (3 November).

The Hon. D.J. HOPGOOD: The *Island Seaway* was designed by M.J. Doherty & Company Pty Ltd, a recognised Australian naval architecture firm which has designed a number of vessels in service on the Australian coast, for example, the *Accolade II* and the *Sandra Marie*. The design was tailored to meet the specific roll-on-roll-off requirements of the roll-on-roll-off ferry service to Kangaroo Island.

The vessel has been put through rigorous sea trials including speed, endurance, manoeuvrability and course keeping. The managing agents have reported, following experience with the vessel in service that it handles well. The following certificates have been issued:

(1) Lloyds Classification Society Certificate: This certifies that the vessel has been built to the Lloyds A100 standard. This covers the strength, construction and stability of the vessel and also covers the inspection of emergency equipment.

(2) D.M.H. Survey Authority Certificate: This certifies that stability and safety requirements have been met (this includes inclining stability test).

Having regard to the fact that the vessel is handling well and given the involvement of relevant expert authorities, there is no point in tabling the line plans and specifications for independent checking. It should also be noted that the design plans and specifications prepared by M.J. Doherty & Company Pty Ltd implicitly incorporate certain approaches based on their experience and expertise. From a commercial point of view it would not be appropriate to make these available to another naval architect.

ISLAND SEAWAY

In reply to **Mr INGERSON** (3 November).

The Hon. D.J. HOPGOOD: This question reflects a continuing program of misinformation by the Opposition in regard to the *Island Seaway*. The Birkenhead bridge opening is only 33 metres wide. The *Troubridge* has a beam of 15.9 metres and the *Island Seaway* has a beam of 16.5 metres. The bridge opening span is protected by two major fendering structures, one on each side of the opening. These structures are surfaced with heavy timbers to permit vessels to make contact with them such that no damage can occur to the structures or the vessel. When the *Troubridge* was in operation it did occasionally touch the fendering, particularly in unfavourable weather conditions. On 8 October, the *Island Seaway* did touch the fendering. It did not collide or crash. The incident was of such a minor nature that it was not considered worthy of report by the Master. It did not even scratch the paint. At the time the vessel was being both trialled and used for instruction of the new Masters. The vessel made four transits of the opening. The alleged long scar is in fact a rubber mark left by rubber tyre fenders as the vessel moved off the new Port Adelaide shiplifter.

PAPERS TABLED

The following papers were laid on the table:

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

Food Act 1985—Report, 1986-87.

Libraries Board of South Australia—Report, 1986-87.

MINISTERIAL STATEMENT: ROAD TRAFFIC ACCIDENT STATISTICS

The Hon. G.F. KENEALLY (Minister of Transport): I seek leave to make a statement.

Leave granted.

The Hon. G.F. KENEALLY: On 25 February 1987, the member for Todd asked whether I would provide the House with an analysis of the circumstances surrounding road

deaths and accidents in South Australia. He said that many members were perturbed about the fluctuation in the rate of road accidents and an analysis would bring members up to date and ensure that decisions are made on the basis of factual information. No such detailed statistical analytical report had been prepared before. The Government believed it would be a very useful document which could be presented for tabling in Parliament each year.

The preparation of this tabled report has been a major task and has taken considerable time because of many factors, including the need to develop an acceptable format, difficulty in accessing data from the Government computer, and time to receive accident data from the police. I believe that this report, for the year 1986, is very useful. It provides a detailed analysis of the number, type, severity, location and timing of crashes in 1986 and some commentary on trends and causes. The report shows that there were 43 461 traffic accidents reported in South Australia in 1986, which accounted for 12 079 injuries and 288 deaths.

At 288, the number of fatalities in 1986 was the highest for the decade, giving South Australia a fatality rate of 21 per 100 000 population, 16 per cent higher than the Australian mean. However, it is gratifying to note that, at the end of October this year, the number of fatalities was 13.5 per cent fewer than for the corresponding period last year. Because of misleading random fluctuations within the relatively small numbers of fatalities from year to year, a better indication of trends is given by the number of casualties (which comprise injuries and fatalities).

Although the figures give no grounds for complacency, it is gratifying to note that the recent trend of increasing casualty rates, from a low of 775 per 100 000 population in 1981 to a high of 934 in 1985, has been reversed over the past two years. In 1986, the rate fell by 5.8 per cent to a value of 880 per 100 000. Preliminary figures indicate that this decrease will continue in 1987: to the end of June this year casualties were 8.5 per cent fewer than for the corresponding period last year.

The report highlights some key areas of concern:

The accident rate of young adults: The 16-19 years group has an injury rate 2.5 times the rate for all South Australians.

The over-represesntation of motorcyclists in fatal crashes: Motorcycle users account for 15 per cent of all fatalities although motorcycles represent only 4 per cent of all registered motor vehicles.

The continued involvement of alcohol in fatal crashes: Of the driver and motorcyclist fatalities tested for BAC, 45 per cent were over the .08 limit.

These areas of concern will provide major foci for road safety countermeasures over the next few years. If members wish, I will be prepared to present a similar report to the Parliament each year, and I table the report.

MINISTERIAL STATEMENT: ETSA LEGAL COSTS

The Hon. R.G. PAYNE (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. R.G. PAYNE: The Deputy Leader has twice sought information from me in Question Time on the extent of ETSA's legal costs as they relate to the settlement of claims from people who suffered losses on Ash Wednesday, 1983. I explained to him privately last Thursday the difficulty in breaking down the various elements of the trust's total legal costs for Ash Wednesday. I undertook yesterday to bring what information I would to the House today. I am advised by the trust that total payments made to legal advisers, as of 16 October, amount to $1 224 978.

The Hon. E.R. Goldsworthy: That's disgraceful!

The Hon. R.G. PAYNE: The Deputy Leader should await the remainder of the ministerial statement. It should not be assumed, may I stress, as I think the Deputy Leader sought to convey and is still going on with, that all of this amount has been expended as a result of the legal processes between the trust and the individual claimants. I am advised that the figure also includes ETSA's costs for the test cases for the McLaren Flat and Clare fires as well as the current case involving the South-East. In addition, there have been a number of individual cases.

The figure also includes all fees relating to the Coroner's inquest which dealt with the fires in the Adelaide Hills, the South-East, McLaren Flat and Clare. I am further advised that the figure includes substantial legal fees associated with the preparation of the trust's case against its insurers and possible litigation in respect of other Ash Wednesday fires.

The Hon. E.R. Goldsworthy: It is a real mess up, isn't it?

The SPEAKER: Order! The House has given leave to the Minister to make a ministerial statement and not to the Deputy Leader to continue to interject. The honourable Minister.

The Hon. R.G. PAYNE: Thank you, Sir, for your protection. Given the presence of these other elements within the total figure for legal costs, it is inappropriate to relate the total figure to the claims settled to date in respect of the McLaren Flat and Clare fires.

POLICE COMMUNICATIONS CENTRE

The SPEAKER laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Police Communications Centre, Adelaide (Establishment and Equipping).

Ordered that report be printed.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr KLUNDER brought up the 55th report of the Public Accounts Committee, being the annual report of the committee.

Ordered that report be printed.

QUESTION TIME

SECOND TIER WAGE RISE

Mr OLSEN: Now that virtually all departmental employees have been awarded the 4 per cent second tier wage rise, and because some of the agreements, particularly those involving the police and hospital workers, are not to be completely offset by productivity gains, as the Premier said the Government would require when he presented the budget, will he say what the cost of the second tier rise will be to the budget for the remainder of this financial year, and in a full year?

The Hon. J.C. BANNON: At this stage I cannot give that information, for the reason that considerable work is still being done on offsets and productivity agreements. If one studies the judgment of the commission, one will find that a whole list of savings, some of which have amounts attached to them and others which could not be calculated, are

included in the decision. That work is being undertaken at the moment. Of course, it means that over the next six months or so considerable attention will have to be paid to ensuring that we keep right within the budget as laid down, that we make further savings and efficiencies up front where possible and that, at the end of the financial year, there may be some amount of shortfall. At this stage, it is far too early to say. When I am in a position to do so, I will advise the House, but that will not be until well into the second half of the financial year. It must be remembered that some settlements have not been made and, until that occurs, I cannot provide any definitive figure.

My instructions are that, both within the budget as laid down and within the 4 per cent ongoing negotiations in terms of offsets and savings, the Government will attempt to make as much gain as possible to achieve the budget task. Certainly, there will be some discrepancy. Something may need to be brought forward from the next financial year into this financial year, but it is far too early to say how much that will be.

ISLAND SEAWAY

Mr GREGORY: Is the Premier aware of any limitations on Australia's capacity in shipbuilding and design? If so, what implications will that have for major manufacturing projects in South Australia? A statement in this morning's *Advertiser* by the President of the Amalgamated Metal Workers Union (Mr Neil Wyman), expressing concern—

Mr Olsen: Prompted by whom?

Mr GREGORY: If the honourable member keeps quiet and listens, he will find out.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order. The honourable member for Florey has the call.

Mr GREGORY: The statement expresses concern that persistent attacks by the Opposition are doing the State's engineering and shipbuilding industry a disservice which may jeopardise thousands of jobs. Mr Wyman expressed the view to me—

Mr S.J. Baker interjecting:

Mr GREGORY: You can keep quiet, too. The Opposition's continued questioning on the *Island Seaway*—

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham has a point of order.

Mr S.J. BAKER: The honourable member has made a disparaging remark. I understand that Standing Orders require that members must be referred to by their district, not as 'you'.

The SPEAKER: Order! The member for Mitcham is treading into territory in which other members have ventured recently, to the displeasure of the Chair, to the extent of taking what the Chair believes to be frivolous points of order which are disruptive of the proceedings of the House.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham drew attention to a remark that was not made through the Chair by the honourable member for Florey. In fact, it was in response to an interjection from the member for Mitcham that was in itself totally out of order. I ask the member for Florey to continue with the explanation of his question and to direct it through the Chair. The honourable member for Florey.

Mr GREGORY: Thank you, Mr Speaker. The Opposition's continued questioning about the *Island Seaway* has cast some doubt over the capability of key sections of South Australia's manufacturing industry, and this is obviously leading to widespread concern among the people who work in that industry.

The Hon. J.C. BANNON: The honourable member has raised a very important question indeed. I noticed the sneers of those opposite when they heard him quote the very well founded and sensible remarks of one of our leading trade union officials who took a major role in the campaign to get the submarine contract here. Of course, because he happens to be a union official, he is criticised and despised by those opposite. I will put the record straight. Without the active cooperation of people such as Mr Wyman and others in the trade union movement, we would not have got that project and they, just as much as the Chamber of Commerce and Industry and others, can take some credit for it. So, it is worth listening to what he has to say.

Secondly, there is no question that, if the attitudes displayed by the Opposition over the past few weeks in relation to this project had been reflected in our approach to the submarine project and other major manufacturing areas, we would not have succeeded. One wonders a bit about the glee of the Opposition in picking up every furphy, rumour or misplaced fact to put the worst possible case on it. Just what are members opposite on about? They are delighted because they think they are in some way getting at the Government. I make clear that they are not getting at the Government in criticising the design, construction and operation of this vessel, because in none of these areas has the Government done other than take the best professional advice in the private sector. That is who the Opposition is attacking. The game is up and has been shown to be up today by our friend from the Murray River whose experience extends to watching the Wellington punt or something like that. He was on radio talking about it.

Members interjecting:

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

The Hon. J.C. BANNON: This is the basis of the Opposition's attitude and why it has been carrying on in this way. This is how its thinking operates in regard to Australia, South Australia and our capabilities. It is at the core of this sniping and carrying on that we are asked about the design and building and the fact that it was done in the private sector.

What does the member for Chaffey, the spokesman on the issue, have to say? He said on air, to as much of an audience as he could command in South Australia, that we are not a nation of ship designers or builders when we are talking about the latest developments in technology. I pause at that point. Has he ever heard of Ben Lexcen, when talking about design and the number of contracts and innovations that have been undertaken in this country? Is that his attitude to our technological process here? He laughs! Obviously, it is. This is the small attitude of them all sitting opposite—a total lack of confidence and capacity. What an outrageous comment: we are not a nation of shipbuilders or designers when compared with overseas technology! The honourable member is wrong, and that has been demonstrated on many occasions.

He said that we have no problem with building vessels of the latest design. Here, he shifted away from the shipbuilding area. Presumably, if we have designs that are showing each and every step, somehow or other we are able to put it together with great difficulty (he can see that and is nodding). He stated that we need the design and technical input to come from countries that have already proven up that design. That is an admission of failure, total ignorance

and lack of capacity. Of course there is design and technology from overseas of which we can take advantage—no question of that—and we should be taking full advantage of it. The input we are able to provide here is also crucial, and the concept of the *Island Seaway* involving CADCAM design and other features was in many ways totally innovative and has certainly been very crucial in the assessment by overseas designers of our capability here in Australia.

This petty minded nonsense about no capacity lying in Australia and our having to buy off the shelf from overseas is an attitude that would wind up our manufacturing industry tomorrow. It is a disgrace that a member of this Parliament says that—and says it on behalf of the Opposition.

Members interjecting:

The SPEAKER: Order! I call the members for Florey and Bragg to order, and for the second time I call the member for Victoria to order.

The Hon. J.C. BANNON: I will again put the facts on record. The *Island Seaway* was not designed by the Government or the Department of Marine and Harbors, as the Opposition would suggest in its attempt to try to run us down. The *Island Seaway* involved the services of Australian Shipping Consultants in putting together the specifications: they were involved in the specification writing. The design itself was by M.J. Doherty and Associates—a well known and competent firm with an excellent track record (and the Opposition is hoping to keep them out of the argument). The vessel was constructed by Eglo Engineering, which has just been awarded a $500 million contract to build ships for the Defence Department. That is how incompetent they are; that is how much they need to draw on overseas advice. If these disgraceful attacks had occurred earlier, I wonder whether that project might even have been put in jeopardy also.

This is the final point. The Opposition says, 'Let us get the plans and have an independent assessment by an independent engineer.' I am not quite sure who members opposite are thinking of. The fact is that M.J. Doherty was chosen as one of three tenderers. Is it suggested that we provide those plans or specifications to that company's rivals so that they can assess them? It is a bit like saying that, if there are defects in relation to the assembly line at General Motors-Holden, we will get Mitsubishi in to do a full assessment of it and to report on it. That suggestion shows the complete ignorance of the law in these circumstances by these people who are supposed to know something about business and the whole way in which these operations are conducted. The plans are not the property of the Government to give to some rival or other assessor. All the plans have this proviso on them.

The Hon. P.B. Arnold interjecting:

The Hon. J.C. BANNON: 'They are,' says the member for Chaffey. He is as ignorant about this as he is about Australian technology and its capability. The proviso is:

> This [the plans] is the property of M.J. Doherty and Company Pty Ltd. The information contained herein is confidential. It is not transferable. It is furnished with the understanding that it is not to be traced, reproduced or used in any process of manufacturing without written permission from the owner and is returnable upon demand.

Members interjecting:

The Hon. J.C. BANNON: The maker, M.J. Doherty. It continues:

> Any infringement upon the patent rights shown herein whether in whole or in part will be severely prosecuted.

M.J. Doherty quite rightly is proud of the design that it has produced and it will certainly not give permission to one of its rivals to assess it, steal some of the technology and ideas in it and use it for their own benefit. The Opposition is joking if it thinks that the company would do that. That furphy should be laid to rest once and for all.

The basic point is that the Opposition is hoping for the worst, hoping that this whole project and this particular vessel will fail in its object. I remind the House that, at great expense and using the best technology available, the Government has commissioned a vessel to service the people of Kangaroo Island and Port Lincoln in this State. Instead of being attacked by members who purport to represent those people, we should be praised.

ISLAND SEAWAY

The Hon. TED CHAPMAN: My question is directed to the Minister of Marine. It is ironically convenient following upon the answer given by the Premier a moment ago. Will the Minister table in Parliament all departmental files, drawings and plans relating to the *Island Seaway* project? The Minister of Marine, the Minister of Transport and now the Metal Workers Union have attempted to defend criticism of the *Island Seaway* by saying it amounts to an attack on the South Australian shipbuilding industry and Eglo Engineering in particular. However, I quote from the *News* of 3 November a report of statements by the General Manager of Eglo Engineering, Mr John White. Mr White said:

> We were given a contract by the Marine and Harbors Department to build the *Island Seaway* to a set of drawings and a set of specifications. Those had been prepared by the department on behalf of the Transport Department, using various consultants and designers of their choice.

I quote a statement made by the Minister to the Estimates Committee on 3 October 1985:

> The Department of Marine and Harbors was given the responsibility for the design and the build of the *Troubridge* replacement.

And I quote from the department's 1985-86 annual report:

> The department undertook supervision on behalf of the State Government of the construction of a vessel to replace the Kangaroo Island ferry, *Troubridge*.

All of these statements make it quite clear to the reader and those who witnessed those various occasions, including the committee to which I referred, that the design of the vessel was the responsibility of the department and the Government, and it is the design of the vessel which is the subject of continuing criticism, not the work of Eglo Engineering, because that company simply performed according to specifications given to it, and those initiated not outside amongst the expert shipbuilders in the world but from within the department. The Opposition has been given evidence that the department was warned during the design stage that it should have the design model tested before undertaking construction.

This advice was forwarded to it by experts, in writing. Will the Minister therefore open all of the department's files to parliamentary and public scrutiny so that its performance—not Eglo's performance, not some other expert's performance, but the Government's performance—in the preparation of the design of this vessel can be fairly and fully assessed?

The Hon. R.K. ABBOTT: I refer the member for Alexandra's question to the remarks made by the honourable Premier.

Members interjecting:

The SPEAKER: The honourable member for Bright.

Members interjecting:

The SPEAKER: Order! The honourable member for Bright, not the honourable member for Alexandra, has the call.

Members interjecting:

The SPEAKER: Order! I caution the honourable member for Alexandra.

The Hon. Ted Chapman: You can do what you like, Mr Speaker, but I have been insulted by experts and—

The SPEAKER: Order! I warn the honourable member for Alexandra.

The Hon. TED CHAPMAN: On a point of order, Mr Speaker, you are delivering in my direction an unfounded and unreasonable attack. I have been given an answer which constitutes no more and no less than an abuse by the Minister this afternoon.

The SPEAKER: Order! There is no point of order. The honourable member for Alexandra will resume his seat. The honourable member for Bright.

MARIJUANA TESTS

Mr ROBERTSON: I address my question to the Minister of Emergency Services. Has any consideration been given to the introduction of random marijuana tests for South Australian drivers? In yesterday's *News* (2 December) there was an article by Nigel Hunt which stated:

> Motorists may be subjected to random marijuana tests in South Australia early in the New Year as part of a major road traffic survey of drug use.

The article went on to indicate that the police had expressed concern about the incidence of marijuana in drivers, and the article stated:

> Recent marijuana legislation in South Australia may lead to an increased use and association with driving.

It has been put to me that the report in last night's *News* was alarmist and may indeed be premature, and I therefore seek clarification from the Minister.

The Hon. D.J. HOPGOOD: I would suggest that they are premature in the extreme, but I thank the honourable member for giving me the opportunity of dispelling any doubt in this matter. Going home last evening I was even asked by the taxi driver whether we had discussed the legislation in the House yesterday. One could hardly blame members of the community for drawing conclusions like that in light of a headline which said 'Drug drivers face probe. Police push random tests', and an article which stated:

> Motorists may be subjected to random marijuana tests in South Australia early in the New Year as part of a major road traffic survey of drug use.

There is little doubt that being able to identify a useable test for content of drugs in the bloodstream would be of considerable advantage to us. The fact of the matter is that there is no test available that we could use on a random basis. The Tasmanians are investigating a system which may eventually bring some form of system which would be available for random testing. But, at present, the only tests that are available are either a blood or a urine sample. I invite members to consider the situation whereby we either have to provide the patrols with a registered medical practitioner with syringes or, alternatively, a potty. That is, in reality, the only way in which we could go about it.

If, of course, a person is detected as a result of their driving behaviour, for example, veering all over the road, then it seems to me that it is perfectly proper that they should be tested along either of the lines that I have indicated. However, to suggest that at this stage we have the technology for random testing, without being intrusive in the extreme on motorist, is of course nonsense. What the police are doing is looking at the Tasmanian and other systems, none of which at this stage have been proven.

The second issue I wish to address, and the honourable member made reference to it in his question, is what I assume to be an editorial comment, because the quotes from Mr Ivan Lees in fact begin after this paragraph in the editorial comment:

> Recent marijuana legislation in South Australia may lead to an increased use and association with driving.

This seems to be framed gratuitously. Some time ago I tabled a report in this House which indicated statistics relating to the monitoring of legislation. I now wish to table a further report which I think sets the whole matter in some perspective. It is entitled 'Cannabis Expiation System Monitoring Project, Second Interim Report, 30 November 1987' from the Office of Crime Statistics.

Because of the way in which the time is moving on I will not quote all that I intended to quote, but simply content myself, and it is for members to read the whole report for themselves, with this paragraph:

> In summary, we find no evidence that rates of offending under the expiation system differ in any significant way from the rates which could have been expected if the system had not been introduced.

ISLAND SEAWAY

The Hon. E.R. GOLDSWORTHY: Does the Minister of Marine accept full responsibility for the design of the *Island Seaway*?

The Hon. R.K. ABBOTT: No, Mr Speaker, I do not personally accept—

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! The honourable member for Adelaide.

ADELAIDE PARKLANDS

Mr DUIGAN: My question is directed to the Minister for Environment and Planning. What action is the Government taking to ensure that the recommendations of the Tomkinson review on alienated parkland areas will be implemented? The Minister's contribution to the City of Adelaide planning debate earlier this week included the following words:

> The recommendations of Commissioner Tomkinson are a blueprint which remain in front of the Government. It remains the Government's intention and nothing will be done by the Government to make it more difficult eventually to achieve that objective.

Earlier this week a publication was launched called 'Decisions and Disasters, Alienation of the Adelaide Parklands' by Mr Jim Daly. At the conclusion of that book Mr Daly stated:

> No responsibility for the coordination of the work completed by Commissioner Tomkinson has been allocated to a department or an executive officer. There is a strong likelihood that the excellent work begun by Commissioner Tomkinson will lose its impetus as Government departments responsible for their reserves in the parklands accept the *status quo* and conveniently forget to plan for a future that does not require their presence.

The Hon. D.J. HOPGOOD: We need to analyse the figures on page 178 of the book referred to by the honourable member. That indicates the areas identified by Commissioner Tomkinson in his report. If I go through each of those, members will get an idea of the progress that has been made in this matter. The Government generally does not believe that it needs an executive officer for parklands

or anything like that. The Government has adopted as policy the Tomkinson report and there is therefore a requirement on Ministers in the formulation of their departmental budgets to try to obtain resources over the next few years, so that these possibilities will be translated into reality.

There is the 3.24 hectares at the Adelaide Gaol, and I hardly need indicate the progress made towards that objective, especially with the opening of the Mobilong prison. There is the area of 2.83 hectares at the Thebarton Police Barracks. That must be some way off. Indeed, it will be some time before I, as Minister, would expect to have the full resources necessary to shift that facility off the parklands, but there is an obligation on the department to work towards that end. The 6.07 hectares at the Engineering and Water Supply Department depot at Thebarton also comes into my territory. Again, much work has been done in identifying an alternative site for that facility and work will proceed.

