HOUSE OF ASSEMBLY

Wednesday 2 March 1988

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

QUESTIONS

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

MOTOR VEHICLE REGISTRATION

In reply to **Mr KLUNDER** (10 February).

The Hon. G.F. KENEALLY: The question of sending reminder notices for motor vehicle registrations has been further discussed with the Registrar of Motor Vehicles, as I undertook to do in the House on 10 February 1988. As indicated by my response on 10 February, it is considered that sending reminder notices for vehicle registrations that have not been renewed upon first advice would be costly and result in a very small proportion of owners subsequently renewing. The month of expiry is clearly shown on the registration label attached to the vehicle. Responsibility to renew remains with the registered owner.

QUESTION TIME

SCRIMBER PROJECT

Mr OLSEN: Why did the Minister of Forests totally mislead the House yesterday in response to questions that were asked on the viability of the Government's $22 million scrimber plant in the State's South-East? In response to a question from the member for Victoria, the Minister said that the South Australian Woods and Forests Department had not tendered for wood grown in Victoria on a take or contract basis. The Minister's response was: 'No, it did not tender for that.' The Opposition has now been informed by the Victorian Department of Conservation, Forests and Lands that the South Australian Woods and Forests Department did successfully tender for pine thinnings from Victorian forests. The licence was issued on 1 July 1986 and it is current until 31 December 1991.

The terms of the tender require that the Woods and Forests Department take a minimum of 80 000 cubic metres of pine thinnings every year. At a cost to this Government of $12 per cubic metre, this means that the Woods and Forests Department is liable to pay the Victorian Department of Conservation, Forests and Lands an amount totalling more than $5 million for pine thinnings—whether or not it takes delivery of that material.

The Hon. R.K. ABBOTT: I definitely did not mislead the House yesterday in response to a question asked by the member for Victoria. The member for Victoria asked whether the South Australian Woods and Forests Department had tendered for that contract of Victorian timber. My answer was, 'No, it did not tender for that.' That is exactly the case. The South Australian Timber Corporation tendered for that contract.

Members interjecting:

The SPEAKER: Order! I call the House to order, and I particularly caution the honourable member for Victoria.

The Hon. R.K. ABBOTT: In January 1986 SATCO successfully tendered for roundwood from thinning operations in Victoria. The total volume involved in the tender was 400 000 cubic metres over a period of five years. The thinning operation yields suitable saw log, pulp wood and roundwood for preservation. Some of the wood would be suitable for scrimber but obviously none has been used for that purpose at this stage. Operations commenced early in 1987 and about 70 000 cubic metres had been extracted. The log extracted has been used at Mount Burr mill, Softwood Holdings at Mount Gambier for wood preservation plant, and also at Apcel.

We are not in a position to reveal the tender price. That information was sought previously by another party. The Victorian department was unsuccessfully challenged in relation to the release of this information. It therefore remains confidential commercial information. SATCO tendered competitively and fairly on the basis of standing trees with no product differentiation but an economic market for all the wood required to be removed. The logs have been transported to south-eastern processing plants and some of the production may well have been marketed in Victoria. This would be a perfectly normal expectation in the green triangle situation. The member for Mount Gambier should be aware of that particular situation. The tender was submitted by SATCO and other tenders may be submitted for private wood in the South-East or south-western Victoria to facilitate expansion of processing operations in the South-East region of South Australia.

IMPORTED CEMENT

Mr De LAINE: Will the Minister of Employment and Further Education please inform the House of any proposal to import cement into South Australia? If such proposals exist, will the Minister advise what measures the Government will take to ensure continuing economic operation of the South Australian cement industry? It has been brought to my attention that the cement industry has become destabilised in Western Australia due to the importation of very low priced cement. Furthermore, a similar situation is developing in Victoria where an importing group has been given approval to construct cement silos to receive cheap overseas cement. Considerable concern has been expressed by the Australian Workers Union in Victoria over the possibility of this imported cement being dumped on the Melbourne market. Those employed by the cement manufacturing industry in South Australia have raised the significant concern that their livelihood would be placed in jeopardy should imported cement be dumped in this State.

The Hon. LYNN ARNOLD: I thank the honourable member for his question, which is certainly a matter of great concern to the Government. The honourable member is quite correct in reporting the situation that exists in Western Australia and about to exist in Victoria. In Western Australia imported cement pricing is significantly undercutting locally produced cement, thereby reducing locally produced throughput and consequently increasing production costs for local cement producers in that State. The result is that the imported cement is deemed to have been landed at dumped prices, and an anti-dumping case is presently under way. In Victoria a separate group of importers has commenced site works for the importation of cement in anticipation of receiving cut price overseas cement later this year. That has been of particular concern to the union, as mentioned by the honourable member. In the case of the Victorian cement, it is understood that it will be priced at the marginal cost of production in the plants overseas where

it is made. No-one would build a plant to produce the cement at that cost.

However, if a plant is already in existence, they will sell it at that marginal cost and it is that marginal cost of production, given the existing wage rates and other costs of production in Indonesia, Taiwan and Korea and the like, that is severely going to damage the industry in this country if there is no control on the importation of cement.

It is certainly true that the Federal Government has received a number of deputations on this matter to try to prevent the broad importation of cheap dumped cement into this country but, to the extent that the State Government has any authority in this area, we certainly are also concerned to do what we can. I can advise the House that, to the extent of our legal authority, the State Government would not be wanting to make available wharf facilities in South Australia for proposals that do not add to employment in this State. That is, they do not add to the economic activity in this State, either overall economic activity or sectoral economic activity with respect to just the cement industry and its derivative associations.