As far as I am aware, all of the 4 hectares in the Morphett Street bridge area has gone over to parklands, although much of it needs to be greened. The 0.81 hectares at the Post-Tel recreation centre on West Terrace is incorporated in the parklands area. Concerning the 2.83 hectares in the Frome Road environs, much discussion has proceeded with the Institute of Technology, but in part that is tied up with the future parking facilities for the Royal Adelaide Hospital because much of that area is at present occupied by parking.

As to the Hackney Road bus depot, the alternative site is in Government ownership and part of the depot has already been given over to the conservatory on which construction is now proceeding. So, although there is clearly a good way to go before these objectives are reached, an analysis of those figures shows that the Government has already made significant progress towards them.

CROUZET TICKETING SYSTEM

Mr INGERSON: Can the Minister of Transport say whether it is true that five State Transport Authority drivers have been dismissed for defrauding the new Crouzet ticketing system and, if it is, does this prove that the system is vulnerable to easy abuse and what action has been taken to prevent further occurrences of fraud? The Opposition continues to receive evidence of serious problems with the new ticketing system. We have been told that these sackings have occurred.

Other problems brought to our attention in recent days include the unavailability of cassettes for control units in buses, meaning that on one day no fares were collected on 20 buses; the STA being forced to employ extra people to assist commuters with ticket queries and to detect fare evasion (a notice from the General Manager, Mr Brown, reveals that additional staff will be needed for these duties until 2 January, in line with the union report after their trip to Paris); one train service on the Adelaide to Gawler line running with four validating machines not operating.

The Hon. G.F. KENEALLY: This is just another example of what I complained of to the House some weeks ago: rather than check out these matters and have them responded to adequately in a proper fashion the Opposition continues to bring rumour into the House and tries to purport it as fact.

Members interjecting:

The Hon. G.F. KENEALLY: It is perfectly legitimate for Oppositions to do that, but the Opposition should not try to suggest that rumour is fact. The honourable member says that the STA will employ more people to counter fraudulent ticket usage. That is correct. That was part of the system: we will have more inspectors. In fact, we have been able to bring back into the work force inspectors who are currently on light duties because of injuries. We are able to give them full-time jobs, for which they are very thankful and for which we ought to be commended. The idea of having more inspectors back is that when we have the system—

Members interjecting:

The Hon. G.F. KENEALLY: The honourable member asked the question: now he does not want me to answer it. When we have a system of off vehicle sales and the ticket is validated, one needs to have inspectors to apprehend those people who want to try to get a ride for nothing. If those people, who are cheating the system, the taxpayer and the revenue of this State, are caught they will be fined and a TIN will be issued for $55. If they are caught again they will be subject to a fine of up to $500. I suggest to any people who want to defraud the STA, and who think it is smart or clever to get a ride for nothing, that they are risking a very heavy penalty indeed.

With respect to defrauding the system, as the honourable member mentioned, when the Crouzet system was introduced into South Australia provision was made when the drivers were getting used to the system that a small break was allowed between coding the information onto the ticket and that being registered in the validator. Some drivers told the authority that there was an opportunity in that gap for people, if they so wished, to defraud the STA. My latest advice is that we have no evidence of that happening, but I can check whether there is more recent advice. In fact, the drivers made the STA aware of this gap in time. The STA then required Crouzet, because of the allegations of the potential for fraud, to ensure that that gap was taken out of the software so that the opportunity was not there for any driver who may wish to defraud the system.

It is my view that if any drivers wish to do that they are very few indeed. I am getting sick and tired of the snide suggestions that the system is operated by people who want to take advantage of such an opportunity and defraud the taxpayers of South Australia. The honourable member says that five drivers have been dismissed.

An honourable member: I asked whether it was true.

The Hon. G.F. KENEALLY: The honourable member is hoping to get a headline that five drivers have been dismissed. To the best of my knowledge—

Members interjecting:

The Hon. G.F. KENEALLY: Members opposite just want to score points: they are not interested in a factual response. I have had no advice at all that any drivers have been dismissed, let alone five drivers, for defrauding the system. I will have that matter checked. If anyone has been defrauding the system and been dismissed I will support that decision, but if there have been no dismissals or defrauding I will expect the shadow Minister of Transport to do the decent and honourable thing and go out and apologise to the people who work for the STA, who on a day-to-day basis have that personal contact on behalf of the STA with the public, and who should not be subject to this degree of denigration and cynicism from someone who purports to be an alternative Minister who would have responsibility for them.

If there is truth in what the honourable member says I will find it out, but if there is no truth in what he has to say I will ask him to make the appropriate apology.

Mr D.S. Baker: If it's true, you'll apologise to him.

The SPEAKER: Order! I remind honourable members that they should not converse with guests in the Speaker's

Gallery, no matter how honourable those guests might be, by leaning across the barrier into the gallery. They should either go into the Speaker's Gallery and quietly converse there or not approach the gallery at all. I draw that particularly to the attention of the member for Coles.

HOUGHTON VILLAGE GREEN

Ms GAYLER: Is the Minister for Environment and Planning aware of moves to sell off the village green at Houghton? Will the Minister investigate ways of assisting local residents to retain and protect the historic centre of that township? Houghton village green is the focus of the township, yet it turns out to be a privately owned piece of land. The land is due to be auctioned on Wednesday next, purportedly for a home site. Houghton is one of the earliest settlements in the Adelaide Hills, laid out in 1841 by John Richardson as 50 allotments and a village common modelled on a typical English village. The village green is now the centrepiece of the area framed by beautiful stone buildings and a war memorial. The site is also immediately surrounded by three roads. Residents have described to me as unthinkable the prospect of a house being built on what they regard as their village green, and Gumeracha council is also very concerned. Historian Ian Auhl, in his book on the history of Tea Tree Gully, says:

> Perhaps with a little help from the present Town Planning Act, the village of Houghton, the most picturesque of towns, may be allowed to retain its identity and survive into the next century.

The Hon. D.J. HOPGOOD: My understanding is that a good deal of negotiations on this matter have been held, and I compliment the honourable member in her attempts to preserve this very important piece of our Hills heritage. Two approaches are possible, and both are being undertaken. The first is to use the withholding of servicing to discourage any development on the property. That would have to happen, anyway, because of the location of this piece of property in the watershed areas. I have already made that clear through the E&WS Department that any attempt to develop the property would have to be made in the absence of a septic tank or anything like that, because a septic tank could not possibly be allowed on that piece of property.

However, further than that, the issue of ownership must be resolved. My understanding is that a proposition is being put together whereby the Government, the local authority and some local people will each contribute to the purchase of the property. Title will revert to the local authority and management will be in the hands of a committee called the Houghton Common Committee. I am aware that that is not the same piece of property, but these people, having had experience in the administration of the one, are prepared to take on the other. I think that I can give the honourable member the guarantee that this piece of property will pass into the hands of the council on the understanding that it retains its traditional use as part of the heritage of that area and that there will be a happy tripartite arrangement between the Government, local government and the local people for that to happen.

NORWOOD YOUTH ACTIVITY CENTRE

The Hon. JENNIFER CASHMORE: I address my question to the Premier, representing the Minister of Education. On what basis did the Minister guarantee to the supervisor of the Norwood Youth Activity Centre that the centre would continue to operate following withdrawal beyond the end of this financial year, without warning last week, of Department for Community Welfare funding when neither he nor the Minister of Community Welfare will accept responsibility for funding the operation of the centre, which provides essential after school hours and vacation care for up to 450 children in the eastern suburbs?

The Norwood Youth Activity Centre was established 11 years ago with Department for Community Welfare funding—the only such centre in South Australia to receive DCW funding. A meeting of angry parents in Norwood last night was told that 20 per cent of children attending Norwood Primary School attend the after school program at the centre, 40 per cent attend a vacation program and there is a growing number of requests for participation from working, single and unemployed parents. Children from more than 40 eastern suburbs schools attend the centre. The Principal of the Norwood Primary School said he was staggered to think that DCW can pull out of an essential community service.

Several mothers pointed out to the meeting that without the centre's program they would be unable to work, would have to go on welfare, and their children would suffer as a result. One father stated:

> 'If you [D.C.W.] withdraw this funding, it's going to cost you heaps. You'll have kids on the street and then they'll be able to fit into your so-called priorities.'

The Minister of Education (who is also the member for Norwood) has picked up his colleague Dr Cornwall's dereliction of duty to the point where he has agreed to provide a one-off grant of $19 000 for short-term support to last from January 1988 to the end of June 1988. After that no-one is willing to offer any funds at all. Parents are demanding an answer from the Government as to how a department which ostensibly seeks to protect children from abuse and to keep teenagers off the street can take an action which leads to the very circumstances which it claims to be trying to prevent.

The Hon. J.C. BANNON: I am not aware of the circumstances of the particular case, but I will certainly obtain a report from my colleague for the honourable member. In the last budget the Government increased resources going to community welfare, despite the fact that in other areas there have been cutbacks. By far the greatest amount of community welfare resources at the moment is being devoted to children, particularly in the case of child abuse and so on. It has formed an increasing workload of the department.

Members interjecting:

The Hon. J.C. BANNON: Exactly. The DCW officers are finding increasingly that their work is being devoted to the problems of children. While it is welcomed that at last this problem is being brought out into the open and we are being given some insight into how widespread it is, we can understand how also it really does mean that tremendous resources have to be applied to it. Obviously, in trying to grapple with those resources, even with the increased allocation of funds to community welfare, it will not be able to meet all the demands—that is axiomatic.

If one of my colleagues on this side of the House had asked me this question, I would have felt a lot more sympathetic; the question has come from members opposite, who, when they are not asking questions like this, spend most of their time attacking the Government's attempts to raise revenue and reallocate resources. They join every pressure group, and every opportunistic complaint that is raised—

Members interjecting:

The Hon. J.C. BANNON: The honourable member interjecting is a classic example. Members opposite want more money spent and they have a thousand ways of doing it,

but they do not permit us the means of getting that money. The honourable member could do one very constructive thing: be a little more supportive of the Government's attempts to ensure that it has resources to put into these various areas.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

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

STEAMRANGER

Mr HAMILTON: Will the Minister of Transport advise whether he has received any communication from Australian National on the future of the Victor Harbor line from Strathalbyn to the Mount Barker Junction? On talkback radio this morning I heard considerable discussion on the tourism future or potential of that line and of *SteamRanger* tours, hence my question.

The Hon. G.F. KENEALLY: At the moment I have no formal communication from Australian National or from the Federal Minister about the Mount Barker to Strathalbyn line. I am aware that yesterday the Australian National Commissioner was programmed to discuss the possible closure of the Mount Barker to Strathalbyn section of line, which is really the only section of the Mount Barker to Victor Harbor line that AN operates commercially. The section of rail that runs between Strathalbyn and Victor Harbor is run by *SteamRanger*, which, as part of a CEP grant to upgrade that section of the line, received about $1.2 million funding and a further $750 000 from the State Government, giving a total of about $2 million. The State Government is underwriting the operational losses of *SteamRanger* up to an amount of $100 000 a year for three years. We have already provided that fund for the first year. That is the situation relating to SteamRanger and its services mainly from Strathalbyn to Victor Harbor.

Of course, *SteamRanger* runs the service from Adelaide to Victor Harbor and it would see a loss on that stretch of line running between Mount Barker and Strathalbyn as very detrimental to its operations. Yesterday, I met with the SteamRanger executive whose view was that, unless it was able to operate between Victor Harbor and Adelaide, there would be very serious doubts about the future of its activities.

As a Minister, as always I have to wait until I am formally advised. If we are formally advised that the Federal Government has accepted the recommendation of Australian National to close that section of line, I will then seriously consider the role that the South Australian Government should play. Under the Railways Transfer Agreement, having regard to the strength of our argument, we have the authority to object to such decisions and to require that they go to arbitration, if we believe that the cost of such arbitration warranted it. As members will recall, we went to an arbitrator in relation to the Victor Harbor line. The arbitrator found in favour of Australian National and the Federal Government, so that line was closed. I think it is sensible to realise that our case would be even weaker on this occasion but, nevertheless, I intend to oppose any such closure.

At the very worst, I would expect Australian National to spend sufficient funds to upgrade the Mount Barker to Strathalbyn line if it was to terminate that operation, but at the moment all that is speculative. I anticipate that that decision will be made and that the South Australian Government will have to act in accordance with its normal procedures. Yesterday I was in a position to say to the *SteamRanger* executive that it was a very clear and direct understanding between *SteamRanger* and me, as Minister of Transport, who had responsibility for providing the funds to operate the *SteamRanger* activities for the next three years, that, once that three years has expired, the condition relating to the provision of public funds for that operation was that no more money would be available.

SteamRanger has the charter to prove that it is commercially viable and, if it is unable to prove its commercial viability, it is unreasonable for it to depend on the taxpayer to continually have to fund its operation. They have told me quite clearly that they are not seeking further State Government funding. They understand clearly the terms of the agreement and they accept them, but they would like to see Australian National continue to operate to Strathalbyn so that Australian National will continue to maintain the line or if, as they fear, Australian National ceases its operation because it is not commercially viable (and everybody understands this), efforts will be made to have Australian National upgrade that line which links Mount Barker and Strathalbyn and which currently will accommodate only 10 km/h activity (which is totally unsuitable to *SteamRanger*) to at least 20 km/h to 25 km/h. That is something I would have to consider with a great deal of sympathy, if I am advised by the Federal Government that it is its intention to close that section of the line which, frankly, at the moment has not occurred.

SAIL TRAINING

The Hon. P.B. ARNOLD: My question is directed to the Minister of Marine.

Members interjecting:

The Hon. P.B. ARNOLD: Wait for it!

The SPEAKER: Order! Comment is out of order.

The Hon. P.B. ARNOLD: Is the Minister prepared to appoint a working party, representing the various interests involved, to identify and resolve current difficulties with surveying vessels and recognising qualifications in sail training in South Australia?

Members interjecting:

The SPEAKER: Order! The honourable member for Chaffey can manage without the contribution of the Leader, the member for Coles and the Premier.

The Hon. P.B. ARNOLD: I have received representations from a company which operates a commercial sailing school in Adelaide which is accredited with the Australian Yachting Federation and which enrols more than 150 students annually for certificate courses ranging from introductory to yachtmaster. They have raised with me a number of difficulties and apparent anomalies in construction standards being applied for sail training vessels and in qualification requirements for those providing the training. In particular, they have had difficulty in their dealings with the Department of Marine and Harbors, which is responsible for these standards and requirements, which appears to be applying a code which has limited relevance to this specialised sector of the maritime industry.

The Australian Yachting Federation has proposed to the various State authorities, at the request of the Federal Minister for Transport, a nationally acceptable standard for vessels and master qualifications relating to sailing instructions under its national training program. As an increase in safe boating awareness and the contribution sailing can make to tourism growth are both highly desirable objectives,

it is suggested that the Government should consult with the Australian Yachting Federation and appoint a working party to, first, identify current anomalies in the application of the uniform shipping laws relating to sailing instruction; secondly, examine and recommend an acceptable standard relating to vessels used and master-instructor qualifications; and, thirdly, recommend methods of maintaining standards.

The Hon. R.K. ABBOTT: I thank the honourable member for his question and also for all the others he has asked me this past week. I am quite prepared to consider seriously the matter that he has raised. If it is considered necessary to set up a working party for that purpose, then I am happy to look at it and give it serious consideration.

INTERSTATE COACH DEPOT

Ms LENEHAN: I direct my question to the Minister of Transport, and the question is supplementary to a question raised by the member for Adelaide earlier in the session. Will the Minister tell the House whether facilities at the interstate coach depot in Franklin Street have been extended and upgraded? I ask this question because of complaints that I have received from a number of constituents, and in particular from an aged pensioner, who states:

> I was on a coach which arrived before 6 a.m., also other coaches had arrived previously. The depot was closed and passengers had to wait outside. When it was opened the refreshment shop was closed.

My constituent goes on to say:

> As quite a number of old age pensioners travel by coach because it is cheaper, this is not good enough. I believe this matter has been brought to the notice of the people concerned some time ago and nothing was done about it.

I therefore ask the Minister whether something has been done about the facility at the city coach depot.

The Hon. G.F. KENEALLY: I would accept the opinion of the honourable member's constituent, who said it was simply not good enough. I certainly agree with that and I am sure that all the people in South Australia who have an interest in tourism, as well as an interest in the standard of services provided to commuters, would share that opinion.

I am not exactly sure of the current state of play. I have reported to the House previously, as a result of questions, that the Government established a working party which was chaired by an officer of the Department of Transport and included representatives from the bus industry, local government and the tourism industry. The working party was established in an attempt to reach an agreement as to the type of facility that ought to be provided for the travelling public, to encourage the industry to come together as they have in some other States. In particular, I point to facilities in Brisbane, which I think are an excellent example of bus and rail interchange. I refer to the Brisbane transit station, which is quite a standard bearer, I believe, for the industry throughout Australia. When that was being built it was very difficult to get the various bus companies in Queensland to support it. Now that they have been required to operate their services from that transit centre they would not go anywhere else, because they can see the enormous benefits that have flowed from it.

Similar benefits could flow to the bus and coach industry here in South Australia if they were able to get their act together and agree to combine in the construction of a similar facility. We have not been able to significantly upgrade the services at the depot because of the commercial problems that exist and the difficulties between the companies which are in competition with each other. Despite the very best efforts of the Government, the Adelaide City Council, and the tourism industry, we still need to have this matter resolved. It seems likely that one of the companies will go ahead and develop its own facilities, and that would be an improvement on what already exists, but that would certainly not give South Australia the facilities that we are entitled to—facilities that are becoming commonplace elsewhere. Once again I throw out the challenge to the bus and coach industry to come together to provide South Australia with something that we and the industry could be proud of.

ABORIGINAL HOUSING SCHEME

Mr LEWIS: Will the Minister of Housing and Construction review his decision to evict from his home at Narrung a man who has believed, for the past 14 years, that he was purchasing his Housing Trust home under the funded Aboriginal Housing Scheme, but due to missing paper work within the Government is now regarded by the Government to have been only renting his house and has now been served with notice to quit the house? The Opposition has been provided with considerable correspondence related to Mr Spencer Rigney, who has assisted by the Department of Community Welfare in 1973 to enter into a rental purchase agreement which enabled Aboriginal persons to acquire their own homes.

Responsibility for the funded Aboriginal Housing Scheme was transferred to the South Australian Housing Trust at or about the same time. Mr Rigney has kept receipts of his weekly payments dating back to that year, and has carried out repairs and renovations to the home over a lengthy period of time in the belief that the property would eventually be owned by him. In 1982, Mr Rigney received a letter from the Housing Trust regarding a rent review, the terms of which did not agree with his understanding of the rental purchase scheme. He wrote back, pointing out that his home was being purchased, and that by his reckoning, the house should be (and I quote) 'now fully paid up'.

The then Liberal Government requested an urgent report. The Aboriginal Housing Board responded, saying that 'in the absence of any official documents related to an agreement or commitment to purchase', it was unable to substantiate the claim that Mr Rigney had entered into such an agreement with the Department for Community Welfare some nine years previously.

The Director-General of Community Welfare, Mr Cox, agreed in writing that, concurrent with Mr Rigney's application, the scheme was in the process of being transferred to the South Australian Housing Trust. He further expressed the view that the matter could be resolved by selling the house to Mr Rigney at 'a price to be fixed in consideration of the moneys already paid'. To this date, however, Mr Rigney has sought, without success, to come to an agreement with the trust and has been unwilling to make further rental payments until the matter is resolved, quite understandably.

The situation has dragged on now for years and he was recently served by police with a notice to quit. Through Legal Aid, Mr Rigney's solicitors have been attempting to bring the sorry saga to a satisfactory conclusion, but the Housing Trust's solicitors have advised that the trust is no longer prepared even to discuss the matter at a conference of all parties. Instead, they are preparing to issue a summons for his eviction, a situation which the Opposition has been told is outraging the Aboriginal people and the white members of the Narrung and Point McLeay community. They have also all understood that Mr Rigney would eventually own his home under the rental-purchase scheme.

The Hon. T.H. HEMMINGS: The member for Murray-Mallee has now let the world know that, according to the honourable member and the person concerned, there is a dispute. One would have thought that, if this dispute had been going on for a considerable time, the honourable member, with his experience, would have directed his inquiry to me personally through my ministerial office, but the honourable member has chosen not to do so. However, if he gives me the full details (that is, more details than he has given today) I will undertake to have the matter fully investigated.

MINISTERIAL STATEMENT: CROUZET TICKETING SYSTEM

The Hon. G.F. KENEALLY (Minister of Transport): I seek leave to make a statement.

Leave granted.

The Hon. G.F. KENEALLY: During Question Time the member for Bragg asked me whether five STA bus drivers had been dismissed as a result of ticket fraud in relation to the Crouzet ticketing system. I can now inform the House that the STA has advised me that no operators have been sacked as a result of the Crouzet ticketing system. Indeed, the last operator to be dismissed was dismissed about six months ago, well before the introduction of the new ticketing system. As I said before, the Opposition has again introduced unsubstantiated rumour as fact, and I am happy to be able to inform the House of the true situation.

PERSONAL EXPLANATION: PETITION

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

That Standing Orders be so far suspended as to allow me—

The SPEAKER: Order! The honourable member cannot move anything. I cannot allow an individual member to take over the business of the House against the collective will of the members.

Mr S.G. EVANS: I seek leave to make a personal explanation.

The SPEAKER: Does the honourable member believe that he has been misrepresented, and on that basis does he seek leave to make a personal explanation?

Mr S.G. EVANS: No, Mr Speaker. I do not say that I have been misrepresented. I seek leave to make a personal explanation.

Leave granted.

Mr S.G. EVANS: I wish to explain that in seeking to suspend Standing Orders I had a specific reason and I wish to explain that reason. Under the Standing Orders, a petition must conform to certain standards before it can be presented formally. However, in the Federal Parliament there is an opportunity to suspend, if it is agreed, to present a petition that may not contain all the exact details.

The SPEAKER: Order! Standing Order 137 provides:

By leave of the House, a member may explain matters of a personal nature although there be no question before the House; but such matters may not be debated.

The honourable member is now clearly debating the matter.

Mr S.G. EVANS: I apologise, Mr Speaker. I will explain my personal situation. I have a petition with over 2 000 signatures in relation to the Kalyra hospital which the people who signed it hoped would be presented to this Parliament. The petition does not contain all the detail required; therefore, I sought to suspend Standing Orders. That is the opportunity that I sought and that is my explanation.

FIREARMS ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Firearms Act 1977. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Firearms Act 1977 controls the possession and sale of firearms including the setting out of licensing arrangements. The Act requires persons in possession of firearms to be licensed. Regulations under the Act establish four classes of firearms licences covering the various types of permitted firearms. The principal Act clearly contemplates the imposition of conditions on licences. However the process is cumbersome requiring the referral of each individual licence application to the Firearms Consultative Committee or the adoption of regulations prescribing relevant conditions. In either case, it is extremely doubtful that conditions could be imposed on existing licences at the time of renewal. This is seen as a deficiency in the existing legislation.

In addition, it appears that the Registrar of Firearms has very limited powers to review existing licences. Once granted, it seems a licence cannot be revoked unless the licence holder is shown to have committed a serious act of wrongdoing. A change of circumstances from those applying at the time the licence was granted is not sufficient to lead to revocation of a firearms licence. For example, loss of membership or resignation from a firearms club does not lead to a review of the licence. This is considered to be a major deficiency in relation to 'C' class or pistol licences as active club membership is often a precondition for the granting of a licence. The Bill seeks to remedy these major deficiencies and also deals with some miscellaneous matters by empowering the making of regulations; to recognise firearms clubs for the purposes of the Act, to impose certain requirements on these clubs and to prescribe requirements for the safe custody of firearms or specified classes of firearms.

Before considering the specific provisions of the Bill, I believe it would be useful to detail some of the background to this matter. At the commencement of the operation of the Firearms Act in 1980, the Registrar of Firearms endorsed 'C' class licences, except those issued to pistol club members and the few issued for non specified purposes with a condition corresponding to the justification given by the applicant at the time of application. For example, where a person who applied for and was granted a 'C' class licence on the basis that a handgun was required in their employment as a security guard, that person would have their licence endorsed with the condition 'For Employment Purposes'. In the main these conditions were endorsed with the consent of the applicant. In the event that the applicant did not agree to the conditions, the matter would be referred to the Firearms Consultative Committee pursuant to section 12 (4) *(b)* of the Act seeking the Committee's concurrence to the imposition of such conditions.

In late 1984, the Registrar commenced the practice of endorsing 'C' class licences issued to pistol club members on application, or renewal, with the condition 'For Pistol

Club Purposes'. The practice was adopted in response to police concerns about a number of instances where holders of 'C' class licences appeared in public places carrying pistols. While it is readily acknowledged that these instances were very few in number, it should nonetheless be acknowledged by responsible persons that such behaviour is not acceptable. Police concern was particularly justified as in most instances no action could be taken against the individuals involved. The placing of endorsements on the licences will ensure that, where firearms are not used in connection with the purpose specified in the application, police action can be taken.

Representations were made by members of the firearms fraternity objecting to the practice. Subsequently, legal advice was obtained and it was determined that the conditions imposed by the Registrar had no legal standing unless prescribed by regulation or agreed by the Firearms Consultative Committee, and then only in respect of new applications, not renewals. Accordingly the practice ceased. Instead, the Registrar referred all new applications to the Consultative Committee seeking its agreement to the imposition of conditions. By early 1986, it became evident that this approach was creating an inordinate delay in the issuing of licences. This practice was therefore also discontinued.

During the course of these events, discussions continued between the Police Department and representatives of pistol club members with a view to developing an acceptable system of endorsements. It is fair to say that these discussions became bogged down. The concern of members of pistol clubs was based on their perception that a condition on their licence stating 'For Pistol Club Purposes' would unduly restrict their capacity to practise, service and compete in their sport particularly where this involved travel. While I as Minister am on the record as supporting the principle of endorsements, I have consistently said that it would be highly desirable that such endorsements are applied in a way that does not prejudice the interests of the legitimate and *bona-fide* firearms user. Therein, Mr. Speaker, lies the essence of the function of legislation of this kind. Like much of the legislation considered by Parliament, the art is to strike the appropriate balance between the public interest and individual liberty. The deadlock in the discussions prevented the balancing of these two important objectives.

Accordingly, earlier this year, in an attempt to break the impasse, I commissioned a task force to consider licensing arrangements for handguns. The task force was chaired by Yvonne Hill, a well respected person who, as an Olympic shooter, has obviously wide experience with firearms. The task force also included representatives of the Police Department, the S.A. Revolver and Pistol Association, the S.A. Target and Pistol League, the Combined Shooters and Firearms Council, the Security Institute of S.A. and the Department of Public and Consumer Affairs. The task force reported in early November 1987, and its report is now publicly available. I would like to place on record my thanks for the contribution made by all members or the task force. The contribution of the Chairperson Yvonne Hill in this difficult task is particularly appreciated.

The recommendations of the task force have been considered by the Government and the Bill represents the translation of the relevant recommendations into legislation within the existing framework of the Act. The Government has decided that the Report be released as a Green Paper; that is the Report is now available for public comment before final decisions are made. The Bill will also lie over the recess pending the outcome of those public comments. The framework of the parent Act requires that some aspects of the recommendations will necessarily be implemented either administratively or by regulation. This Bill will enable those administrative practices and supporting regulations to be adopted. Mr Speaker I now turn to the provisions of the Bill as they relate to the Hill Report.

Central to the Bill is the concept of endorsements. The Hill Report recommends that four categories of 'C' class licences be established under the Act relating to the justification tendered in support of the application for the licence, and that these categories be endorsed on the face of the licence. While the reasoning underpinning this recommendation is accepted by the Government, it should be pointed out that it would be inconsistent to include such provisions within the Act itself. The Act is essentially a piece of enabling legislation which authorises the making of regulations and the adoption of administrative procedures. It is therefore appropriate that the Act be amended to enable the implementation of the recommendations.

Accordingly, the Registrar of Firearms will be empowered to endorse conditions on the face of the licence based on information and justification provided by the applicant. The Bill authorises regulations prescribing application forms and information and declarations to accompany such application forms. In accordance with the Hill Report, it is envisaged that the prescribed information and declarations in respect of 'C' class licences will be for the purpose of establishing bona fide membership of a pistol club or employment with a security firm.

As a check on the administrative process, Firearms Consultative Committee approval will be required as to the kind of conditions that can be imposed and the circumstances in which they will be imposed. A person contravening the licence conditions is guilty of an offence and is liable to have the licence revoked. The Bill enables the Registrar of Firearms to impose such conditions upon renewal of a licence. The categories and conditions identified in the Hill Report in respect of 'C' class licences were supported by all members of the task force including the police representative. Subject to the passage of this Bill, these categories and conditions will be submitted to the Firearms Consultative Committee for approval.

Members should be clear that the Government intends at this stage to apply these provisions with respect to 'C' class licences only. While the Act expresses the power in relation to all classes of firearms licences, no such conditions will be imposed other than on 'C' class licences unless or until full consultation has occurred with firearms users. The Hill Report also recommends changes to the requirements for the recognition of a pistol club. It is therefore proposed to amend the Act to empower regulations registering recognised firearms clubs and requiring the furnishing of periodic returns of information from recognised firearms clubs. These changes will ensure that the Registrar is satisfied as to the safety of events practised at clubs and that, in respect of pistol clubs, the club is in a position to properly certify the *bona fides* of applicants for 'C' class firearms licences.

Consistent with the recommendations of the Hill Report, the Registrar will be empowered to review licences at the renewal stage. Where the Registrar intends to revoke such licences, for example, owing to the lapse of pistol club membership or activity, the concurrence of the Firearms Consultative Committee will be required. In addition to licensing arrangements, the Hill report addresses a number of other important issues. The Report recommends certain requirements for the security of 'C' class firearms. The Bill empowers the making of regulations prescribing minimum security requirements for firearms generally of a specified class of firearms. Subject to the process of public comment

required following the issuing of a Green Paper, it is anticipated that regulations will be drafted with respect to 'C' class firearms. In view of Government, police and public concern about criminal access to firearms through theft from registered and licensed owners, consideration will also be given to regulations imposing security obligations on owners of firearms other than handguns.

The Hill Report also recommends the establishment of consultative and advisory mechanisms between the Government and the firearms organisations. Subject to the process of public comment discussed above, the Government intends to adopt those recommendations administratively rather than through statute. I commend the Bill to the people of South Australia.

Clause 1 is formal. Clause 2 provides for commencement on a day to be fixed by proclamation. Clause 3 amends the long title to the principal Act to include control of the use of firearms as a purpose of the Act. Clause 4 amends section 5 of the principal Act which is an interpretation provision. Clause 5 repeals sections 11 and 12 of the principal Act and substitutes new provisions. Section 11 deals with the unlawful possession of firearms. Subsection (1) provides that a person who has possession of a firearm without holding a firearms licence authorizing possession of that firearm is guilty of an offence. Subsection (2) provides that a person does not commit an offence under subsection (1) if that person has possession of a firearm for the purposes and in the circumstances set out in that subsection.

Section 12 deals with firearms licences. Subsection (1) provides that a firearms licence may authorise possession of a particular firearm or firearms of a particular class, but not of a dangerous firearm unless specially endorsed by the Registrar to that effect. Subsection (2) provides for the creation of different classes of firearms by regulation. Subsection (3) provides that a firearms licence will authorise possession of a firearm or firearms for the purposes stated in the licence. Subsection (4) provides that a firearms licence is subject to conditions prescribed by the regulations and conditions imposed by the Registrar. This subsection is qualified by subsection (6).

Subsection (5) gives the Registrar power to impose conditions on the grant or renewal of the licence, or by notice in writing given personally or by post to the holder of the licence. Subsection (6) allows the Registrar to vary or revoke a licence condition on the application of the holder of the licence. Subsection (7) limits the power of the Registrar to impose licence conditions. Section 12a makes provision in relation to firearms licence applications, the form in which they must be made and the information which must be provided. An application for a firearms licence cannot be validly made by a person under the age of 15 years. In relation to dangerous firearms the minimum age is 18 years. Subsection (4) provides that subject to subsection (5), where an application for a firearms licence is properly made and the applicant satisfies any relevant criteria of eligibility stipulated in the regulations, the Registrar can only refuse to grant the licence if the consultative committee concurs. Subsection (5) restricts the circumstances in which a licence to possess a dangerous firearm can be granted.

Clause 6 repeals sections 17 and 17a of the principal Act and substitutes a new section 17. Subsection (1) provides that a licence remains in force for a term (not exceeding three years) specified in the licence. Subsection (2) provides for renewal of licences. Subsection (3) deals with the form of application for renewal and the information which must be provided. Subsection (5) is similar to the provision in section 12 (4). It is made clear that the Registrar can attach conditions to a licence on renewal. Clause 7 repeals section 18 of the principal Act and substitutes a new section. This provision empowers the Registrar to cancel licences. Clause 8 repeals section 19 of the principal Act and substitutes a new section. Subsection (1) provides that a licensee who contravenes, or fails to comply with, a condition of the licence is guilty of an offence.

Subsection (2) provides that a licensee who uses a firearm for a purpose other than a purpose authorised by the licence is guilty of an offence. Subsection (3) provides that a licensee who has a firearm in his or her possession for a purpose other than a purpose authorised by the licence is guilty of an offence. Subsection (4) provides that if, in proceedings for an offence against subsection (3), the evidence gives rise to a reasonable inference that the purpose for which the defendant had possession of the firearm was not as authorised by the licence, the onus shifts to the defendant to establish that the purpose for which he or she had possession was as authorised by the licence.

Clause 9 amends section 21 of the principal Act which is the section dealing with appeals against decisions of the Registrar. The amendment gives a right of appeal against a refusal to grant an application for a licence or renewal of a licence, and a decision to impose licence conditions (other than prescribed conditions). Clause 10 amends section 39 of the principal Act which sets out the regulation making powers of the Governor. Clause 11 makes statute law revision amendments to the principal Act in preparation for future reprint of the Act. The amendments delete obsolete repeal and transitional provisions and make the Act gender neutral.

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

JUSTICES ACT AMENDMENT BILL (No. 2)

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Justices Act 1921. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This simple amendment to the Justices Act 1921 is proposed in conjunction with the Electoral Act Amendment Bill 1987. It seeks to amend section 27a of the principal Act to enable the services of summonses by post—for summary offences under the Electoral Act, 1985—within 6 months (instead of the usual 4 month period) after polling day. The volume of such summonses means that the Electoral Department is, unless this amendment is effected, hard pressed to serve them by post. If the 4 month period expires, service of summonses can then only proceed personally, a process which would be both unnecessarily time-consuming and expensive.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides for the amendment of section 27a of the principal Act (relating to the service of summonses by post) so as to allow subsection (3) to operate in relation to alleged offences against the Electoral Act if the time of posting is within six months after the day on which the offence is alleged to have been committed.

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

ELECTORAL ACT AMENDMENT BILL (No. 2)

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Electoral Act 1985. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to effect a number of procedural and administrative improvements and substantive changes to the Electoral Act, 1985. The changes flow largely from a consideration of the operation of the Act at the last election, by the State Electoral Commissioner as well as recommendations for changes to the Commonwealth electoral legislation by the Joint Select Committee of the Commonwealth Parliament on Electoral Reform.

Prisoners' Enrolment Entitlements:

Section 29 (4) *(b)* of the Electoral Act 1985 enables a prisoner, who is already enrolled, to change his or her enrolment to another 'outside' address if:

(a) the presently enrolled address is either owned wholly or in part by the prisoner or was the place of residence of a parent, spouse or child at the commencement of his term of imprisonment; and

(b) the prisoner or the parent, spouse or child of the prisoner, acquires during the term of imprisonment some other place of residence and the prisoner intends to subsequently reside at that place.

An opinion of the Crown Solicitor has indicated that the word 'acquires' means ownership or any form of tenancy. In summary, even if a prisoner acquires an interest in a property where he intends to reside after his release, transfer of enrolment to that address can not occur unless he had a pecuniary interest in his currently enrolled address or his parent, spouse or child lived there at the time of his imprisonment.

Even without the benefit of supporting statistical information it is believed that many prisoners would not have been living with their kin or close relatives at the time of their arrest. Furthermore, it is doubtful whether many would have wholly or partly owned such properties. In practical terms very few would therefore be in a position to transfer their electoral enrolment as contemplated by section 29(4) *(b)*.

It is considered that the concept of ownership of property is too restrictive and that the simple fact of residence (both before and after incarceration) should suffice to enable prisoners to seek re-enrolment.

Residence Requirements for Entitlement to Vote:

Section 69 (3) of the Electoral Act 1985 provides:

A person is not entitled to vote at an election unless his principal place of residence was, at some time within the period of 3 months immediately preceding polling day, at the address for which he is enrolled.

The Commonwealth Joint Select Committee's 1986 Report recommended the repeal of a virtually identical provision in the Federal Act. It observed:

It can be seen that the 3 month rule is therefore in practical terms incapable of across the board enforcement. More seriously, however, its operation is anomalous in that it only works to disenfranchise those electors who have not correctly maintained their enrolments, but are honest enough to admit it. This clearly raises the general question of whether the rule continues to serve any useful purpose.

It was in fact repealed by a 1987 amendment Act. Another argument for repeal advanced by the Committee was as follows:

The three months rule as it stands, however, could give rise to challenges in the court to the correctness of the admission of individual votes which, depending as they would on the question of where a person had resided, would be of very similar nature to a challenge to the roll itself—since in each case the assertion would be that the voter really should not still have been on the roll. On this basis also, it could be argued, the three months rule should be abandoned.

Because of section 107 (3) *(a)*, the Court of Disputed Returns cannot declare an election void because of a defect in a roll of electors unless it is satisfied the result of the election was affected by the defect. The present three month rule does have the potential to erode the effectiveness of the principle of conclusiveness of the rolls.

Amendments of a largely administrative nature:

This Bill also seeks to do the following to the Principal Act:

(i) the amendment of section 63, which requires voting tickets to be lodged with the relevant Returning Officer, to allow such lodgement with either the relevant Returning Officer or the Electoral Commissioner within 72 hours of the close of nominations;

(ii) the amendment of sections 62 and 63 to allow a candidate, in writing, to delegate to another (e.g. the Secretary of a political party) the authority:

(a) to apply to have the registered name of the political party printed adjacent to his or her name on the ballot paper; and

(b) to lodge with the relevant Returning Officer or Electoral Commissioner any voting ticket;

(iii) the amendment of section 74 to require that, before 6 p.m. on the Thursday immediately preceding polling day, pre-poll voting officers shall respond by post to all applications for declaration votes received by 5 p.m. that day;

(iv) the amendment of section 82 to enable Returning Officers to accept declaration votes received by any means within 7 days of the close of polling;

(v) the amendment of section 85 to provide that the due dispatch of notices (dealing with failure to vote) is, in the absence of evidence to the contrary, evidence of their receipt by the voter concerned;

(vi) the amendment of section 29 to provide that an elector is entitled to enrolment for a subdivision if he or she has lived at his or her principal place of residence in the subdivision continuously for a period of 1 month immediately prior to the date of claim for enrolment;

(vii) the amendment of section 29 to restrict the franchise to those prisoners actually imprisoned within this State;

(viii) the amendment of section 30 to enable a claim for enrolment, or the transfer of enrolment, to be made to any (not merely 'the appropriate' as is presently the case) electoral registrar;

(ix) the amendment of section 125, which prohibits canvassing, soliciting etc. of votes within 6 metres of a polling booth, to extend its provisions to pre-polling facilities as well (e.g. declared institutions);

(x) to maximise the opportunities of an elector being enrolled at his or her principal place of residence, the amendment of the Act to enable an Electoral

Registrar to lodge an objection relating to any unnotified change of address of an elector. Section 69 (3) provides:

'A person is not entitled to vote at an election unless his principal place of residence was, at some time within the period of 3 months immediately preceding polling day, at the address for which he is enrolled.'

The Crown Solicitor has advised (17 February 1987) there is presently no authority in the Electoral Act for an Electoral Registrar to object to the enrolment of an elector who moves address within a subdivision but does not make a claim for re-enrolment at the new address;

(xi) the amendment of Section 66 (1) by amending paragraph *(b)*. That presently provides that posters containing the registered voting tickets for both Houses are to be displayed in polling booths. This really creates more unnecessary work for returning officers and does not provide much information of great value to voters given that paragraph *(a)* already requires how-to-vote cards to be displayed in each voting compartment. The provision is to be limited to the display of Legislative Council voting tickets only. Besides, the display of House of Assembly voting tickets is not consistent with an elector's obligation, under S. 76 (2), to place a preference against all candidates.

(xii) the amendment of the Act to provide a penalty for non-compliance with section 79. That section provides for the manner in which a vote is to be made (i.e. the voter is to retire alone to a compartment, deposit the ballot paper in the ballot box and leave the booth). The Electoral Act, 1929 (Section 154) had provided a penalty of 6 months imprisonment for persons who fraudulently took a ballot paper out of a polling booth. The intent of this amendment is to ensure:

(a) a person places the ballot paper in the box; and

(b) leaves the booth.

(xiii) the amendment of the Act to provide for sanctions against any officer who neglects his or her official duties under the Act. The repealed 1929 Act had provided for this (Sections 144 and 145) but such provision was not made in the 1985 Act.

Miscellaneous Amendments:

Finally, it should be noted the Bill seeks to amend the principal Act so that:

(i) the word 'member' in the context of a political party seeking registration on the basis of 150 members is defined for the purposes of Part VI as an elector;

(ii) the Act gives an entitlement to a pre-poll declaration vote to an elector who will be engaged on polling day in his or her employment or occupation and whose absence to vote may cause serious inconvenience in respect of that employment or occupation;

(iii) the Act provides that an elector whose religious beliefs prevent him or her from voting on the day appointed for polling is entitled to register as a registered declaration voter;

(iv) in respect of mobile polling the relevant Returning Officer should have the authority for reasonable cause, to vary the polling schedules before the visit;

(v) the Act provides for a fresh scrutiny to be conducted by each District Returning Officer of all House of Assembly ballot papers included in the count before any candidate is declared elected.

In conjunction with the present Bill, three other Bills are also to be introduced into this Parliament—one to amend the Constitution Act, 1934 another to amend the Acts Interpretation Act, 1915 and a third to amend the Justices Act, 1921. Those amendments are almost wholly consequential upon those that are embodied in this Bill.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends section 20 of the principal Act to provide that the address of the place of residence of an elector noted on the roll is the address of the principal place of residence. Clause 4 amends section 29 of the principal Act. A person will be required to have lived at his or her principal place of residence in a particular subdivision for a continuous period of one month before he or she is entitled to be enrolled on the roll for that subdivision. Subsection (4) is to be amended to restrict its operation to persons imprisoned within the State. Furthermore, it is considered that subparagraph (i) of paragraph *(b)* of that subsection is too restrictive in that it limits the operation of paragraph *(b)* to situations where the place of residence of the prisoner before his or her imprisonment was owned by the prisoner, or was the place of residence of a parent, spouse or child of the prisoner. Many prisoners do not own places of residences and many do not live with their next-of-kin. It is therefore intended to remove the requirements of this subparagraph from paragraph *(b)* of subsection (4).

Clause 5 will amend section 30 of the principal Act so as to allow a claim for enrolment or the transfer of enrolment to be made to any electoral registrar (and not just the 'appropriate' electoral registrar, as the provision presently stands). Clause 6 amends section 32 of the principal Act so as to allow applications for transfers of enrolment to be made to any electoral registrar. Clause 7 makes related amendments to section 33 of the principal Act so as to allow an objection to the enrolment of a person on the roll of a subdivision in respect of a particular address. Clause 8 amends section 35 of the principal Act so that on an objection the electoral registrar may, if appropriate, change the address in respect of which a person is enrolled. Clause 9 amends the definition of 'eligible political party' in section 36 of the principal Act so that it relates to a political party of at least 150 electors, and not simply 150 members.

Clause 10 amends section 62 of the principal Act so as to allow an application under the section to be made on behalf of a candidate by the registered officer of a registered political party of which the candidate is a member, or on behalf of all of the members of a group of candidates. Clause 11 revamps various subsections of section 63 of the principal Act so as to allow voting tickets to be lodged by a candidate or candidates to whom the tickets relate, or by a person duly authorised to act on behalf of the candidate or candidates. An authorisation will be able to be given to a registered officer of a registered political party of which the candidate or candidates are members or, in the case of a group, to a member of the group.

Clause 12 amends section 66 of the principal Act so as only to require the display in polling booths of how-to-vote cards, and voting tickets for a Legislative Council election. It is considered unnecessary to require the display of voting tickets for a House of Assembly election. Clause 13 strikes out subsection (3) of section 69 of the principal Act. This

subsection provides that a person is not entitled to vote at an election unless his or her principal place of residence was, at some time within the period of three months before polling day, at the address for which the person is enrolled. It has been argued that this provision only disenfranchises someone who is honest enough to admit that he or she has not correctly maintained his or her enrolment. Its repeal was recommended by the Commonwealth Joint Select Committee's 1986 Report and the corresponding provision in the Federal Electoral Act has been repealed.

Clause 14 amends section 71 of the principal Act so as to allow a person to make a declaration vote if the person will be working on polling day and cannot reasonably be expected to have to vote at a polling booth. Clause 15 provides for the amendment of section 74 of the principal Act. It is intended to require that officers must respond to applications for the issue of declaration voting papers by 6 p.m. on the Thursday last preceding polling day. The applications will be required to be received by an officer before 5 p.m. on that day if they are to be effective. The register of declaration voters is to be made available to persons who are likely to be precluded from attending a polling booth because of membership of a religious order or religious beliefs.

Clause 16 amends section 77 of the principal Act. In particular, it will be possible to alter the times or places for polling at a mobile polling booth. If possible, the Electoral Commissioner will be required to give at least one days notice of the alteration, but if that is not possible then the presiding officer will be required to take such steps as are reasonably practicable to notify electors of the alterations. Reasonable steps will be taken to inform candidates of the alterations. Clause 17 makes a technical amendment to section 82 of the principal Act so as to allow declaration votes to be delivered, as well as posted, to a returning officer so as to be received within the prescribed period of seven days.

Clause 18 amends section 85 of the principal Act so as to allow a prosecution for failing to vote at an election or failing to return a notice to the Electoral Commissioner to be commenced at any time within the period of 12 months of polling day. New subsection (10) revises the evidentiary provisions that may apply in relation to proceedings against section 85. Clause 19 relates to section 91 of the Act, which provides for the scrutiny of declaration votes. It will be necessary for the relevant officer to ensure that the address in respect of which the voter claims to be entitled to vote corresponds to the address in respect of which the voter is enrolled.

Clause 20 amends section 97 of the principal Act so as to require a district returning officer to conduct a re-count of ballot papers in a House of Assembly election before the result of the election is declared. Clause 21 will oblige an officer to carry out his or her official duties in relation to the conduct of an election. Clause 22 will make it an offence for a person to whom a ballot paper is issued to remove the ballot paper from the polling booth. Clause 23 will allow a presiding officer, in appropriate cases, to reduce the six metre rule prescribed by section 125. The operation of section 125 is to extend to declared institutions at which votes are being taken by an electoral visitor and any other place where voting papers are issued.

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

FAMILY RELATIONSHIPS ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Family Relationships Act 1975. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill follows on the report of the Select Committee of the Legislative Council on AID, IVF and related procedures. The select committee recommended:

that the Family Relationships Act be amended to remove the sunset clause in section 10b (2);

that the definition of 'fertilisation procedure' in the Family Relationships Act be amended to include the Gamete Intra-Fallopian Transfer technique; and

that surrogacy be opposed on principle, that surrogacy contracts be unenforceable, that any person who organises a surrogacy contract for fee or reward be guilty of an offence, and that any fee paid to a person who organises a surrogacy contract be recoverable by those who paid the fee.

The Bill provides that surrogacy contracts are illegal and void. The reference to illegality attracts a common law principle under which the loss lies where it falls: the client cannot recover back money paid to the surrogate mother and conversely she cannot recover money to which she is ostensibly entitled under the contract. Provision is specifically made for a person who has paid another to negotiate, arrange, etc. a surrogacy contract to recover any money so paid. It is also an offence to negotiate, arrange etc. surrogacy contracts.

The select committee did not make any recommendations in relation to advertising for surrogate mothers. This is an important aspect of the subject and the Bill prohibits advertising a person's willingness to enter into or negotiate a surrogacy contract, or to seek persons willing to enter into such a contract.

Clauses 1 and 2 are formal. Clause 3 repeals section 3 of the principal Act which is a preliminary provision setting out the arrangement of the Act. Clause 4 amends section 10a of the principal Act (the interpretation provision of Part IIA) by striking out the definition of 'fertilisation procedure' and substituting a new definition. 'Fertilisation procedure' means *(a)* artificial insemination, *(b)* the procedure of fertilising a human ovum outside the body and transferring the fertilised ovum into the body, or *(c)* the procedure of transferring an unfertilised human ovum into the body for the purpose of fertilisation within the body.

Clause 5 amends section 10b of the principal Act by striking out subsection (2) to remove the 'sunset' provision which presently provides that Part IIA of the Act does not apply in respect of a fertilisation procedure carried out on or after 31 December 1988, within or outside the State. Clause 6 inserts after section 10e of the principal Act Part IIB. Section 10f is an interpretation provision. 'Procuration contract', 'surrogacy contract' and 'valuable consideration' are defined. A procuration contract is one under which *(a)* a person agrees to negotiate, arrange, or obtain the benefit of, a surrogacy contract on behalf of another, or *(b)* a person agrees to introduce prospective parties to a surrogacy contract. A surrogacy contract is one under which a person

agrees to become pregnant or to seek to become pregnant and to surrender custody of, or rights in relation to, a child born as a result of the pregnancy or a contract under which a person who is already pregnant agrees to surrender custody of, or rights in relation to, a child born as a result of the pregnancy.

Section 10g makes procuration and surrogacy contracts illegal and void. A person who gives any valuable consideration under, or in respect of, a procuration contract may recover the amount or value of it as a debt from the person to whom it was given. Section 10h sets out offences. A person who *(a)* receives valuable consideration under a procuration contract, or enters into such a contract in the expectation of receiving valuable consideration, *(b)* induces another to enter into a surrogacy contract, having received or in the expectation of receiving valuable consideration from a third person who seeks the benefit of that contract, or *(c)* who publishes an advertisement or causes an advertisement to be published to the effect (i) that a person is or may be willing to enter into a surrogacy contract, (ii) that a person is seeking a person willing to enter into a surrogacy contract, or (iii) that a person is willing to negotiate, arrange or obtain the benefit of a surrogacy contract for another, is guilty of an offence. The maximum penalty fixed for offences against this section is $4 000 or imprisonment for 12 months. Section 10i provides that this Part of the Act does not affect the operation of any law relating to the guardianship or adoption of children.

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

CONSTITUTION ACT AMENDMENT BILL (No. 3)

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Constitution Act 1934. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is wholly consequential upon the Electoral Act Amendment Bill, 1987. The Constitution Act is amended to bring its relevant provisions into line with the enrolment and entitlement-to-vote provisions of the Electoral Act 1985. This is done by:

(i) the repeal of section 12 because of its duplication of the requirements of section 52 of the Electoral Act 1985 (dealing with the criteria for candidature for the Legislative Council) and thereby also abolishing the requirement for 3 years residency in this State for such candidates;

(ii) the repeal of section 29 dealing with the qualifications of candidates of the House of Assembly which is also now dealt with by section 52 of the Electoral Act, 1985; and

(iii) the repeal of sections 20 and 33 which deal, respectively, with the qualifications for electors of the Legislative Council and the House of Assembly—again matters now dealt with in the Electoral Act 1985.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 will repeal section 12 of the principal Act. This section sets out the criteria for candidature for the Legislative Council, being that a person must be entitled to vote at a Legislative Council election and must have resided in the State for at least three years. However, section 52 of the Electoral Act also deals with the qualifications of candidates, providing in relation to Legislative Council elections that a person must be an elector. Clause 4 will repeal section 20 of the principal Act. This section provides that a person who is entitled to vote at a House of Assembly roll also qualifies to be enrolled for the Legislative Council. However, this is also the effect of the Electoral Act and so section 20 is no longer required. Clause 5 will repeal section 29 of the principal Act, relating to candidature for the House of Assembly. This is covered by section 52 of the Electoral Act. Clause 6 will repeal section 33 of the principal Act, relating to qualifications for enrolment as a voter in a House of Assembly election. This issue is now dealt with by section 29 of the Electoral Act.

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

ACTS INTERPRETATION ACT AMENDMENT BILL (No. 2)

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act 1915. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is partly consequential upon the Electoral Act Amendment Bill 1987 and partly upon relevant Commonwealth Legislation. In 1984 the Commonwealth Parliament enacted the Australian Citizenship Amendment Act (No. 129 of 1984). It has the effect, *inter alia*, of repealing the provisions of the principal Act dealing with British Subjects. As a concept, that has been abolished altogether. Section 29 of the Electoral Act 1985 provides that a person is entitled to enrolment as a voter if he or she is (*inter alia*):

(a) an Australian citizen; or

(b) a British subject who was, between 26 October 1983 and 26 January 1984, enrolled as an elector under the State or Commonwealth Law.

The concept of 'British subject' is defined, by Section 33c of the Acts Interpretation Act 1915, by express reference to the Commonwealth Australian Citizenship Act 1948. However, as indicated above, the latter Act no longer refers to British subjects. The law of this State need no longer refer to them either. In any event, their franchise is protected by proposed section 29 (1).

Clauses 1 and 2 are formal. Clause 3 provides for the repeal of sections 33b and 33c of the principal Act. This provision is consequential on the enactment of the Australian Citizenship Amendment Act 1984 of the Commonwealth, an Act repealing the provisions of the principal Act of the Commonwealth dealing with British subjects.

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

STRATA TITLES BILL

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to provide for the division of land by strata plan; to make consequential or

related amendments to the Real Property Act 1886, the Land Agents, Brokers and Valuers Act 1973, the Legal Practitioners Act 1981, and the Retirement Villages Act, 1987; and for other purposes. Read a first time.

The Hon. D.J. HOPGOOD: 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 is the culmination of a complete review of the strata title provisions of the Real Property Act, 1886. Those provisions have been in the Real Property Act since 1967 and over the years innumerable suggestions for amendments have been received and considered by the Attorney-General's Department and the Registrar-General. Various reviews of the legislation have been conducted and members may be aware that a Bill to effect significant amendments was introduced into Parliament in 1978, but subsequently lapsed. This Bill goes further and provides a complete and comprehensive review.

Strata title development is now common in South Australia. It is estimated that there are about 38 000 strata units in the State and some 60 000 people living in these units. This legislation will therefore have significant impact on a significant portion of the people of the State. Many other people have also taken a keen interest in the development of this Bill and many submissions have been received over the years.

As the Government started work on a revision of the Real Property Act provisions it soon became apparent that a completely new Act was appropriate. The impetus for a new and distinct approach to strata titling grew as various proposed reforms were married with existing provisions lifted from the Real Property Act. Comparisons were made with up-dated legislation in New South Wales, Queensland and Western Australia. Some benefit was gained from a report of the Western Australian Law Reform Commission and the draft South Australian legislation of 1978.

As part of this process, the Government released a draft Bill and discussion paper for public comment. The concept of a separate Bill was well received. Significant submissions were received from a variety of organizations, groups and individuals. These submissions were considered as drafting proceeded further. However, as this process developed, it became apparent that greater benefits could be gained by undertaking a comprehensive redraft of the whole measure. The provisions that had been 'picked-up' from the existing Act were increasingly seen to be excessively lengthy and unnecessarily detailed. A completely new approach was obviously required. Coupled with this was the view that the legislation should be presented as a simple and easily readable measure. There is no doubt that many strata title residents must continually refer to the legislation and it is imperative that they be presented with a measure that sets out their rights and responsibilities in a coherent form. This Bill will provide this, while maintaining the integrity of the present concepts and proposed reforms.

Attention may now be given to various specific aspects of the Bill. Of particular interest will be the provision to allow the amendment of a deposited strata plan. The present Act does not provide any satisfactory solution where unit holders wish to do such things as extend units, amalgamate units, or swap units subsidiaries. These are common proposals and, provided other unit holders agree, should be possible to effect. The Bill accordingly provides that an application can be made to amend the plan with the consent of other unit holders (passed by unanimous resolution at a meeting of the strata corporation), the proprietors of registered encumbrances and the appropriate planning authorities. The plan will be able to operate as a conveyance and so a memorandum of transfer will be unnecessary.

Another provision will allow the amalgamation of strata plans where they are on adjoining sites. This provision should be of particular interest to persons wanting to develop unit schemes as it will allow the consolidation of a number of schemes. An application for amalgamation must be made with the consent of all unit holders and persons with registered interests over the units. To ensure that a unit holder cannot be compelled to consent at the time that he or she purchases the unit, the Bill provides that a provision of an agreement under which a party, as a member of a strata corporation, will consent to an amalgamation is void and unenforceable.

One problem that often arises is the delineation of a unit and the determination of the common property. This is revised in the legislation and greater clarity and precision is included. The concept of unit entitlement is also revised, simplified and clearly defined. Parties wishing to strata title land have sometimes been prevented from doing so because parts of the building encroaches onto adjoining land. This problem should usually be resolved under other laws but the Bill gives a simple form of relief when the encroachment is over public land or is only caused by a protrusion caused by eaves or other attachments to a building, and the owner of the adjoining land consents to the encroachment remaining on the deposit of the strata title plan.

Many issues arise in relation to the ownership and occupancy of a strata unit. The Bill provides that each strata corporation must have a presiding officer, secretary and treasurer (although a person may hold more than one office). A management committee may be appointed, and its role is clearly and concisely defined. The corporation will be responsible for enforcing the articles and those articles will be binding on unit holders and occupiers. One issue that often arises is the fact that some tenants ignore their responsibilities when living in a strata community. While this can never be fully regulated, the Bill provides that a unit holder must take reasonable steps to ensure that an occupier of the unit, who is not another unit holder, complies with the articles. Problems may also arise if a person alters the structure of a unit, or its outside appearance. The consent of the strata corporation will be required to carry out such work and if a person acts in contravention of the Act, the corporation will be able to require him or her to carry out rectification work.

Strata corporations are to be given new and revised powers, functions and duties. The Bill clearly sets out the duties of a corporation to insure the buildings and building improvements on the site to their replacement value. Insurance against liabilities in tort must also be taken out to cover a liability of at least $1 000 000.

Members of strata corporations will be encouraged to have a greater involvement in the affairs of the corporation. Proper financial statements will be required to be prepared by the corporation and insurance policies made available for inspection. The Bill proposes that the fair system of one vote per unit be adopted, and that voting according to unit entitlement be reserved for commercial developments.

Three issues that arose during the drafting and consultation stages of this Bill have not been included. The first is the proposal to appoint a Strata Titles Commissioner, with responsibilities to resolve and settle disputes. While the Government is well aware that disputes continually arise

between unit holders, it considers that the expense of a Commissioner needs further consideration. The Government considers that, if established, a Strata Title Commissioner's office should be funded by the people who have an interest in strata units and should not be an imposition on the general revenue. During the consultation processes no viable funding proposal that could be easily and fairly implemented appeared. The Government considers that this matter should be the subject of further debate and research and will continue to explore other options, in consultation with interested parties. Other options which may be capable of development include providing for an expansion of the jurisdiction of the Residential Tenancies Tribunal. The Government is confident that this Bill will bring greater clarity and certainty into this area and many grounds of dispute may well have been done away with.

The second issue relates to staged development. The Government considers that this issue must be carefully addressed. Serious problems could arise if a development was not completed or did not proceed as planned. The provisions in the Bill allowing for the amalgamation of distinct schemes may assist in some cases and this is entirely appropriate—each scheme will be established and viable, and all unit holders protected. To go further in this Bill is considered unwise.

The third issue relates to strata managers. Some submissions considered that such managers should be licensed or otherwise regulated. The Government cannot see a need for this. Many managers are land agents and all strata corporations have the ability to control managers under general principles relating to master and servant or principal and agent. The Government does not consider that a sufficient case has been made out for regulation in this area.

The Bill contains many other reforms and revisions. The Government trusts that it will be well received and expects that it will be closely scrutinized in the coming months. It looks forward to its passage through Parliament after such a long gestation period and its successful implementation in the community.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 sets out the various definitions required for the purposes of the Bill. Clause 4 provides that the new Act and the Real Property Act, 1886, operate as if the two Acts constituted a single Act. Clause 5 provides that a strata plan is a plan dividing land into units and common property. A strata plan must relate to the whole of one or more allotments. The clause also sets out various provisions relating to the characteristics of a strata unit and defines the common property of a strata development.

Clause 6 relates to unit entitlement. The unit entitlement of a unit must be determined as a proportion of the aggregate capital value of all of the units defined on the relevant strata plan. Clause 7 sets out the various requirements that are to apply in relation to an application for the deposit of a strata plan. Clause 8 provides for the depositing of a strata plan in the Lands Titles Registration Office. On the deposit of a plan a new certificate of title is issued for each unit created by the plan and for the common property. Clause 9 creates easements of support and shelter between the units and common property.

Clause 10 provides that the common property is held by the strata corporation in trust for the unit holders. The equitable interest in the common property attaches to each unit and cannot be alienated from the unit. The extent of the interest will be determined according to the unit entitlement of the particular unit. Clause 11 will vest land shown on a deposited strata plan as a public road, street or similar thoroughfare in the local council. Clause 12 will allow application to be made to the Registrar-General for the amendment of a deposited strata plan. The application must be made with the unanimous support of unit holders in a general meeting of the strata corporation. The application may constitute a conveyance.

Clause 13 will allow the Supreme Court to amend the strata plan where there is an error in the plan, where the unit entitlement should be varied, or where damage has occurred to buildings in the strata scheme. Clause 14 relates to the necessity of obtaining the approval of the Planning Commission and the local council to a strata plan and strata amendment plan. It will be possible to grant provisional approval to a plan. A council must, in approving a strata plan, fix the address of the building or buildings erected on the site. Clause 15 provides for appeals to the Planning Appeal Tribunal.

Clause 16 will allow the amalgamation of two or more deposited strata plans comprising adjoining sites. All unit holders of the relevant strata corporations must consent to the amalgamation. A new strata corporation is created on the amalgamation of the plans. Clause 17 allows the cancellation of a strata plan by the Registrar-General or the Supreme Court. An instrument of cancellation must be endorsed with the approval of all of the unit holders. Clause 18 provides for the name of a strata corporation.

Clause 19 provides that the articles of a strata corporation are set out in schedule 3. Other articles may be introduced, or the existing articles revoked or varied, by special resolution of the strata corporation. A copy of such a resolution must be lodged with the Registrar-General. Clause 20 provides that the articles are binding on the strata corporation, unit holders and the occupiers of units who are not unit holders. A unit holder or mortgagee in possession must take reasonable steps to ensure that any occupier of the unit complies with the articles of the strata corporation. The Supreme Court may make an order enforcing the performance or restraining a breach of the articles.

Clause 21 provides that a pecuniary liability of a strata corporation is enforceable against unit holders jointly and severally. A right of contribution exists between unit holders according to the respective unit entitlements of the various units. Clause 22 regulates payments by the strata corporation to any of its members. Clause 23 specifies that a strata corporation must have a presiding officer, a secretary and a treasurer. A person may hold more than one office. It will be an offence to allow any of these offices to remain vacant for more than six months.

Clause 24 relates to the manner in which a strata corporation may enter into contracts. Clause 25 describes the functions of a strata corporation, being to administer and maintain the common property for the benefit of the strata community, administer all other property of the corporation, and enforce the articles. Clause 26 sets out the general powers of a strata corporation. The corporation will be able to acquire property, including real property adjoining the site, if the property is reasonably required for the purposes of the corporation or for the use or benefit of the strata community.

Clause 27 relates to the raising of funds. It allows the imposition of levy contributions against all unit holders on the basis of unit entitlements or some other basis determined by the corporation. Clause 28 will allow the strata corporation to require work to be carried out on a unit in accordance with the requirements of the articles or to remedy a breach of the articles. If the work is not carried out, the corporation may act to have the work carried out and then recover costs reasonably incurred from the unit holder. Clause 29 provides that a unit holder must not carry out

structual work on the unit unless authorised to do so by unanimous resolution of the corporation.

Clause 30 imposes a duty on the strata corporation to keep all buildings and building improvements on the site insured to their replacement value. Clause 31 imposes other duties to insure. A strata corporation must insure against a liability in tort, the cover being for at least $1,000,000. Clause 32 will entitle a unit holder to inspect the insurance policies of the strata corporation. Clause 33 relates to the holding of meetings. Fourteen days notice of a meeting must be given to all unit holders. An annual general meeting will be required to be held.

Clause 34 sets out the voting rights at a meeting. It is proposed that one vote be exercisable in respect of each unit unless the units are all commercial premises and the corporation resolves to adopt a voting system based on unit entitlements. A unit holder will be able to appoint a proxy to attend a meeting on behalf of the unit holder and it will be possible to exercise an absentee vote. Clause 35 allows a strata corporation to appoint a management committee. Clause 36 relates to the validity of acts of the management committee in certain cases.

Clause 37 will empower the Supreme Court to appoint an administrator of a strata corporation. An administrator will have full and exclusive power to administer the affairs of the corporation. Clause 38 imposes certain duties on the original registered proprietor to convene the first general meeting of the strata corporation. Clause 39 is a special power to enable the strata corporation to recover property of the corporation. Clause 40 will require the strata corporation to keep certain records. Clause 41 relates to the provision of information by a strata corporation to the owner or mortgagee of a unit or a prospective purchaser of a unit.

Clause 42 contains a power of entry to provide a unit holder with access to another unit in order to rectify or install various services and systems in relation to his or her unit. Clause 43 contains a provision similar to the existing Act allowing for mortgages to be noted on insurance contracts and then providing for the paying out of the mortgage if the unit is damaged. Clause 44 prohibits a unit holder entering into a dealing with a part of the unit unless the dealing is effected by amendment to the strata plan or relates to an easement. A unit holder will be able to grant a lease or licence over a part of a unit with the unanimous approval of the corporation. Clause 45 will allow a guardian to be appointed on behalf of a unit holder who is under a disability.

Clause 46 makes each person who is a member of a management committee of a strata corporation liable in certain cases where the corporation commits an offence. Clause 47 allows the Registrar-General to require that applications and plans submitted under the Act be in a form, and certified in a manner, approved by him or her. Clause 48 relates to the service of documents. Clause 49 provides that offences against the Act can only be commenced with the written consent of the Attorney-General. Clause 50 relates to the making of regulations. Schedule 1 sets out related amendments to other Acts. Schedule 2 contains transitional provisions associated with the repeal of Part XIXB of the Real Property Act, 1886. Schedule 3 sets out the articles of a strata corporation.

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

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

TERTIARY EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WASTE MANAGEMENT BILL

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

CHILDREN'S SERVICES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 13 and 14 (clause 2)—Leave out the clause and insert new clause as follows:

2. This Act will come into operation on a day to be fixed by proclamation.

No. 2. Page 1—After line 22 insert new clauses as follows:

4. Section 43 of the principal Act is amended by inserting after subsection (1) the following subsections:

(1a) The Director must not give a direction under subsection (1) until the expiration of three months after the Director has informed the Children's Services Centre in writing of the amendments that the Director requires.

(1b) Before the direction is given the Children's Services Centre may make representations to the Director in relation to the proposed amendments and the Director must give proper consideration to those representations.

5. The first schedule to the principal Act is amended by inserting after subclause (1) of clause 1 the following subclauses:

(1a) Section 42 (5) does not apply to a kindergarten incorporated under this Act before the commencement of the Children's Services Act Amendment Act, 1987.

(1b) If a kindergarten is incorporated under this Act and the Associations Incorporation Act, 1985, its incorporation under the Associations Incorporation Act, 1985, will terminate at the expiration of three months after the commencement of the Children's Services Act Amendment Act, 1987, unless the kindergarten has, by notice in writing to the Director and the Corporate Affairs Commision, elected to retain its incorporation under the Associations Incorporation Act, 1985.

(1c) If this Act and the Associations Incorporation Act, 1985, are in conflict in relation to a kindergarten incorporated under both Acts, the provisions of this Act will prevail.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's amendments be agreed to.

Mr S.J. BAKER: They are not as clean as the Liberal Opposition originally intended them to be. We know that this question about the dual incorporation and the rescinding of incorporation under the Association's Incorporation

Act was vexed, but this measure has passed the Legislative Council. It provides some sense of protection which was not previously available under the Bill that was before the House. We are pleased that the Minister accepts the amendments.

Motion carried.

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 December. Page 2443.)

Mr S.J. BAKER (Mitcham): Any support for this Bill is consequential on greater protection or redress for losses incurred through tenants defaulting. The Opposition is quite equivocal on this Bill. To explain the Bill, it is worth going over a little history of the Residential Tenancies Fund. The fund was set up during the 1970s as a form of protection for both tenants and landlords. It was provided that rather than bond moneys being paid to a landlord, they were paid into a trust fund, which would be administered by the tribunal.

The principle behind that was that tenants who were aggrieved because their bond money had not been refunded could seek redress and get it refunded almost immediately. Likewise, if the landlord felt that damage had been caused or that the tenant had not lived up to his or her obligations there would be some form of redress, and the tribunal would act as arbiter in this situation. We saw many abuses by landlords over a period: in fact, there was an imbalance of power. Yesterday we debated the commercial tenancies principles and said that there had to be a balance between landlords and tenants.

Over a period, the money that has been put into this fund has built up considerably. In the year ended 30 June 1987 the interest alone on the fund amounted to $2.298 million, compared with $1.931 million in the year ended 30 June 1986. From that income, some $1.6 million was paid to Treasury for administration costs, compared with $1.07 million in the previous year—an extraordinary rise in the cost of administering the fund.

Nevertheless, as people with any semblance of mathematics would understand, the earnings from the trust fund have been significant and have provided an excess of revenue over the costs of administering the Act. Section 86 provides a clear definition of how the moneys so collected should be disbursed. Indeed, they are there for the benefit of those people who are involved in the rental market, namely, the tenants and the landlords.

This Bill seeks to deviate from that principle. The reasons are clear: they have determined that something should be done at long last for the International Year of Shelter for the Homeless. They believe that a flag should be shown to all the people out there to show that the Government really cares about the homeless in this State. So, they made a very belated decision: to fund several major projects that would provide shelter. The year was not planned in any shape or form, but the Government suddenly received criticism from a number of community groups, which said, 'You have an International Year of Shelter for the Homeless. What are you doing about it?' The Government, under this pressure, decided that it had better hurry up and find some projects so that it could at least wave the flag. The Minister of Housing and Construction decided that he would put $1.4 million into shelter in this State as a special mark of International Year of Shelter for the Homeless.

The Minister committed funds, which he did not have, from the Residential Tenancies Fund. The Opposition is quite equivocal about this measure because, in principle, it feels that the Government should be looking at the problems of the homeless as it should look at a number of areas of need across the community. The Liberal Party also believes as a matter of principle that those funds are best placed with the community groups which dispense them well and without massive bureaucracies and wastage of money.

The dilemma is that the Minister made a decision without consultation with the Attorney-General as to where the funds would come from. He had the bright idea that there was an excess of funds in the Residential Tenancies Fund, so he made an announcement that these projects would proceed and the fund would provide the money. The Act does not provide for such use of the money in that fund. The Minister's incredible second reading explanation states that the Government was not too sure and could not make up its mind but this measure has been introduced to clear the air and make sure that everybody understands that the money in the Residential Tenancies Fund is violate; people can get into the fund and use the money for other purposes. The Bill prescribes that, on the approval of the Minister, the moneys can be put to research on the availability of rental accommodation and areas of social need, and:

on a project—

(i) directed at providing accommodation, or assistance in relation to accommodation, for the homeless or other disadvantaged sections of the community;

and

(ii) approved by the Minister on the recommendation of the tribunal.

What he is doing is ripping off the fund. That is a simple and straightforward explanation of what the Minister is trying to do. If this Government was committed to the International Year of Shelter for the Homeless, it would have determined well over a year ago what its strategy would be (it is very big on international years) and it would have committed funds in the budget for these projects. As I said, it was a last minute decision. The Government has wasted so much money on projects of which it has not kept control that it did not have any money left in the kitty, so it looked round for a scapegoat or for a little bit of excess. It decided on the Residential Tenancies Fund, knowing that the Act precluded its use in this manner.

We are really putting money into general revenue. We are taking it out of the fund to put it into general revenue. The Bill refers to accommodation or assistance for accommodation for the homeless or other disadvantaged sections of the community. In August or September of each year a general revenue budget and a capital budget is brought in and the Government's expenditure priorities are discussed. Some involve community welfare, some housing and others provide for the police. If the Government wishes to determine that a certain amount of its funding will go to the homeless, so be it. The Parliament would approve such a measure because it is a money Bill. The Government had the opportunity to commit funds to the International Year for Shelter for the Homeless well before this debacle occurred.

If that is taken one step further, one can understand that this is simply a measure to transfer funds from the Residential Tenancies Fund to general revenue, because the Government is making up the shortfall for commitments that should have been, but were not, made in the budget. That is why the Liberal Opposition opposes this general measure. The only way that Opposition members will agree to this measure is if the fund lives up to its responsibilities, but it is doing that very poorly. I read the Minister's speech

with interest. Unfortunately, *Hansard* from the Upper House debate is not available, so members in this place cannot read the responses of the Minister.

Mr Becker: Where is the Bill? We haven't got the Bill.

Mr S.J. BAKER: Copies of the Bill should be on members' desks. It is obvious that we are getting to the end of the session. Because my colleague the member for Hanson has raised the matter I will say that once again the Government has managed its business atrociously. Sufficient time should have been available to debate the Bill with every member having a copy of it and to read the debate in the Upper House so that we could determine what issues were canvassed in that place. All the information that we need should have been at our disposal today.

Unfortunately, only one or two of us in this place have even half that information, namely, the Bill and the second reading explanation. The people who are responsible for preparation of these materials cannot be blamed because under the pressures that have been placed upon them they simply cannot perform. I point out to the House that the management of this place during the budget session has been absolutely abysmal and it does no credit to the Government at all.

The ACTING SPEAKER (Mr Duigan): Order! The member for Mitcham should come back to the Bill and not stray from its contents.

Mr S.J. BAKER: Thank you, Sir. I was trying to assist the debate by explaining why members do not have all the materials before them.

Mr Lewis interjecting:

Mr S.J. BAKER: 'Insolent, arrogant and lazy' is indeed a very adequate description. It is serious when moneys are taken from a particular fund which was specifically provided for by the Parliament and, as a result, they have not been used for the purpose for which they were originally designed. I know that the Hon. Peter Duncan, formerly a member of this place, gave guarantees that the Residential Tenancies Fund would protect both landlords and tenants. Indeed, specific examples where landlords were being disadvantaged were raised with the honourable member at the time and he assured the House that moneys from the fund would be available to meet any losses incurred if such losses were provable. The Parliament accepted that proposition. However, since that time, it has been realised that his words are worth but little.

I have a file, five centimetres thick, containing material that has been sent to me on problems relating to the management of the Residential Tenancies Fund. It is important to understand that whilst there is redress in the fund for those who have suffered damage as a result of tenant negligence or deliberate act, there is no redress, beyond the bond money, for those people who lose rent. This is a serious problem. I know that members will recall a quite famous case of some time ago in which a person was forced by the tribunal to take in a tenant. The tribunal said that the tenant could not be discriminated against. That tenant had a poor history. The tenant took out of the premises all the goods that were saleable and burnt down the premises, and it took some months to get that property back into a rentable state. At least some of the damage was recoverable through the fund but, of course, the loss of rent for approximately four months was not, because for some of that time the tenant lived in the premises without paying rent.

There is no redress under the current legislation and there should be. I was going to spend an hour or two talking about the problems of the Residential Tenancies Tribunal, because some of its actions are absolutely disgraceful. It has disadvantaged many people and, at the end of the day, it may be the honest tenants who pay the bills. If we are talking about a situation where we have multiple tenancies under one ownership, the only way to recover rental losses is by putting up rents. If a person defaults or if somebody does not do the right thing and the landlords do not get adequate compensation, they have to raise the rents. Fortunately or unfortunately, many people are not in the situation of being able to increase the rents on a number of properties in order to pay off losses on one property.

The most recent complaint I have received about the Residential Tenancies Tribunal was from a lady who had an undesirable tenant. It took 21 weeks to evict that person. Much of that time she was without rent, with no redress and possibly only a little bit of bond money. I know of another case of a person who was forced to sell her own home because the tenant in the granny flat made life unbearable and the Residential Tenancies Tribunal would not evict him. That person said, 'I cannot take any more. I am getting no protection from the tribunal. I will sell up my premises. That is the only way I can get peace of mind.'

The ACTING SPEAKER: The honourable member is casting a wide net in relation to the debate on the Residential Tenancies Act Amendment Bill. The amendment before us relates only to the application of the income from the investment fund and not to the whole of the operations of the Residential Tenancies Act. I ask the honourable member to return to the Bill before us.

Mr S.J. BAKER: On a point of order, Sir, I am talking about how the fund should be used and this Bill moves some moneys out of that fund. Some of those moneys should be devoted to providing redress for the people who are getting hurt in the system. If this measure impacts on that, it is my just and right duty to bring such matters to the attention of the House.

The ACTING SPEAKER: The amendment before us does not refer to the allocation of moneys from the fund: it is simply talking about income derived from investments of the fund. I ask the honourable member to address himself to the amendment.

Mr S.G. EVANS: On a point of order, Mr Acting Speaker, am I correct in saying that it is common, usual and accepted practice in this place that, after a Bill is introduced, at the second reading stage, even though it may refer only to part of the Act, members have the opportunity to refer to other matters which are possibly only remotely related to it? If you, Sir, are making a ruling for the first time that a person must stick strictly to the Bill before the House, that is a precedent in my opinion.

The ACTING SPEAKER: I am advised that such a position is not a new position to be adopted by the Chair. I have given the member for Mitcham quite wide latitude in canvassing matters well beyond the framework of the amendment and I am simply asking him to bring back his attention to the amendment currently before the House, having already given him the latitude to make other comments about the general operation of the Bill.

Mr S.J. BAKER: Thank you, Mr Acting Speaker. I will bring my remarks right back to this piece of legislation which provides that the Residential Tenancies Fund and the earnings thereof—which are part of the fund under the existing legislation—shall be used for the purpose of supporting the rental market. That is simply said.

If you, Mr Acting Speaker, read the current legislation, you would understand that the moneys that either are put in directly under bond or by way of interest earnt from those bond moneys are to made available for particular purposes, that is, for the protection of landlord and tenant. Any deviation from that, I contend, will disadvantage those

people who are already not receiving proper justice in the system. You will note, Sir, that I will be canvassing this area heavily when it comes to amendments to the Bill. I simply make the point to the House (and it is a proper point to make) that if we are taking money out of a fund that is not meeting its obligations, it will never meet its obligations: that is my contention.

I have pages upon pages of examples where the Residential Tenancies Tribunal has simply not called upon the fund to redress losses incurred by landlords. It is the tenants who will ultimately suffer. We can take money out of the fund and give it to the homeless. My contention is that, if we do not put back the balance into the relationship between landlord and tenant (and it is a totally unbalanced relationship at the moment), we will have to provide for more homeless people, because no-one will invest. There are too many cases of abuse that are simply not being rectified by the tribunal and significant losses have been incurred.

People with a large number of properties at their disposal have the ability to offset the losses. The people who have only one, two or a few holdings do not have that ability; the market does not allow it. They suffer loss and eventually they say, 'It is no longer tenable for me to rent the property.' We know of the housing crisis across other parts of the country and we know that the Treasurer of this country was so enthusiastic about the idea of giving a boost to the rental market that he overthrew one of his great decisions on negative gearing. He was so worried about the situation that he said, 'We have to do something about it.'

In little old South Australia, where negative gearing has not had such a grave impact and the rental market is not so tight, we can knock the landlords around as much as we like if that is what the Government wants to do. However, it will be only a short time before the rental market becomes tight, as occurs every five years. A large number of rental properties have been taken out of the rental market because people do not wish to put up with the hassles of renting their properties. Some have done so because they do not believe they are getting justice from the Residential Tenancies Tribunal. The situation becomes serious.

If we have an excess of properties on the market, it is good for the people who are renting. If people are removing their properties from the rental market because they are not getting justice or cannot be bothered putting up with the problems of renting and keeping an eye on—

Mr Lewis interjecting:

Mr S.J. BAKER: Yes, they certainly can get a better return on their money from the Savings Bank. These people will get out of the market and we do not want that to occur. We do not want them to stop investing in the rental market, because renters finish up on the front door of the South Australian Housing Trust which has a waiting list of 40 000 and that will increase to 45 000 or 50 000 by the end of next year. It is about time this Government understood a little bit about the dynamics of the housing market, because everything it has done to date has exacerbated the problem. Even with the vacancy rate of 2 per cent as we have today, no doubt exists that, if rents were lower, more people would be renting properties. Fewer people would be worrying about where they would put their head at night, because more people could afford to take up rental accommodation.

The Government's actions will ensure that the number of homeless in the street grows daily. It also ensures that people do not have proper standards of accommodation, because they cannot afford it. The reasons why they cannot afford it is a matter of supply and because of protection in the market. I will not regale the House with the vast amount of material that I have, because we would be here until 6 o'clock tonight, and that would not be appropriate.

I would like an investigation of the tribunal to be undertaken. I have an enormous amount of material at my disposal to attest against the tribunal but, more importantly, even if we test these cases against the tribunal, they are still not paying out for losses of rental when people default. There are many situations where people are paid rent relief. They go to social security or to community welfare, which give them money to pay the rent. That money that is provided is then spent in other areas and the landlord still waits for his money.

This House can make up its mind whether it wants to do something significant about that situation, or whether it wants to introduce one of these Mickey Mouse schemes and say, 'For political purposes, we will take money from the Residential Tenancies Fund and we will devote it to three worthy ventures' (and they are worthy ventures) 'so that people can say that we are doing something for the homeless.' If people are more intelligent, they will say, 'What is going wrong? How can we redress the situation?' If they really want to do something about redressing the problems and if they really want to read some of the horrific material that is available relating to the sort of things that are being condoned by the tribunal, they will achieve some really positive change in this State.

I think it is a great shame that this scheme has not worked as it was originally envisaged to work. The promises of protection to both parties have not been met. Because they have no money, the people who do not care about property, other people or anything else are still allowed to ruin people's properties, pay no rent and then to get out without an order being made against them. I think it is about time that this Government looked at the matter squarely instead of blaming everybody else, economic conditions, and lack of availability of employment; in other words, they blame everybody except themselves. We have an opportunity to redress the balance. Even though it may be only a small step, it may have a significant impact on the market.

I did note that, because of the unhappiness of the Liberal Opposition in another place, the Minister decided to enunciate the projects in which he would invest the funds. That is known only to me, because I am the only person who has received a second reading explanation on the project. It is a great pity that not everybody can have the material available to them, because the projects are of great merit and they certainly will be much appreciated by those who receive their benefits.

The projects that have been put forward for receiving moneys from the $400 000 include a project 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 to 12 homeless women in the Adelaide area and to develop a day care centre for resident and non-resident women.

Mr Lewis interjecting:

Mr S.J. BAKER: A day care centre for resident and non-resident women?

Mr Lewis: Resident and non-resident women?

The ACTING SPEAKER: Order! The Chair will not have a conversation going on between the member for Murray-Mallee and the member for Mitcham.

Mr Lewis interjecting:

The ACTING SPEAKER: Order! The member for Mitcham has the floor.

Mr S.J. BAKER: The second reading explanation mentioned that an estimated 50 or 60 homeless women in the area need this type of accommodation. I accept that, and I

cannot think of a better body to administer it than the Sisters of Mercy. Another project involves renovating existing premises at Mile End. Those premises were recently purchased by the South Australian Housing Trust to be operated as a shelter for homeless youth. There is no mention in the second reading explanation as to who will actually operate these premises. Again, I would have thought that someone like the Salvation Army or a number of other charitable organisations that do such a magnificent job would be the appropriate organisations to look after such an enterprise. I have seen far too many good ideas turn into disasters because the people who administer them simply do not have the wit, will or inclination to make them work in the same way as do some of the dedicated volunteers.

The third project at Glenelg involves the renovation of premises in Byron Street, at present owned by the South Australian Housing Trust, to provide 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. Each project has some worthiness about it, but this Bill does not actually mention those particular projects. Indeed, the Minister was very loath to have projects inserted in the Bill. The Bill simply says that, at any time the Government wants to rip off the Residential Tenancies Fund, it can do so, as long as it spends that money on accommodation or assistance for accommodation for homeless or other disadvantaged sections of the community. As I said, it is almost as if we are paying for the Timber Corporation through this measure because, when we look at the overall budget, it is obvious that, if the Government had not lost so many millions of dollars on the Timber Corporation, it would have been able to undertake probably 50 projects instead of only three, and that is the shame of it all.

This Government loves to spend and loves to waste people's money. That is why I have some distinct reservations about this measure. I am not sure whether they will be any better administered than the Government administers the Timber Corporation, expenditure on the *Island Seaway*, the Youth Music Festival—and the list goes on. My contention, and the contention of the Opposition, is that there are serious problems, some of which are caused because the landlords cannot obtain the redress that should be and was meant to be available to them when this Act first came into operation in 1978. They are called 'landlords', but they could be called human beings, people like us, or people who rent their accommodation, whether they be in a multiple ownership situation or whether they have just a granny flat out the back.

The Opposition will, during the Commitee stage, attempt to move amendments which will perhaps put a little more balance back into the Act. If there is not balance put back into the Act we have no option but to oppose the proposition. We cannot stand here and allow the Government to take moneys which should have been provided from a completely different source and devote those moneys to purposes which have not been satisfied. We have three projects, but this Bill is open-ended. The milking machine can continue to milk; it can be used for whatever purposes the Minister desires. That is no protection.

We cannot stand here and allow all the things that are happening in the rental market to remain under the carpet and have the Government hope that they go away. We cannot stand here and allow the moneys to be shifted away when there are some real imperatives in the system. Once those imperatives have been met (which is protection of tenants and landlords), then we do not have any great opposition to the principle that the moneys that have been earned can be made available for other purposes in keeping with the needs of the rental market.

We are not opposed to the proposition that the Government spends money on shelter for the homeless; we are not opposed to the proposition that moneys can be made available for that purpose. But we are opposed to the fact that the Government has said, 'We are going to take it out of this fund' knowing that the rental market, landlords and tenants alike, are being disadvantaged because there is not sufficient redress in the system. All we are doing is exacerbating the problem. The Opposition support for this measure is extremely equivocal.

Mr LEWIS (Murray-Mallee): I rise on this occasion not only to state my support for the measure as a matter of principle, given the commitment in the second reading explanation for the funds to be provided through this mechanism if the measure becomes law to the projects that have been listed, but also to state my reservations in that support. In other words, it is not *carte blanche* total and extant or in perpetuity. I do not mind the proposition before us now; the purpose for which the money is to be applied. I can think of some equally worthy purposes to which the funds could have been applied, and to which in the very near future funds will have to be applied if this Residential Tenancies Act, of which the Bill proposes to amend part, stays in place.

The problems that are being experienced as a consequence of the Residential Tenancies Act have already been alluded to by the member for Mitcham when he canvassed the fashion in which funds to be obtained through this Bill are to be applied. We understand, from what the member for Mitcham has told us, that revenue raised by way of interest on bond moneys, fees levied on landlords—but, more particularly, the bond money paid by tenants into the fund for that purpose—is in fact now to be transferred for the use and application to purposes to which general revenue should have been applied, would have been applied and, in some part, has been applied in the past.

So it is something like the big fib that there is about transferring to the Hospitals Fund revenue derived from taxes on gambling. It merely means that the more money derived from this source for those purposes, the less money will have to be obtained from general revenue, so it is really a sleight of hand. It is a dodgy fudge. I want to dissociate myself from it for that reason. I think that the Government has created a problem which it now seeks to address by this measure because of its attitude extant in the remainder of the Act which this Bill seeks to amend. Its attitude is to paint all landlords as greedy, hungry buggers who would simply gobble up everything they could around them and accept no responsibility whatever for the consequences of their decisions.

You and I both know, Sir, that that is not the case. Very many landlords are not such unprincipled people. Indeed, the vast majority, you would agree, I am sure, are not such unprincipled people. There are very few, and other remedies in law could have been provided. Such other remedies would have enabled the housing rental market to be better supplied than it is at present, because there would not have been the penalties which now accrue to the vast majority of providers of the bulk of rental accommodation. Those penalties are cost penalties: that is what I am talking about. Because there is not now an adequate incentive for anyone with funds to invest to contemplate investing them as capital works, we might say, in the provision of housing for people who do not have that capital (for whatever reasons), then we find that there is a shortage of such facilities.

That shortage is what this Bill seeks to address. The principal Act has, therefore, contributed to the shortage which the amending Bill now seeks to address. It seems to me to be a deliberate conspiracy on the part of those people who dreamed up the policy in the first place. Far better measures could have been taken in law, at least in the making of legislation, to address the problems that existed without creating the problem we are now seeking to address by this measure.

I make the point in further explanation of the remark I made only three or four minutes ago, that for the interest on the bond money obtained in the fashion in which it has been, to be applied in the way this measure seeks to permit, can now be considered as nothing more or less than a tax, because it is the substitution for revenue that would otherwise have been obtained in that way, whether as stamp duty or some other form of taxation on transactions extant in the economy of the State.

The fund into which the bond moneys are deposited was never established in the first place to provide for this purpose through interest. In the principal Act we find it was originally intended to reduce the extent or percentage or size of each individual bond to be lodged with the tribunal, say, by the prospective tenant. That is what an accumulation of funds was intended to do, and therefore I am distressed that we now find that the money raised in this fashion is to be applied in ways different from what was originally stated as the real intention and purpose of the measure when first passed into law.

First, let us look at the composition of the tribunal. It is not even defined in the principal Act, yet it is mentioned here in the amending Bill in new section 8b *(cb)* (ii):

> . . . approved by the Minister on the recommendation of the tribunal (being a recommendation made in 1987).

In other words, that paragraph has the effect of retrospectively applying the funds and giving an *imprimatur* of authority to expenditure that has possibly already been made. The Minister certainly has the capacity to do that. Whether that happens or not, I do not know. I certainly hope it does not, because it would subvert the intention of legislation of this kind if it did. However, knowing some Government Ministers it would not surprise me if it did happen.

The tribunal at the present time is headed by a legal practitioner. However, the principal Act provides that the Governor (that means the Executive Council, the Government tribune of all Ministers sitting in session with the Governor, which is the way in which these things are done) may appoint a suitable person to be a member of the tribunal for a term not exceeding five years, upon such conditions as the Government decides and as specified in the instrument of his appointment (we know that legislation is gender neutral), and upon the expiration of his term of office he will be eligible for reappointment. The Bill also provides that the Governor may appoint a suitable person to be the deputy in the absence of the member and have all his powers, authorities, duties and obligations.

The Governor may remove a member of the tribunal from office. The Bill specifies the circumstances in which that can happen. The Act itself does not actually specify how many such people can be a part of 'the tribunal'; whether it is only one person at a time or more than one person. That is an important point when one considers this legislation, because the Government therefore has the prerogative of deciding just how many people shall have this authority as determined in the Act. It is not specified. Let us consider the meaning of that under the terms of clause 2, which amends section 86 of the principal Act. The principal Act provides:

> Any income derived from the investment of the fund under this Act may be applied.

New paragraph *(ca)* states that the funds can be applied:

> On research, approved by the Minister on the recommendation of the tribunal . . . .

Once again we have that indeterminate tribunal of which the Ministers can cook up the membership, as we have just discovered by consulting the principal Act.

Considering how the indeterminate tribunal of people appointed at the discretion of the Governor can apply funds, new paragraph *(ca)* provides:

> On research approved by the Minister on the recommendation of the tribunal, into—
>
> (i) the availability of rental accommodation within the community.

That is research into the availability of rental accommodation: what sort of accommodation? It does not say anything, does it mean Wiltjas? Rabbit warrens? I do not know—any kind of dwelling, whatever, whether suitable for habitation or not. That is the point I am trying to make. The Bill also refers to 'areas of social need': that is a subjective determination. That is defined nowhere, in any legislation, not even in the Acts Interpretation Act, related to the availability or non-availability (that subjective conundrum again) of rental accommodation, or particular kinds of rental accommodation, whether suitable for human habitation or not.

That seems to me to be odd and it could be misused by a future Government. Some of the mickey mouse schemes that I have seen dreamed up by left wing Ministers have appalled me in the way in which they squandered public money. Counting boab trees in the north-west of Western Australia and the number of noxious weeds along the railway line between Port Augusta and Norseman were two such schemes.

It did not say that anything had to be done with those pest plants along the railway line between Port Augusta and Norseman: it just said that that was what we had to do. That is the kind of scheme to which it would be possible to supply funds under the terms of new paragraph *(ca)* to be inserted in section 86 of the principal Act. We are making it law today to do that kind of thing and that is why I said that this was a Mickey Mouse scheme that could give funds to some of the lefty mates of Ministers and to students of socialist or communist persuasion to suit themselves. What a waste, yet we are making it possible in law.

Further, it has to be directed to providing accommodation or assistance in relation to accommodation for the homeless or other disadvantaged sections of the community. I commend that objective, that goal, and that yardstick. Indeed (and my remarks on this are different from those that I made a moment ago), I believe that under the terms of that provision in new subparagraph *(cb) (i)*, the money could and should be used. I commend this to the Government where housing improvement orders have been issued to the owners of dwellings at present occupied. They are required to make improvements without asking the tenant to leave or, if the tenant leaves, they must meet the cost of relocating that tenant and then pay the cost of the tenant's rent.

The tenant must be housed in accommodation that the tenant finds acceptable, but that is hardly fair or reasonable. If we find that the housing improvement order requires improvement to be made to the sheltering provided, why do we not simply use some of these funds to meet the cost of the interim rent for a tenant to be housed elsewhere while the improvements are being made within a time frame

determined by the tribunal? In other words, there would be a limit.

At present, to my certain knowledge, some people own premises which they did not want to rent but in respect of which prospective tenants came to them begging to be allowed to rent. Then, a vindictive inspector (whom I will not name at this point because there may be more than one inspector of that name) whose powers are established under this and other legislation has slapped a housing improvement order on the dwelling. The owner cannot afford the money that must be outlaid on the improvements, so he is compelled to sell the dwelling subject to occupation, with a housing improvement order on it, thereby losing an enormous amount of his equity in the property, in some cases almost to the point where the owner gets a bill for the sale of the premises because the return from the sale is not sufficient to meet an outstanding debt on it. Indeed, I know of a case where that happened.

Therefore, where the new owner can kick the tenant out anyway, the tenant becoming homeless while the owner demolishes the building or does something else with the property because it is in a zone where it can be used for purposes other than residential, we have added to, not reduced, the list of the homeless by this mechanism. Equally, if those premises are within a residential area and need improvement, the rent could be paid from the proceeds of this fund under the terms of the amendment to which I have just alluded, enabling the landlord to use the limited funds at his disposal to effect the improvements within the time frame considered reasonable by the tribunal.

That would mean a happy tenant and a happy landlord. Certainly they would be happier than would otherwise be the case, because someone who had lived in a place would continue living there, with no resultant increase in the list of people needing accommodation. We would also have a happy inspector instead of one who was unhappy and grumpy about the way in which he was compelled to administer the Act. Inspectors employed under the provisions of this Act administering and issuing housing improvement orders are vindictive, spiteful and nasty, and they should be taken to task for the way in which they administer the intention of the legislation. I commend my suggestion to the Minister.

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

Mr BECKER (Hanson): I protest most strongly in this debate because we are witnessing the rape of the democratic system in this House when we are asked to comment on legislation which has just been introduced and in respect of which we still have not received a copy of the Minister's second reading explanation. I well remember when this House agreed to allow Ministers to insert in *Hansard* second reading explanations of Bills without their reading them. There were three reasons for this practice being adopted: first, because it would save time; secondly, because some Ministers could not read the explanation; and, thirdly, because some Ministers got tired when the speech was longer than one page.

However, there has been a gross abuse of the system when we allow the second reading explanation of a Bill to be inserted in *Hansard* and then we are asked to comment on the Bill almost within an hour or so. So this is a sorry day for parliamentary democracy and, so long as I am in this Chamber, I will object to the insertion of a second reading explanation in *Hansard* at this stage of the parliamentary session.

The South Australian Landlords Association wishes to place on record its concern over this Bill. A letter from Mr L. Eddie, the Secretary of that association, dated 28 November, states:

Please find enclosed herewith a copy of a submission made to the Attorney-General in June 1986, and a transcript of a radio talkback conversation between Philip Satchell and Mr Sumner on 12 November 1987. These relate to the Government's urgent decision to amend section 86 of the Residential Tenancies Act. It appears that they have erred seriously in authorising the use of money from the Residential Tenancy Fund to be used for funding projects associated with the International Year of Shelter for the Homeless. As can be seen in the transcript of the conversation between Mr Sumner and Mr Philip Satchell, on 5AN talkback, 12 November, the Government has been caught out and is attempting to cover itself retrospectively. Our association strongly objects to the proposal of the Government to provide surplus money from the Residential Tenancy Fund to the International Year of Shelter for the Homeless, or to any other welfare project. Our objection is not related to this cause, since we accept that it is a worthwhile cause, but rather our objection is that the fund was never intended to be used to provide what are in effect social services grants. The International Year of Shelter for the Homeless is clearly a social services matter, an area covered by Federal legislation, for which all taxpayers contribute.

The letter goes on to explain the terms of section 86 of the Residential Tenancies Act, of which all members are aware, and continues:

These are general provisions and in the case of *(a)* and *(b)* no actual provisions have ever been prescribed by regulations to the Act, which is our understanding of the word 'prescribed'. There has been some dispute by landlords in relation to damages by tenants, their children or other persons. Our interpretation of the word 'damages' is that it should also include loss of rental as the result of non-payment of the rent by the tenant. This belief is based upon the implication by Mr Duncan, who promised when the Act was introduced that 'no landlord would lose money because of damage to premises or non-payment of rent by tenants'.

Considerable time was spent by Parliament debating other sections of the original Bill in 1977-78, and as the government was trying to recess little time was spent on sections 86 to 94 of the Bill. As a result these sections were passed quickly, with the Legislative Council stating that regulations to section 86 would lay down sufficient guidelines as to the amount of compensation to be paid to landlords from the fund, with the allowance that the Minister may, under section 85, approve extra payment in certain cases. The failure of section 86 is that it has never been properly defined by regulation as to what was meant by the claim that 'no landlords would lose money because of the act.'

Most certainly section 86 has no provision to permit the tribunal, or any other person to use money from the Fund for schemes such as the International Year of Shelter for the Homeless, which is clearly a social service, and nothing whatsoever to do with residential tenancy agreements. Our association made recommendations to Mr Murray Hill in 1980 that the Residential Tenancies Fund should be used to provide some form of emergency rental relief for tenants who genuinely find themselves unable to pay their rent. Mr Hill chose to ignore this recommendation and instead established a rent relief scheme under the direction of the Housing Trust. We still believe that there should be some form of rent-relief supplied by the tenancies tribunal directly from the accumulated profits of the Residential Tenancies Fund. We would also like to draw your attention to the attached submissions made by this association in June 1986. These were presented to Mr Sumner, but to date we have had no acknowledgment of the fact that they received these submissions. Item 17 of these submissions deals with the recommended amendments to section 86 of the Residential Tenancy Act.

Item 17: Section 86: Amend this section to allow that any landlords losses not recoverable, or not recovered in any other way from the tenant, as result of issue of a tribunal order, shall be fully compensated by the Tribunal.

Intention of amendment: When the Residential Tenancies Tribunal issues an order, delaying for a time the eviction of any tenant, and such extension of residency results in any loss to the landlord, the landlord should be entitled to full compensation from the tribunal, where the compensation cannot be recovered from the tenant. The following guidelines to claims under section 86 should include:

(a) There should be no 'means test' applied to a claims for compensation.

(b) That in the first instance the full amount of the claim should be recognised.

(c) That an amount of money be allocated from the previous years surplus interest moneys on a quarterly basis (that is say $50 000 per quarter) and this amount be proportionally allocated to persons having proven claims for compensation during that quarter.

I can vouch for the comments made by Mr Eddie on behalf of the South Australian Landlords Association because I, too, have received numerous complaints from landlords throughout my electorate, which has a high proportion of commercial and Housing Trust flats. I have witnessed the damage that has been done to flats and home units by wayward tenants who do not give a damn for other people's property. Regrettably, a lot of people have no idea how to live in a house at all; they have no living skills whatsoever and no respect for other people's property. It is bad luck that the Residential Tenancies Tribunal in this State does not have a little more consideration for the investment that is involved and that it does not stop treating most of the tenants as God's little angels and landlords as nothing but persons promoted by the devil.

I refer now to the interview on 5AN on 11 November this year. Philip Satchell said:

I take it then that if there is a big bag of money that is growing, that they can give this much of it away and it is not being called on very often.

He is referring to the Residential Tenancies Tribunal. The interview continued:

Mr Eddie: Well, this is the argument that we have. Now we estimate that each year, or the last couple of years, the average cost of damage to landlords' property is between $500 000 and $1 million. Now, some figures that were quoted in *Hansard* in 1985-86—$378 was paid out of this fund to compensate landlords, which would be one compensation claim. In 1986-87, there was $5 293 paid out. So that is the sort of money the Government is paying out and yet it is holding all this money back.

Mr Satchell: Why do you say it is holding it back?

Mr Eddie: Well, I do not know. They just refuse to compensate landlords, yet the Act specifically says that that is what the money is for. When the Act was first proposed we were promised by Mr Duncan that no landlord would suffer loss through damage. Now the Government is doing the opposite.

Mr Eddie continued:

Well, because under the Act the money is only to be used for landlords or tenants. Now our argument is that these people are not tenants under the Act. They are proposing to give the money to improve shelters and old houses, to do them up and make them into youth hostels. Now, these are not tenants under the Act, so we just cannot see how the Minister has the authority to use the money for that purpose because it is quite contrary to the provisions of the Act.

The next day Philip Satchell interviewed the Attorney-General. It is most important to note that on 12 November 1987 Philip Satchell said:

I am no lawyer, but I am grateful to the tribunal for sending me the information, and apparently it is section *(b)* of 86. They say, and it has been marked out particularly, and it says:

Any income derived from the investment of funds, under this Act may be applied for the benefit of landlords or tenants in such other manner as the Minister, on the recommendation of the Tribunal, may approve.

Now it would seem to me that that is fairly clear that it is not really for handing out to other sources, if it could be either landlords or tenants.

The interview continued:

Mr Sumner: Well, that is an issue that is currently being examined. The tribunal was not in any doubt that it could be used for tenants in the broad sense of the word.

Mr Satchell: Well, I would have thought present tenants rather than in some way some sort of future tenants.

Mr Sumner: That is the argument which is currently being examined, and it may be that we will have to introduce legislation to amend the legislation to some extent, but the tribunal is the one that has the responsibility for assessing it, and they were under no doubt that what was being proposed did come within the criteria that you have outlined.

However, the point that you have now made has, in fact, been made by other people, and other lawyers in Government, and we may have to clarify that power. But, irrespective of that, I think the principle is valid, that moneys for the homeless and for people who would be tenants if they had the money is a legitimate use of this money.

That is the argument that the Opposition has: that, really, the Minister of Housing had no authority whatsoever to promise early this year that the Government would make a commitment of $1.4 million or $1.5 million for the International Year of Shelter for the Homeless—loose lips, let it fly! And then we found that the Government had to pick it up.

We also had to ascertain what really went on: was the Attorney-General consulted? The information we got was of a conflict between the Attorney-General and the Minister. The Attorney-General in one series of questions implied that he really did not know. On the other hand, the Minister said that he had consulted with the Attorney-General. So, there was a conflict as far as we were concerned.

It all boils down to the fact that we are now considering legislation to allow the International Year of Shelter for the Homeless to receive some funds to which it really is not entitled. Only a few weeks ago the Minister of Housing and Construction, using these premises on the second floor, announced some of the projects that would be funded. With that announcement, and using private enterprise persons as well to try to give some credibility to his handling of the portfolio, he put out a small promotional bulletin on 'What is IYSH?' It reads:

1987 International Year of Shelter for the Homeless (IYSH) was declared by the United Nations to encourage countries to develop strategies that will improve the shelter and neighbourhoods for the homeless and inadequately housed by the year 2000.

The national focus for IYSH has been towards building on, and improving, existing policies and programs aimed at alleviating housing-related poverty. In order to achieve the Australian aims for IYSH, the Federal Government has established the National Committee of Non-Government Organisations to coordinate private and community involvement in this International Year.

In August 1986, the Hon. Terry Hemmings, Minister of Housing and Construction, established three major objectives for IYSH in South Australia:

- to increase community awareness of housing issues
- to increase funding for housing
- to target housing funds to better meet areas of greatest need.

To achieve these objectives, a variety of projects are proceeding, with emphasis being placed on programs aimed at providing better housing services, the encouragement of innovative and creative housing ideas, and the construction of housing stock designed to meet changing social needs.

What a lot of nonsense! This Government has done very little. It has cut back by 25 per cent to 30 per cent public sector housing in South Australia. An all time record of 45 000 people are on the waiting list for public housing in this State. A means test is not applied. People with a joint income in excess of $100 000 are renting Housing Trust accommodation at nominal rent while those who are in need—the destitute, the homeless, the disabled and the disadvantaged—in your electorate, Mr Speaker, in my electorate and in others are battling under the economic conditions imposed by the oppressive Federal and State Governments. Those who need help cannot get it because of the type of selfish people to whom I have referred who live in public accommodation.

The money in the Residential Tenancies Fund belongs to the tenants and the landlords. Many landlords in this State are tens of thousands of dollars out of pocket. The average landlord is lucky to earn 6 per cent on his capital in providing accommodation on the rental market in South Australia. It is a terrible situation, and no-one is being attracted into it. An article appeared in the *Advertiser* of Wednesday 22 July under the heading 'SA's major IYSH projects known

soon'. That has been the history of these projects all the way through. In April of this year I attended a meeting organised at the Mission to hear what the Government was going to do in the International Year of Shelter for the Homeless. The Minister said that the Government's report would be available shortly, yet it did not come out until September. The Minister also said that the announcement of the projects and funding would be made soon, but 'soon' has always meant weeks and months.

Let us look at the projects for which the money is being allocated. On 22 July, the Minister of Housing and Construction opened the tower on the corner of Anzac Highway and West Terrace. The tower, which cost about $4 000, is the most useless thing that I have seen in my life. It obstructs existing outdoor advertising and costs private enterprise tens of thousands of dollars to have it there. Who has time to stop and read all the fine print, anyway?

Mr S.G. Evans: It's a traffic hazard.

Mr BECKER: It is a traffic hazard, but there have not been any accidents yet. It would not be approved if private enterprise had wanted to put it there or anywhere else. It is $4 000 wasted, but, as far as the Government is concerned, it is only taxpayers' money. At the official launching, the Minister announced that grants would be made to:

The Noarlunga City Council—$100 000 for an initial contribution towards accommodation for homeless youth.

West End Baptist Mission—$5 000 to study health problems among itinerant homeless people in the city.

Mr Lewis: That is one of the research programs?

Mr BECKER: Yes. You have to look after the alcoholics somehow. Another grant was announced, as follows:

Junction Theatre Company—$10 000 towards the cost of a production to raise community awareness of the homeless.

I was visited by people from that group who wished to explain what they would do with the grant. Other projects to be awarded grants were:

Community Aid Abroad—$3 500 to highlight local and international aspects of homelessness through conference and photographic displays.

Women's Housing Conference—$5 000 for SA women to attend a national conference in Sydney.

Community Involvement Through Youth—$1 200 to develop a community awareness program regarding homeless youth.

National Builders and Surveyors' Conference—$1 000 to help tertiary students in housing-related courses go to an IYSH conference.

It was announced in Parliament that funding was an uphill battle. The Minister said:

Despite tight economic conditions, the State Government is providing approximately $1.6 million from a variety of sources as its contribution to IYSH. Specific capital projects, which will benefit landlords and/or tenants, may receive partial funding from Residential Tenancies Tribunal accumulated surpluses. These surpluses comprise accumulated interest gained on private rental accommodation bonds lodged with the Residential Tenancies Tribunal.

I ask members to note that the Minister said 'may' receive money. Previously he said that he would steal the money from the fund and give it away. The projects announced included a youth shelter at 24 Parker Street, Mile End at an estimated total cost of $170 000. This large, six bedroom house has been used for a range of community activities in the past. The current proposal is to renovate this very large house as a shelter for homeless youth. The property is ideally suited for youth housing. It is close to public transport, shops and other support services, all of which are important considerations in the provision of housing for homeless young people. Proper management of the proposed shelter will be undertaken by an organisation experienced in the youth housing field, which will lease the property from the Housing Trust as part of its successful community tenancy scheme. At that stage the Government had no idea who would run the project.

Another project is the night shelter at Princess Street, Adelaide. This is a most commendable project. There is currently only limited emergency accommodation options for homeless women in Adelaide, and in Whitmore Square there is no accommodation at all. Most existing women's shelters are full to capacity with women and their children who are fleeing domestic violence. A shelter to accommodate homeless women in the city has been identified for some time as a necessary addition to the housing stock. It should have been built by the Government a long time ago—years ago—and the Government should be adding to it. It should not have waited until a project such as this came along. As there are no suitable existing buildings currently available in the vicinity, the proposal is to construct a 12 bed shelter and day centre facility for resident and non-resident women, to be administered by the Sisters of Mercy Adelaide Inc. It will cost $400 000. Another project is a boarding house at Byron Street, Glenelg. There are plenty of boarding houses of various types down there, yet I note that the Government wants to stick its claw in. This will cost $215 000.

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

The Hon. M.K. MAYES (Minister of Agriculture): I move:

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

Motion carried.

Mr S.G. EVANS (Davenport): I do not support the Bill as it is. When the legislation was debated in 1978, this clause was amended to restrict the powers of Government more than the original Bill provided. The Hon. Peter Duncan moved the amendment, because he believed that the Government should not have such wide powers in the application of those funds. As a House, we would be negligent in our duty if we turned around and said that, because Australia has a socialist Government federally and has had one in this State for many years, we have overspent the country's and the State's money so we cannot afford to house the homeless and will try to make use of somebody else's money to provide for shelter for people whom the Government has said it will help by way of a world or international year project. That is why we are in this position now.

In the days of Playford, the Housing Trust would build approximately 45 per cent to 46 per cent of the total number of houses built in the State. This Government builds 25 per cent or less of the total number of houses built in this State each year. I refer to flats and units, as well. This Government has nothing of which it can be proud. It decided that it would use section 86 of the Residential Tenancies Act to try to filch a few dollars for some pet projects and the Government tied it to some organisations such as the sisters of a particular church or others with a good reputation. I cast no disparaging remarks upon those organisations. They have my support for the work that they carry out.

Since the introduction of the Residential Tenancies Act, there has also been a group of people who are seriously disadvantaged—some landlords in some circumstances. The Australian Labor Party—a socialist Party—has members who own houses that are rented out (some do that, I will not name them, but they know they do it), and they like to exploit the market. They like to claim that they are anti-capitalist, but if they get the opportunity they will use the system if they happen to come by some money to do it.

Also, they will go to the ethnic communities and say, 'We are all in favour of your trying to get established in this country and we are in favour of your putting together some assets to do it.'

One of the ways of doing that is by acquiring properties and tenanting them out to people. When they do that they are bound by the Residential Tenancies Act to commit money to this fund. They thought that they were safe and that that money would be used to support them if they struck bad tenants. They now know that there is a chance that that fund may not have enough money at some time in the future, as is the case with funds set aside by brokers in relation to brokers who go bad. The fund cannot pay out all those; it would be disadvantaged.

If this Parliament supports the proposition before the House now, it will be doing the same thing and putting people at risk. The Government can say, 'Trust us.' We cannot do that, because it does not tell the truth in this place and does not front up when challenged. That was proven today. Trust cannot be applied to a Government that treats a Parliament with such contempt. That includes all members, because none had the courage to front up and give an explanation. When we talk about inserting in a clause to amend section 86 so that funds can be spent as follows:

(ca) on research, approved by the Minister on the recommendation of the tribunal, into—

We know who in the long term has control of the tribunal. They dance if the Government tells them to dance and they will dance to whatever tune the Government tells them to dance to. If anybody objects, they can be either pushed out, retire or resign. It is no good squeeling to the press about it as it will run it for half a day and then forget about it because the socialists have achieved their goal.

When we talk about the tribunal, let us not kid ourselves about who we are talking of in the long term. Governments decide who will be on tribunals. It is easy. I have been here long enough to know that a philosophy can be put onto a tribunal to achieve the goal. If a socialist's goal is to use other people's money to say you are a good fellow, they will do it. The tribunal with its recommendation says that it can carry out research into the following:

(i) the availability of rental accommodation within the community;

(ii) areas of social need related to the availability (or non-availability) of rental accommodation or particular kinds of rental accommodation;

I thought that we had a select committee looking at a similar area. Surely we could have used that committee to obtain that sort of evidence without setting up another bureaucracy and using funds that do not really belong to the State. That is the truth. The fund does not belong to the State. Why did we not use that select committee?

Mr Lewis: It did not suit the political ends of the Government, I guess.

Mr S.G. EVANS: I think that the member for Murray-Mallee is right. Under clause 2 there can also be research as follows:

(cb) on a project—

(i) directed at providing accommodation, or assistance in relation to accommodation, for the homeless or other disadvantaged sections of the community;

and

(ii) approved by the Minister on the recommendation of the Tribunal (being a recommendation made in 1987).

We can see what happened. Minister Hemmings got over-enthusiastic. Somebody pelted him a good story by saying, 'Here is some easy dough. We are struggling to make ends meet, we can squander it in other areas and find $400 000 overnight to throw into St John to kick out the volunteers and put in more paid staff, but we cannot find $400 000 for shelter for the homeless—we will filch it from someone else.' Mr Hemmings thought that it was a great idea but thought that he had better not tell Dr Cornwall, who might want to pull a few more volunteers out of the St John area.

The people to whom the money belonged or in part belonged (the landlords and the tenants who also have some rights to the money), complained and went to the press. Suddenly the Minister got some advice and thought, 'Maybe I am wrong, I had better amend the Act.' Dr Cornwall has control over this Act, but the Minister of Housing and Construction wanted to put money into special projects. Dr Cornwall then introduced the Bill and it is now here for the second bite.

A Government can find $400 000 to support its union mates to kick volunteers in the teeth but it cannot find $400 000 for these purposes. I draw that comparison. That is an indication of the extremes to which this Government has gone with this provision. It is fair enough if the Government, going into an election, says, 'We will pinch the funds out of this area and that area and use them for another purpose or we will seek the Parliament's support to do it and we know we have control of the Parliament.' However, that is not the case in these circumstances. The Minister's second reading explanation states:

. . . . provide emergency accommodation for 10 to 12 homeless women in the Adelaide area and to develop a day-care centre for resident and non-resident women...to deal with the needs of homeless women in the Adelaide area. The Sisters of Mercy identified that there are 50 to 60 homeless women in the area...

It then goes on to discuss homeless youth. I do not know where we find equality in our society. Members of this Parliament and people outside, such as Government welfare officers, have only to go to the public squares of this city (a city of which we claim to be proud) at night and to the suburbs to see homeless men who have been left to rot and have nowhere to go. Our legislation never considers these men—they are forgotten. Why do not we have legislation which provides for homeless men as well as homeless women?

I accept that the Sisters of Mercy may not be able to accommodate both sexes on their premises—I accept that. However, this Bill amounts to quite deliberate discrimination; and it is quite obvious, and quite conspicuous. Members of Parliament are here to represent both sexes. The men of this Parliament and the men who work in Government departments have lost the will to say that men also have a right to be considered for Government aid. Men have been pushed to one side and have been told that they have no right to assistance. As an example, I assisted a man in my area and fought his case with the Housing Trust. He sleeps in a van and travels from place to place, even though he is ill with cancer. However, he has been told that his case cannot be considered and he is on the bottom of a long list. However, if he was a female he would already have accommodation from the Housing Trust. Is that justice? Is that equality of the sexes? Of course it is not, and we know that it is not.

An honourable member interjecting:

Mr S.G. EVANS: Yes, if he happened to be middle sex he might have received accommodation but, because he was a male, he missed out. I return to the clause. When the Hon. Peter Duncan, who is a socialist and who believes (although he did not practise it in his own investments) that capitalism was wrong, moved an amendment, he did so with the object of restricting the provisions of this clause. In the end the Government found that an interpretation stopped it using that fund with any guarantee that it was

right. It discovered that, if it had taken them to court, it would have lost, so it decided to amend the clause.

The member for Mitcham pointed out that, by not including the opportunity for landlords to reclaim rents, we have made an error in this clause. It is a serious problem for a landlord, even the Housing Trust, and this clause should have provided for that problem. The Housing Trust is now so certain that it will kick people out. It has learnt the lesson. People in the private sector do not always find it that easy to kick people out because, by its nature, the tribunal leans more towards the tenant than the landlord.

Landlords do not always own a lot of property or units. Some of them are still trying to pay off the second property from their wages. Many of them have an ethnic background and believe that ownership of property is the greatest security for the future. They do not trust the share market or investments. Their funds are affected by this Bill. We do not blame them for not trusting the share market, because other people have learnt their lessons in that area. Quite often they are really struggling to meet commitments, especially when interest rates rise and the Government stops negative gearing. It has now changed its mind in relation to negative gearing, and that is an improvement, but their money is at risk.

Let members of the Government go to those people's clubs, whether it be the Italian Club, the Greek Club, or whatever, and say, 'We believe that your funds that are placed in that area are there to protect you from property damage inflicted by a bad tenant or tenants. We will not give you anything for lost rent beyond your bond. Once you have lost your bond, that is your bad luck. We won't put that in the Bill, but we will use your money for another purpose.' If there is a sudden rush of claims by landlords as a result of bad tenants, particularly now that the Housing Trust is saying that it does not want bad tenants anymore and that it will kick them out and will not carry them, there is no guarantee that the fund can afford the $400 000.

Where do tenants go? Quite often they are disadvantaged. It is unfortunate, and I do not condone their actions, but quite often people have not learnt the ability to respect their own property, let alone the property of other people. That is because of the circumstances they have been through. They are disadvantaged, they are some of the unfortunates in our society and the Government is saying that it does not want to accept that responsibility, unless it can get its hands on a bit of money from the tribunal's funds.

I was going to read to the House a letter from the person who raises an injustice that exists, in addition to those I have raised in this place in recent times, in the Housing Trust. I will not do that now and I will leave it to another day. I do not support the Bill. It has nothing to do with my respect and feelings for the homeless and disadvantaged. That is a Government responsibility, but it is not money that belongs to private enterprise, whether it be tenants or landlords. When we argued this originally, the point was made strongly and everyone agreed. I cannot support a Bill that exploits those circumstances. The Government has a duty and I have told it where it can get $10 million to $16 million if it has the intestinal fortitude. That is much more than the peanuts with which it is playing here, trying to get itself a public image at the expense of other people. I will oppose the Bill if it stands as it is, and I will divide on it.

The Hon. FRANK BLEVINS (Minister of Labour): I thank all members who have contributed to the debate. This small Bill encompasses a very narrow range, and I will not respond to all those questions that had nothing to do with it. The Bill merely, as the second reading stated succinctly, clarifies whether or not the funds can be used in this way. One school of thought says that it is not necessary that funds can be used in this way. However, out of an abundance of caution the Government has decided to make it absolutely beyond question. I think all members will agree, judging from their second reading responses, that there is a great need for projects that have been listed, particularly by the member for Mitcham.

This is one way of financing those projects without in any way taking anything from the security of the fund. The Government guarantees the fund, so there is no question of its ever defaulting. It is a small but sensible measure, and I commend it to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Application of income from investment of fund.'

Mr S.J. BAKER: I move:

Page 1, after 'amended' in line 13 insert:—

(a) by striking out from paragraphs *(a)* and *(b)* 'in such circumstances and subject to such conditions as may be prescribed,'

(b) by inserting after paragraph *(b)* the following paragraphs:

(ba) towards compensating landlords under residential tenancy agreements for loss arising from non-payment of rent;

(bb) in paying interest, at a prescribed rate, to tenants under residential tenancy agreements on the amount paid by way of security bond;

(c) [The present contents of the clause become paragraph (c)].'

My amendment includes a fail-safe clause to ensure that landlords do not have ready access to a fund to which they are not entitled.

The first part of the amendment does two things. First, it provides for the compensation of landlords who have lost rent through a variety of circumstances beyond their control, basically related to tenant default. We have tenant default in a number of circumstances: where the tenant simply fails to pay the rent and, because of the intransigence of the tribunal, remains in those premises and continues to enjoy the accommodation; and we have the situation where tenants pay less than the rent on the promise that at some time in the future they will be recompensing the landlord in full. That is not an unusual circumstance. Of course, we have that terrible situation which, unfortunately, occurs too often of when a tenant damages the property and it has to be repaired, and the premises are unavailable for rental for some considerable time. We have cases which collectively add up to hundreds of thousands of dollars each year, in which the people who are renting properties suffer losses because those premises are either not being paid for or cannot be rented because of the damage caused.

The second principle we talk about there is that, in keeping with the spirit of the Act (which is for landlords and tenants), those people who do pay money into the Residential Tenancies Fund should be entitled to some form of interest on their moneys if they have been very good tenants. Members will recognise that some tenancy arrangements can last for a number of years.

If a person pays $500 in 1980, then in 1987 that $500 is equivalent to something like $800 or $900. Under the existing arrangements, that tenant has no right to recoup more than the $500 put forward. Obviously, in the short-term rental situation the matter of interest is not of grave concern. It simply does not arise, because there is no opportunity cost of that person placing money into a bond situation. In the longer term tenancy situations there is significant loss due to erosion of money because of price rises and inflation factors, so we want to balance the ledger.

We are saying that, on the one hand, the landlords should be properly compensated. On the other, we are saying that tenants who place their money there should receive some recompense. We are doing so because the fund was set up for landlords and tenants. If those two matters are satisfied, then the fund is in surplus. If the Government deems that the moneys can be put to good use, then perhaps the Parliament should decide on the uses to which they should be put. We should then have this Bill accepted as a reasonable compromise.

However, the Government is not willing to recognise that people are being disadvantaged. I will not go through my second reading speech, nor will I repeat some of the cases I brought forward to the House. Suffice to say that if it was another day and another time I probably would have spent the good part of one or two hours giving transcripts of proceedings in the Residential Tenancies Tribunal: outlining some of the costs faced by landlords; outlining some of the poverty caused by single people or people in a single renting situation who have had to sell their properties because the situation has become so difficult. All those matters really need to be addressed by this Parliament. They should have been addressed by the Residential Tenancies Tribunal, which seems to be absolutely incapable of exercising just and due judgment.

I said in my second reading speech that it is so important that we have balance in the system and that we try to redress imbalances where they occur. Indeed, this is a case in point. The Opposition is obstinate on this matter: it believes that if these two matters are included in the legislation, then for the purposes of the three projects outlined we would have no difficulty in approving those three projects only. But, of course, the amending Bill does not stop there: it is an open-ended milking machine for the Government to rip off more funds. Whilst this legislation is like it is, there is no ability whatsoever for people in the system to get redress because the Government cannot allow it. It will have another source of funds available to it. It will get to the stage where it is dependent on those funds and therefore will not be in any great hurry to provide some form of recompense for landlords, nor to provide a little bit of justice for tenants in a long-term tenancy situation.

The Opposition insists that these amendments are important. They should have been incorporated in the Bill in 1978, and are even more relevant today given the atrocious decisions of the tribunal. I commend the amendments to this House.

The Hon. E.R. GOLDSWORTHY: I support the amendments. I can only speak from my experience of people who have owned units. In one case a young couple owned a house. They rented their own accommodation and decided to put their fairly meagre savings into a property and let it, which they duly did. They had a succession of tenants. They would make arrangements for the collection of rent: the tenants would be conveniently absent at the times for which they made the arrangements. In the final analysis, the tenants absconded. It is not difficult to get unsatisfactory tenants in this day and age when we have so many people on social security and so many people who are finding it hard to make ends meet.

The other case was of a more elderly couple, well known to me, who likewise had invested their money in a unit. They had a couple of young ladies living in their accommodation. These two young ladies were in employment. This more elderly gentleman had the work of the world to get these tenants to pay. He went on one occasion to serve them with the requisite bit of paper that said that action would be taken to recover the rent. The young lady promptly tore it up and said, 'How dare you!', and so it went on. They had a fairly provident mother who every now and again paid an instalment on the back rent. In the event, they, too, absconded, owing about $1 000.

In the first instance, the tenants from whom the young couple sought to collect and could never find them home, having made arrangements on the phone to collect the rent, absconded owing about $600. In the latter case to which I referred these young ladies absconded owing about $1 000. Those people had sought to invest their money in real estate and had taken what I believe was every reasonable step to collect the rent, without success.

In the event, the tenants simply absconded, and they have had to suffer those losses. It seems to me an eminently reasonable provision that the tribunal should be in a position to compensate those people from the funds which are obviously in surplus—this bond money that is earning an enormous amount of interest. For the Government simply to come forward with a proposition that it has a right to have access to that interest to use for Government purposes seems to me a highly questionable moral judgment for it to make. The money does not belong to the Government; it belongs to the tenants, collected for a specific purpose—to protect landlords.

The Government will have the use of this money in the way it suggests, without first having as a priority the protection of the landlord for whom the bond money is collected. Those who are compelled to pay the bond money at least get interest on that money when they get it back. The Government's move to simply siphon off this interest for its own purposes seems to me to be highly questionable.

I rise in this debate because both of the landlords to whom I refer are well known to me. One case is of a young couple who put their savings into a property that they rented, and the other is of an elderly couple who did likewise. They are the only two whose cases I know intimately, because I am close to them. Both of them have been defrauded but neither has had any comeback. I think the proposition put forward is emminently fair and what the Government is seeking to do is highly questionable. I certainly support the amendment and commend it to the Committee.

The Hon. FRANK BLEVINS: I oppose the amendment. While I do not want to debate the actual merits or otherwise of the matter; I merely want to point out that the Bill is very simple. We want to keep it within that very narrow parameter. It may well be that the Residential Tenancies Act requires extensive amendment.

The Hon. E.R. Goldsworthy: It does.

The Hon. FRANK BLEVINS: That may well be the case, and there is obviously a time and place for debating that. I do not propose to respond to that matter although you, Sir, permitted the Opposition to speak to it.

The member for Mitcham said that this was an open-ended milking cow for the Government. That is obviously not the case. New paragraph *(cb)* (ii) quite clearly refers to the projects 'approved by the Minister on the recommendation of the Tribunal (being a recommendation made in 1987)', so at the end of 1987 only those projects that have been approved and submitted to the Minister in that very brief period between the Bill's proclamation and 1 January 1988 can be considered. So, there is no question of its being an open-ended milking cow for the Government.

Mr S.J. BAKER: I simply restate the point. The Attorney did not really recognise the full extent of the problem when he said it was worth investigating, because he said the balance of reason in the Upper House was a little concerned

about it but did not want to make too many waves about it. However, it was thought to be a fairly good point—

The CHAIRMAN: The honourable member must not refer to a debate in another House.

Mr S.J. BAKER: I understand that, Sir. I simply say to the Minister that the amendment does specify decisions within a very short period of time. The second reading explanation suggests that there are three projects. If decisions were made another way, it could well mean we have ramifications with us for the next five years as to what could be taken out of the fund.

They would simply have to specify that they have $5 million worth of projects that are worthy of consideration and the fund would continue to be raped, with money being used for any scheme considered to be suitable, so long as it has something to do with housing or with homelessness. So, I thank the Minister, but I point out that this does not get him off the hook.

Mr BECKER: I, too, support the amendment. I think it achieves what the South Australian Landlords Association has asked me to put to the House. Like every other member, I could come up with a dozen examples of flats and home units in my electorate that have been damaged by fire, graffiti or just poor housekeeping, landlords having lost thousands of dollars. As soon as the real estate market improves, I am sure that quite a few of these properties will be put on the market. Actually, I noticed with surprise today that a certain block of flats is on the market.

I note that there is a considerable turnover in relation to this fund. The Auditor-General's Report indicates that last financial year some 30 000 bonds were involved, compared with 29 380 in the previous year. With 28 820 being refunded, some 1 700 were not refunded. So, a considerable amount of turnover is involved. The fund earnt almost $2.3 million in interest on some $10.9 million of funds lodged. Administration costs are given at $1.6 million, and this concerns me. Can the Minister provide details of that expenditure and, in particular, the reason for the 60 per cent increase in administration costs?

The Hon. FRANK BLEVINS: I do not have those details with me, but I will get the department to forward them direct to the member for Hanson.

The Committee divided on the amendment:

Ayes (14)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Becker, Ms Cashmore, Messrs S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, and Oswald.

Noes (24)—Mrs Appleby, Messrs Bannon, Blevins (teller), De Laine, Duigan, M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood, Keneally, Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs Blacker, Chapman, Eastick, and Wotton. Noes—Messrs Abbott, Crafter, L.M.F. Arnold, and Hemmings.

Majority of 10 for the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

SITTINGS AND BUSINESS

The Hon. J.C. BANNON (Premier and Treasurer): I move:

That the House at its rising adjourn until Tuesday 9 February 1988 at 2 p.m.

I take this opportunity, which I think I have missed for a couple of years because circumstances have meant that I have not been available, to wish everyone, in my usual genial manner, which I have displayed during most of the day and the past week, a happy Christmas and a great New Year. In saying that, I am not sure whether we have as yet arrived at the end of proceedings for this year, although I think that that is the ardent hope of all members. In that sense, the House of Assembly is in perhaps, one could argue, better shape than another place, because we seem to be handling our business with a despatch and efficiency, particularly this year, which I think has been welcomed by members on both sides of the House. The new Standing Orders are working very well indeed.

In fact, I am becoming a little worried at the almost unhealthy closeness of the Deputy Leader of the Opposition and the Deputy Premier. Regularly the House is advised that these two gentlemen have reached agreement on what the program for the week should be, and it is getting a little worrying. I guess that with two members elected on the same day in 1970 who have been around a long time, one can expect some sort of cooperative spirit to emerge, and it has certainly helped in the running of the House. In fact, the Deputy Premier advises me that the record of productivity that he is keeping of the business done in terms of speeches made—productivity index—shows that there is no question that 4 per cent is nothing; it has gone way beyond that in terms of efficiency. Whether or not that is significant remains to be seen, but the statistics are there, I am told.

I refer especially to all those who help ensure that Parliament operates efficiently and smoothly—to the Clerk and his table officers, and other clerical staff of the House. Despite the efficiency that Assembly members have been displaying, there is obviously still a lot of work, legislation and other clerical matters that have to be dealt with and they are being dealt with very effectively. For that we thank them. We thank *Hansard*; the Messengers; the catering staff in the refreshment rooms, the dining rooms and the kitchens; the caretakers; and all others involved. The Government appreciates the work done by the Library staff and the research services and the support that they give to this place. We wish them all the best for the season.

I guess, too, that I should also mention our persecutors, the media. Without us they probably would not be in employment, but equally we would not be very effective, either. I am sure that 1988 will see the same love-hate relationship existing in that quarter through the new year. On behalf of all members on the Government side, I wish those opposite and all others connected with the Parliament all the best for Christmas and I look forward to returning in 1988 with renewed vigour and enthusiasm.

Mr OLSEN (Leader of the Opposition): On behalf of the Liberal Party and the Opposition in this Parliament, I extend Christmas greetings to all members of staff who have provided very valuable support services to the operation of the Parliament during the past 12 months. I acknowledge that efficient support which all sections of the parliamentary staff have given to the operation of this place. I thank the officers at the table who have provided advice to members of the Liberal Party during the course of the year on legislative matters and proceedings within the Parliament, and the Attendants who provide an invaluable service and assistance to members of Parliament. I thank the *Hansard* staff, who spend many hours accurately recording the proceedings of this Parliament, for the way in which they ensure that speeches given in this place sound better than when they are actually delivered. Within this place we are serviced by an excellent Library and support staff, and I acknowledge their support. In many instances, one tends to take for granted the services that are provided by people within

Parliament House. It is not often enough that we say 'thank you' for 12 months of efficient service and support.

The members of the catering staff and the parliamentary dining room staff have excelled themselves. I recall acknowledging that since Tim Temay came on board several years ago, the standard of service and diversity of meals have improved substantially. The manner with which the catering staff go about their duties is appreciated by all of us. Others who are not necessarily in the front line and whom we do not see so often are equally deserving of our appreciation. In this regard I refer to the maintenance staff. Those of us who have a permanent office here and who spend most of their time in their office in this building (we are working on getting out of this building), can understand the importance of the maintenance staff.

Members interjecting:

Mr OLSEN: No, it is not wishful thinking. In the middle of summer, the ventilation on the second floor is not the best, as I am sure members opposite appreciate. That is especially so when we get a couple of days with century heat. I express my thanks to the maintenance staff for their understanding and ready response, and to the caretakers and the people who operate the Parliament House switchboard. We do not see them quite so often but they are there and respond to our needs as and when they occur.

I thank Parliamentary Counsel for assistance in drawing up amendments. Much of Parliamentary Counsel's work is at short notice, and at the end of a session with the pressures that tend to build up and the large number of amendments that must be prepared, Parliamentary Counsel respond in a very efficient manner.

I express my thanks to the police officers who spend many hours in this establishment providing security. I also thank the secretarial staff who assist members of Parliament. By virtue of the job here in Parliament House, country members are often away from their electorate offices, but an excellent secretarial service is provided by staff here which enables members to serve their electorates while based here at Parliament House. I acknowledge their support during the course of the year. Although not members of the Parliament House staff, I acknowledge the efforts of the electorate secretaries, who do an outstanding job for all members as the front person in dealing with constituents.

I wish all members of Parliament and staff the joy of Christmas. Many will be reunited with their families at this time of the year, and I trust that the Christmas/New Year period will be one of enjoyment and rest so that 1988 can be a vigorous parliamentary year.

Mr BLACKER (Flinders): I will just add to the words of the Premier and Leader of the Opposition and wish all members the compliments of the season. May everyone have a healthy and happy Christmas and New Year. I share the sentiments of the two previous speakers in relation to assistance given by the staff in this building. I do not intend to acknowledge each group other than to express my deep appreciation for the service that all sections of staff have rendered to me over the past 12 months. I wish all members and staff the compliments of the season.

Mr S.G. EVANS (Davenport): I wish to add my congratulations to people for the way in which they work together at times. I am sorry that the Premier has left, because I wanted to refer briefly to the 4 per cent issue. I suggest that if we have time later tonight we might be able to consider my Bill and go for the $57 000 that applies in Western Australia. I believe that if we did so some constituents might ensure that we had an unhappy Christmas. However, I am sure that we would have a prosperous New Year.

I wish everybody whom the Leader and the Premier mentioned, including their families, a happy Christmas and a healthy and successful 1988. I would also like to include the cleaners, who I think have been overlooked, because they work industriously to make the place a bit more appealing for all of us. The staff are good to us and, without mentioning names, I take the opportunity of saying to the person on the drafting staff congratulations on the birth of her son. I think that is great and that they will have a happy New Year. I look forward to seeing everybody next year.

The Hon. TED CHAPMAN (Alexandra): I agree with the Leader of the Opposition that it is appropriate at the end of a session to recognise the service personnel of this Parliament. I do not wish to go through and name them all or to go into great detail because I am not one for handing out bouquets. Quite apart from that side of the service that we receive in this place, I have been reminded in the past few months, especially after I returned following an accident which occurred on 24 June, that there is a degree of humanity within this Parliament, quite apart from the Party politics that prevail.

I want to place on record my appreciation to those of all political persuasions in this place who, during a fairly difficult period for my family, fronted and offered their feelings of regret at what had occurred. They offered the hand of friendship in a period that was, I repeat, pretty difficult for my wife and the kids. I did not know too much about it in the early days because I was unconscious for some nine days. However, after I regained consciousness, and during the following rehabilitation period, I can assure members that I appreciated receiving very early in the piece a visit from my Leader and learning at that stage that he had been pretty quick off the mark to offer what he could in the way of assistance to my wife. I suppose this was something that one would expect, but it was indeed appreciated.

Following his actions and his visit, I received visits from members on both sides of the House. For obvious reasons, I will not name them, but they were very well representative of the Parties of this Parliament. For the assistance that has been offered to me by the Government in a very real sense in more recent weeks, and, indeed, for that which is contained in an undertaking for the remainder of my rehabilitation period, I say 'Thank you' to those responsible and hope that it will not be necessary in relation to any other member of this Parliament in the future. I wish you all the seasons greetings with the same degree of feeling that has been extended to the staff of this Parliament.

I was reminded earlier today when somebody was telling me about a raffle that was held in India about what might be appropriate to extend to a couple of Ministers of this Government for their contribution during this last Parliament.

I thought that perhaps as a first prize the Minister of Transport (Hon. Gavin Keneally) might be given a trip to Kangaroo Island on the *Island Seaway*. As a second prize, Mr Abbott, the Minister of Marine, might be given two trips to Kangaroo Island on the *Island Seaway*. Thinking more about the subject, all members of Parliament should take a trip to Kangaroo Island on the *Island Seaway* during the break between now and when we resume in February. If nothing else, it might placate my little mate Murphy at Kingscote and demonstrate to him that, quite apart from politics, we are thinking of his situation, the tourist industry and that lovely community on Kangaroo Island.

The SPEAKER: I am sure all members would appreciate the offer of hospitality for us to be hosted by the member for Alexandra. I am sure that all members would concur in the sentiments expressed by those who have spoken. I certainly do and I am sure that the staff, when those sentiments are conveyed to them, will be pleased that their services are appreciated by members. It is my pleasure at this time of the year to contemplate the approaching season of goodwill, and it is always quite amazing to see so much goodwill extended in the Chamber where sometimes that commodity (and I am not thinking of anyone in particular) can be in short supply. I am sure that that goodwill is quite mutual.

For me there is one small cloud on the horizon, namely, that come the stroke of midnight on 31 December I have to resume the Chair of the Joint Services Committee, which is somewhat onerous. Otherwise, I am sure that next year will be an excellent year for all of us. For most of the year we have been able to expeditiously dispatch our business in what is usually, with few exceptions, a reasonably orderly manner. I extend to all my colleagues the compliments of the season, and wish you all a happy Christmas and a prosperous bicentennial year.

Motion carried.

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2519.)

Mr S.J. BAKER: I move:

Page 1, after line 32—Insert paragraph as follows:

and

(d) by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) No more than $400 000 may be applied from the fund under subsection (1) *(cb)*.

The reason for this amendment is fairly obvious. As soon as this Bill is proclaimed, the Government will not be able suddenly to have a dream list of things that can come out of the Residential Tenancies Fund. It is an important amendment, which relates to a constraint on the tribunal not to present its wish list to the Minister and for the Minister to approve a very large sum of money to be drawn from the Residential Tenancies Fund over a period of time. The Minister has already identified three worthwhile projects which should be funded through the normal budgetary processes, but which, because of the force of numbers, will be paid for under these provisions.

It is fair and right that there should be a control on the amount of money that can find its way from the fund, persons having failed to get redress for the landlord and longer term tenants. We are now seeking an assurance from the Government by way of amendment that the total amount of money taken from the fund will be limited to $400 000. That sum happens to be the sum total of the three projects that have already been identified, except for one other minor item. We are facing constraint and insist that this fund not be eroded any more than the item so identified, and the Opposition intends to divide on the amendment.

The Hon. FRANK BLEVINS: I oppose the amendment. The fund is not being eroded at all, but is being used in a quite proper manner. The amendment to limit the amount to $400 000 is unduly restrictive. I therefore oppose the amendment.

The Committee divided on the amendment:

Ayes (14)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Blacker, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, and Oswald.

Noes (24)—Mrs Appleby, Messrs Bannon, Blevins (teller), De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Mr Becker, Ms Cashmore, Messrs Chapman and Wotton. Noes—Messrs Abbott, L.M.F. Arnold, Crafter, and Hemmings.

Majority of 10 for the Noes.

Amendment thus negatived.

Mr S.J. BAKER: Can the Minister outline to the Committee what areas of research will be undertaken by the tribunal? The Bill mentions the availability of rental accommodation in the community. We are well aware that a number of agencies already have significant records on rental accommodation. I know that the Real Estate Institute keeps a very close watch on the rental market, as does the Housing Trust. Does the Government suggest that it will waste thousands of dollars of taxpayers' money in re-creating the wheel, or is there some element of research that is not being done at the moment that will be done by this tribunal? It is important to understand that, if we now shift areas of research that are already done by, say, Government instrumentalities under the auspices of this measure, then we are compounding the error that we are creating with this whole Bill.

Obviously, if the research is being done elsewhere, we do not want to duplicate it. If the Government intends to say, 'Now we can get it paid for by the Residential Tenancies Fund,' then we are killing off two birds with one stone. Can the Minister explain what areas of research will be undertaken particularly in relation to rental accommodation? The second part is very wide.

The Hon. FRANK BLEVINS: We will not re-create the wheel, as the member for Mitcham so quaintly put it. What we are doing requires deep consideration. I will have the Attorney-General write to the member for Mitcham to give him the full details.

Mr S.J. BAKER: I am very disappointed by that response, because I would have thought that the Minister would have come armed with the information to this Chamber. Really, this House does not want to be treated as some sort of offspring from another place and a place that should be given less consideration than the other place. I would like some more information as to exactly what the Government intends to do with the money of the landlords and tenants.

Clause passed.

Title passed.

The Hon. FRANK BLEVINS (Minister of Labour): I move:

That this Bill be now read a third time.

The House divided on the third reading:

Ayes (24)—Mrs Appleby, Messrs Bannon, Blevins (teller), De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (13)—Messrs Allison, P.B. Arnold, S.J. Baker, Blacker, Eastick, S.G. Evans (teller), Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, and Oswald.

Pairs—Ayes—Messrs Abbott, L.M.F. Arnold, Crafter, and Hemmings. Noes—Mr D.S. Baker, Ms Cashmore, Messrs Chapman and Wotton.

Majority of 11 for the Ayes.

Third reading thus passed.

[Sitting suspended from 6.5 to 9.10 p.m.]

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 2 December. Page 2442.)

Mr S.J. BAKER (Mitcham): The Opposition has great pleasure in supporting this Bill. It is almost as though the Labor Government suddenly has had a new lease of life. It has taken up the suggestion that we have made for a number of years in relation to negative licensing. We are absolutely delighted that the Second-hand Goods Act is no longer on the statutes. This is long overdue. However, I remind the House that but a few months ago, when the Government put up the licence fees by 80 per cent, from memory, and a lot of poor people got caught.

Further, the new licences required co-managers or co-directors of a company to pay the fee. People in my area were not particularly pleased about this, particularly when the Attorney indicated that the Second-hand Goods Act would not be on the Statute Book for much longer. I remind members that negative licensing has been one of the principal platforms of the Liberal Party for some five years.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: The Minister mentions the deregulation of shopping hours; he should learn a few lessons. He cannot ask the people of South Australia to pay for his little union mates if he wants to get his deregulated shopping hours through Parliament. However, let us get back to the proposition before us.

Members interjecting:

Mr S.J. BAKER: I am trying my best to be relevant. I remind members just exactly what the licensed dealers had to put up with. They had to have their licences; they had to submit returns; of course, they had to pay fees; they had to register their premises; they had to keep prescribed records, and they were very onerous; they had to do tagging and identification of goods; they had to record the movement of goods; they had to hold goods for four days; and they had to include certain prescribed information in advertisements.

It is appropriate that these provisions are no longer on the Statute Book. Importantly now, if a second-hand dealer transgresses the penalty can be very onerous. So, it will be up to the profession itself to perform appropriately. I say 'profession' because I believe that there are many skilled people in the second-hand dealing market today, particularly those who handle antiques and some of the old memorabilia, who do not deserve to be put through an onerous licensing system. A penalty of $5 000 is now prescribed on the conviction of a second-hand dealer, and indeed a dealer can lose his licence. In the past, of course, people who have transgressed have faced very minor penalties from the courts. But now that we are letting dealers conduct their own businesses, without interference from government, with checks from the police in appropriate circumstances, it is appropriate that this legislation provide for a heavy fine or penalty for those people who do not obey the law—and I refer to acts of passing stolen goods and receiving, which one or two of the more nefarious elements in the business have done in the past. The Opposition is absolutely delighted with this legislation, as will be everyone in the second-hand dealing market.

Ms GAYLER (Newland): I congratulate the Government on this measure. It was very pleasing, following extensive hearing of evidence by the Subordinate Legislation Committee, to see the Government follow up the suggestions of members of that committee to make these reforms to second-hand licensing.

The committee found, from the evidence given to it by Department of Consumer Affairs officers, police officers and a wide range of people from the second-hand goods industry, that essentially many of the provisions were not needed. What was needed were police powers in instances where it was suspected that second-hand goods were being illegally traded. As a result of that evidence, and the subsequent investigation in this area by the department and the Government, the Government has decided to act on that evidence and to follow up with very minimum regulation, but very significant and important legislation that strikes at the area where controls are needed. On that basis I, too, am very happy to support the Bill.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I would like to thank the House for the attention given to this very important piece of legislation. I notice that the member for Mitcham is wearing a second-hand tie this evening; that is absolutely appropriate to the legislation that is before us. The Government is pleased that it has been able to find time in these slightly confusing hours at the end of the session when we are trying to dovetail what this House is doing and what the Council is doing and, I can do no other than urge on the House the support of this Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: I move:

Page 4, lines 30 to 35—Leave out section 49f and insert the following section:

Offence by Directors of Bodies Corporate

49f. If a body corporate is guilty of an offence against this Division and it is proved that a director of the body corporate could, by the exercise of reasonable diligence, have prevented commission of the offence by the body corporate, the director is guilty of an offence and is liable to the same penalty as is prescribed for the principal offence.

I would like the Committee to note that the Government has resisted the temptation, under extreme pressure from another place, to insert minimum penalties in this Bill, although that was the original design. I am pleased that penalties will be at the discretion of the court. The Bill is not complete. It contains this 'one-in all-in' clause, which delights the ALP. The proposition is that, once a company transgresses, everybody is guilty of the offence and it is up to individual directors to prove their innocence. The Liberal Party has never held that point of view. It has strongly resisted any attempt to collectively blame people and reverse the onus of proof. The amendment is commendable, and I ask the Committee to support it.

The Hon. D.J. HOPGOOD: The honourable member would be aware that this amendment was canvassed in another place and received considerable attention there. The wisdom of the other place was that this amendment should not be accepted. I often defer to wisdom that comes from the eastern side of this building and, on those grounds, I feel bound to ask the Committee to reject the amendment of the honourable member and stick to the Bill as it is. The Government is very happy with the Bill in the form in which it left the other place.

Amendment negatived; clause passed.

Remaining clauses (4 and 5) and title passed.

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

That this Bill be now read a third time.

I thank members for their assiduous devotion to the clause which lies behind this important measure.

Bill read a third time and passed.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 33 and page 2, lines 1 and 2 (clause 3)—Leave out 'and includes any species of animal or plant declared by regulation to be an endangered species'.

No. 2. Page 2, lines 42 and 43 (clause 3)—Leave out 'and includes any species of animal or plant declared by regulation to be a rare species'.

No. 3. Page 3, lines 31 to 33 (clause 3)—Leave out 'and includes any species of animal or plant declared by regulation to be a vulnerable species'.

No. 4. Page 4, line 17 (clause 6)—Leave out the line and insert the following:

sections are substituted:

Assessment of schedules to be included in the report

12a. In every second year the report prepared for the purposes of section 8 of the Government Management and Employment Act 1985, by the Department must include an assessment of the desirability of amending schedules 7, 8 or 9 or the tenth schedule.

No. 5. Page 4—After line 21 insert new clause as follows:

Amendment of s. 19—Functions of the committee

6a. Section 19 of the principal Act is amended by striking out paragraph *(c)* and substituting the following paragraph:

(c) to investigate and advise the Minister on any matter that the Minister refers to it for advice or on which it believes it should advise the Minister.

No. 6. Page 5, line 45 (clause 10)—Leave out 'intended' and insert 'likely'.

No. 7. Page 8 (clause 15)—After line 36 insert new subsection as follows:

(5) The Minister must, in relation to each regional reserve constituted under this Act, at intervals of not more than ten years:

(a) prepare a report—

(i) assessing the impact of the utilisation of natural resources on the conservation of the wildlife and the natural and historic features of the reserve;

(ii) assessing the impact, or the potential impact, of the utilisation of the natural resources of the reserve on the economy of the State; and

(iii) making recommendations as to the future status under this Act of the land constituting the reserve;

and

(b) cause a copy of the report to be laid before each House of Parliament.

No. 8. Page 20 (clause 50)—After line 44 insert new paragraph as follows:

(e) by inserting after subsection (2) the following subsection:

(2a) The Governor may, by regulation, amend schedules 7, 8 and 9 and the tenth schedule by deleting species of animals or plants from, or including species of animals or plants in, those schedules.

Amendments Nos 1, 2, 3 and 4:

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

That the Legislative Council's amendments Nos 1, 2, 3 and 4 be agreed to.

These amendments relate to the schedules where the Bill does not provide for the schedules to be altered in any other way except by amendment to the Act. It has been agreed that the schedules should be able to be altered by regulation. This matter is picked up in amendment No. 8 (page 20, clause 50 of the Bill), which gives the Governor the ability to alter by regulation the contents of the schedules by either deletion or addition. The amendments also provide for the schedules to be reviewed every second year as part of the annual reporting process, and that is quite acceptable. I ask the Committee to accept the amendments.

The Hon. JENNIFER CASHMORE: This group of amendments and those to follow enhance the Bill that was debated in this place. During the debate, members did not have time (unless the Committee sat very late on that night) to consider the schedules, nor in my fairly wide consultation with conservation groups had any issues concerning the schedules been raised. However, my colleague the Hon. Legh Davis had the opportunity to discuss the schedule with various groups. It was pointed out that, in the view of knowledgeable people, some of the items were inappropriately placed. Therefore, the amendments that have been made allow the Government flexibility, which is considered desirable and will enhance the legislation.

Motion carried.

Amendment No. 5:

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

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

It provides an additional function for the Reserves Advisory Committee. To date, the committee has only been able to advise the Minister on matters which the Minister believes he or she should be advised on. This enables the Reserves Advisory Committee, of its own volition, as it were, to advise the Minister on matters other than those in respect of which the Minister has asked for advice. The amendment is quite acceptable and probably should have been written into the legislation a long time ago.

The Hon. JENNIFER CASHMORE: I agree that the amendment is an improvement on the original Act. I think that the great breadth of knowledge that exists in the community and is represented on the Reserves Advisory Committee is an immensely valuable resource, and I am sure that the Minister does not consider that his department is the sole repository of wisdom.

The Hon. D.J. Hopgood: Nor even I.

The Hon. JENNIFER CASHMORE: Nor even he. Therefore, this additional power is welcome and I am sure that it will be responsibly and diligently used.

Motion carried.

Amendment No. 6:

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

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

This amendment to page 5 of the Bill changes the word 'intended' to 'likely' in relation to offences committed under the Act. It is purely a drafting change, and I urge it on the Committee.

Motion carried.

Amendment No. 7:

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

That the Legislative Council's amendment No. 7 be agreed to.

This is a combination of a basic amendment moved by Mr Elliott in another place and an additional clause comprising subparagraph (ii), referring to 'assessing the impact, or potential impact, of the utilisation of the natural resources of the reserve on the economy of the State'. This is acceptable, and I urge it on the Committee.

The Hon. JENNIFER CASHMORE: This amendment goes a considerable way to resolving some of the concerns of conservation groups about the regional reserve concept. They want a formal monitoring process, and this clause provides that. At the same time, the conservation aspect of monitoring is balanced by the assessment of the impact or potential impact of the utilisation of the natural resources of the reserve on the economy of the State.

It seems therefore that in this place and in another place sincere attempts have been made to improve what has been

acknowledged as a very good Bill that was introduced, and this clause is an excellent example of what has been achieved by cooperative effort.

Motion carried.

Amendment No. 7:

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

That the Legislative Council's amendment No.7 be agreed to.

This amendment incorporates the principles to which I have already referred in amendments Nos 1 to 4 in relation to giving the Government the ability to amend schedules 7, 8, 9 or 10, either by deletion or addition.

Motion carried.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. FRANK BLEVINS (Minister of Labour): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Following several serious misappropriations of clients' funds by land brokers who also acted as finance brokers, earlier this year I established a working party to examine and report on the need for legislation regulating the conduct of finance brokers. On 26 October 1987 Cabinet endorsed the recommendations of the report and approved its release for public discussion as a white paper. Because of the serious nature and the number of misappropriations of clients' funds in recent years by brokers, the Government wishes to proceed with two legislative recommendations of the working party as a matter of the utmost urgency.

A legal opinion received by the working party cast doubt on whether a land broker, and in particular a company with which he was associated, a land agent or anyone acting as a finance broker was required to pay all moneys received by him or her into a trust account, which is subject to audit under the Act. It appears that brokers who have misappropriated funds when acting in the dual capacity of both finance broker and land broker often lent clients' funds in the name of a company associated with the broker. The company often had at least one bank account (and possibly several) separate from the land broker's trust account maintained in accordance with the Act and subject to audit. All clients' moneys received by a land broker, even if for an associated investment company, and in whatever capacity either as a finance broker, land broker or land agent should be placed in an audited trust account. The amendments seek to require this beyond any doubt whatsoever.

Under the current provisions of the Act, agents and brokers are required not later than the prescribed date in each year to pay to the Commercial Registrar the prescribed annual licence fee and lodge an annual return containing prescribed information. Where an agent or broker fails to pay the annual licence fee or lodge the annual return, the Registrar can impose a penalty fee (currently $100) and can suspend the licence of the agent or broker until he or she has lodged the annual return and paid the prescribed fee. The Bill provides that these same sanctions apply to the non-lodgment of an audit report on agents and brokers trust accounts. Agents and brokers are currently required to lodge the audit reports by 28 February in each year. However at present there is no suspension provisions for failure to do so. The Real Estate Institute of South Australia has requested further amendments concerning the licensing criteria for land brokers.

It is currently a requirement for the entitlement to be licensed as an agent or registered as a manager under the Act that the applicant be neither bankrupt nor insolvent. The primary reason for this is to eliminate the possibility of trust funds being seized, frozen or misused. This reason applies equally to land brokers and, indeed, land brokers often handle considerably more moneys on behalf of others than do agents. However, there is presently no such requirement in relation to land brokers in the appropriate section of the Act.

The Bill inserts such a requirement and also provides that bankruptcy is a ground for disciplinary action against a broker. These amendments bring the licensing and disciplinary criteria for brokers into line with those which apply to managers and agents.

During the course of the working party's work, the Finance Brokers Institute of South Australia Incorporated was formed. The institute aims to cover all persons, whether land brokers or not, who engage in finance broking. The Government welcomes the formation of the institute. It now means there will be a representative industry body to which the Government can turn for advice on finance broking matters. It is proposed to prescribe a code of conduct for finance broking under the Fair Trading Act. That code will be developed by the Commissioner for Consumer Affairs in conjunction with the institute. All those engaged in finance broking who wish to have input into the development of the code which will ultimately regulate them would be well advised to join the institute.

Clauses 1 and 2 are formal.

Clause 3 introduces a criterion of financial solvency into the qualification for licensing as a land broker.

Clause 4 introduces the concept of an associated financier and makes consequential amendments to the definitions of 'trust money' and 'fiduciary default'.

Clause 5 amends section 68 to provide for suspension of licence in case of failure to lodge an auditor's report within the prescribed period.

Clause 6 amends section 76 which deals with claims on the Indemnity Fund. The amendments are consequential on the expansion of the concept of 'fiduciary default' to cover defalcation or misapplication of trust money by an associated financier or staff of an associated financier.

Clause 7 amends section 85a to enable the Tribunal to take disciplinary action against an insolvent land broker on the ground of insolvency.

Mr S.J. BAKER (Mitcham): The Land Agents, Brokers and Valuers Act Amendment Bill is very important. It seeks to widen controls over finance brokers, following a number of cases of misappropriation of client investors. A famous case is before the courts at this moment involving over $4 million of funds which have been misappropriated. In excess of 100 charges are involved. The present Land Agents, Brokers and Valuers Act contains a defect in relation to the keeping of trust accounts; there is doubt as to whether or not a land broker and any company with which he or she is associated is required to pay all moneys received by him or her into a trust account, which is subject to audit. The Bill seeks to bring under the umbrella of the Act the requirement to maintain trust accounts, which must be audited, involving all moneys received by a broker, agent or company that may be associated with him or her and finance brokers.

The Bill also seeks to provide that when a broker becomes bankrupt there is a mechanism for disciplinary action and suspension of licence. It is a great pity that this legislation has to come before the House. It was understood over a number of years that the legislation provided adequate protection for the people of South Australia. Now the agents

indemnity fund has been set up and this piece of legislation provides heavy penalties for these people who do not pay their moneys into proper trust accounts and do not get them audited regularly. There have been very serious cases in recent years of people who have defrauded investors—sometimes very small investors—who have placed with them life savings or moneys from the sale of properties and lost some or all of such moneys. This whole area has been the subject of a working party report, and serious consideration has been given to the way in which the Act is operated. After careful scrutiny it has been determined that the Act is not as tight as it should be and that the requirements have not been sufficient in the past.

Theft will still continue within this industry. We may put this requirement on the industry, but people will break the rules for short-term gain. We could make all the rules in the world, but if the profession does not audit itself in some way, we will have a number of cases where people are put at financial risk due to either negligence or criminal intent of certain people. The same problem relates to most industries where money is involved. Under the Act, if an agent or broker fails to pay the annual licence fee or lodge the annual return, the registrar may impose a penalty fee and can suspend the licence of the agent or broker until he or she has lodged the annual return or paid the prescribed fee. That is the automatic mechanism. I presume it will all be on computer so that on day one after the accounting period is closed these people who have not complied with the Act will receive the appropriate notice and penalty. We cannot take excuses.

The period defined is at a time when the accounting profession is not overworked. It should be fairly simple for agents and brokers to be able to provide the adequate financial returns. The Bill takes the further step of allowing disciplinary action in the event of failure of the business. It is about time that that occurred. I am reminded of the Builders Licensing Act which operated in this State for many years. We had bankrupt builders going back into the industry year after year, going bankrupt again or providing totally indifferent service while the Government sat by and watched it happen. I am assured that it will occur again. In these circumstances it must be incumbent on the Government—as it should be incumbent on the Government in relation to the building industry—to clean up the industry. The best way to do that is, if people fail in a business sense and hurt others, it is not appropriate that they hold a licence any longer.

The Act provides for the licence to be taken away for whatever period is deemed appropriate. I note that the Finance Brokers Institute of South Australia has been formed. I would hope that as a body it will take great care to ensure that the members of that body conduct themselves appropriately. Great scope exists for self-regulation. I note that a code of conduct will be specified under the Fair Trading Act. All these things are positive steps in the right direction. A number of bodies do it very well. The RAA gives endorsement to a number of motor retail petrol outlets or repair shops. It says that those businesses have reached the standard that it demands and it will give them its stamp of approval.

In a number of areas we find the organisations themselves regulate their own industry so that the people who want good service go to those who provide it. If people go outside that industry group which has a good reputation, most understand that they are taking more risk than if they go to a business that the group endorsed. In the same way I hope that the Finance Brokers Institute will be a very strong and vigorous defender of the industry and apply itself well to getting rid of any people who are performing indifferently in the industry.

Those people who are not providing adequate service, those who are not paying their fair dues, those who may well be suspected of negligence or criminal conduct have to be weeded out further down the track. It may well be that these penalties and this legislation are inappropriate. We may well be able to go into a negative licensing situation with the finance broking industry. At this stage, that situation has not been reached, so we are left with very strong controls which have been increased to stop the practices that have occurred in the past few years where a few practitioners have ruined the reputation of the industry.

The Opposition commends the legislation. There were a few difficulties with it when it was first presented to Parliament. I pay tribute to my colleague the Hon. Trevor Griffin in another place who tidied up some areas which could have led to further problems with the interpretation of the Act. The Opposition supports the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Claims on the fund.'

Mr S.J. BAKER: I am very pleased with the amendments that have been made in another place, but the only question I have is: what will be the civil penalty for default under section 68 (4) of the Act?

The Hon. FRANK BLEVINS: I do not have that information to hand, but I will get the Attorney-General to write to the member for Mitcham and give him that information.

Clause passed.

Clause 7 and title passed.

Bill read a third time and passed.

LEGAL PRACTITIONERS ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

BARLEY MARKETING ACT AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendment No. 2 to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly do not insist on its disagreement to amendment No. 2.

There has been a good deal of discussion on this matter in another place between representatives of the two Houses. It seems that this is the best way to proceed and I urge it on the Committee.

Mr GUNN: I thank the Minister for his concurrence to the amendment. I am sure that, now proper consideration has been given to it, everybody understands the reason for it. I do not wish to delay the proceedings any further.

Motion carried.

AGRICULTURAL CHEMICALS ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendment No. 2 to which the House of Assembly had disagreed.

ADJOURNMENT

At 9.55 p.m. the House adjourned until Tuesday 9 February at 2 p.m.