Any proposal that were to come before the South Australian Government would have to ensure not only its internal commercial viability but, more significantly, would have to show that it would be both an addition to the economy and to the employment of both the sectoral area of the cement industry and associated industries and the overall industry. If it could not do so, this State Government would do everything in its legal power to prevent that importation of cement through South Australian ports.

I can say that we have had a proposal for the importation of cement in South Australia from a Western Australian company, and it is in that context that we are responding to that proposal and will continue to do so. The South Australian cement industry is not artificially highly priced. On the contrary, cement produced in South Australia is the most cost efficient in Australia, and it is a tribute to the effective work force that exists there and the dynamic management. The company that is headquartered in South Australia has been able to compete against cement industries in other States and sell its cement there. It should not be expected to have to compete against unfair competition, competition that is designed to take advantage of wage rates that do not apply in this country; competition that is designed to cripple the cement industry in this State, and this State Government, within its legal authority, will not permit that to happen.

MINISTER OF FORESTS

The Hon. JENNIFER CASHMORE: Does the Premier defend the continuance in office of the Minister of Forests, given the total incompetence that the Minister has displayed in his handling of a number of issues under his responsibility at enormous cost to the taxpayers of this State?

The SPEAKER: Order! The honourable member is clearly making imputations against another member that can be made only by way of substantive motion. She should be aware of that.

The Hon. JENNIFER CASHMORE: Yes, Mr Speaker. I point out as part of my question that the issues that the Minister—

The SPEAKER: Order! I rule the question out of order, because it clearly contains imputations against another member that should be made only by way of substantive motion, such as a no-confidence motion. They should not be part of Question Time.

The Hon. JENNIFER CASHMORE: With respect, Mr Speaker, I point out that the information that I have in my question is of a factual nature.

The SPEAKER: Regardless of any factual information that the honourable member may have, the question is out of order because of the clear imputations that it contains.

The Hon. JENNIFER CASHMORE: On a point of order, Mr Speaker, I put a question to the Premier asking if he defended—

Members interjecting:

The SPEAKER: Order! I ask the Leader of the Opposition and the Premier to desist from their dialogue so that the Chair can listen to the point of order raised by the member for Coles.

The Hon. JENNIFER CASHMORE: Mr Speaker, I cannot see that it is out of order to ask the Leader of the Government whether he defends the continuance in office of a Minister who has, at enormous cost to the taxpayer—

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

Members interjecting:

The SPEAKER: Order! I warn the honourable the Minister of Housing and Construction.

The Hon. JENNIFER CASHMORE: Mr Speaker—

The SPEAKER: Order! The honourable member for Coles has not produced a point of order, because the Chair does not uphold the point of order. The question was ruled out of order because it contained an imputation against another member. Matters such as to whom the question may have been addressed to or whatever are not the interests of the Chair in this matter. I have ruled the question out of order.

The Hon. JENNIFER CASHMORE: Mr Speaker, I will rephrase the question.

The SPEAKER: If the honourable member wishes to do so, that can only happen in a case where the Chair was in a position of some doubt as to whether or not a question was out of order. On previous occasions, in order to save the time of the House, what we have done where there is some doubt, is rather than the Chair give an instant ruling, as I have done in this case and rule a question completely out of order, the Chair has accepted that it is possible with some slight consultation to come up with something that is satisfactory under the Standing Orders of the House.

In that case the Chair normally asks the honourable member to approach the Chair to sort out whether or not there is an area on which agreement can be reached. However, agreement cannot be reached on a question that is totally out of order.

The Hon. JENNIFER CASHMORE: Thank you, Mr Speaker. I will approach the Chair.

HOUSING POLICY

Mr RANN: Can the Minister of Housing and Construction say whether there is any truth in the claim made recently by the Federal Opposition spokesman on housing (Mr Porter) that the South Australian Government is selling Housing Trust homes at discounted prices?

Mr GUNN: On a point of order, Mr Speaker.

The SPEAKER: Order! The honourable member for Eyre.

Mr GUNN: Normally in the past, Mr Speaker, you have ruled that Ministers cannot be asked to comment on matters that are not within the province of the authority of this Parliament: that is, on questions that purely ask for an opinion on what is not Government policy but a Federal matter. In this case, we have an alleged statement and do

not know whether Mr Porter has been correctly quoted by the member for Briggs.

The SPEAKER: In order to clarify the situation, will the honourable member for Briggs read the initial part of his question.

Mr RANN: It was dealing with the claims about the South Australian Government's policy—

The SPEAKER: Order! The Chair has not asked the honourable member to explain his question but to reiterate the initial part of it.

Mr RANN: My question is as follows: Can the Minister of Housing and Construction say whether there is any truth in the claim made recently by the Federal Opposition spokesman on housing (Mr Porter) that the South Australian Government is selling Housing Trust homes at discounted prices?

The SPEAKER: The question is in order. The honourable member may continue with his explanation.

Mr RANN: Thank you, Mr Speaker. On 26 February, Mr Porter was quoted in the *Sydney Morning Herald* as saying that the South Australian Labor Government had already taken advantage of new provisions under the Commonwealth-State Housing Agreement which, Mr Porter claimed, 'cleared the way for the Greiner plan which would allow current renters of Housing Commission homes to buy them at up to $10 000 less than market price'.

The Hon. T.H. HEMMINGS: In a nutshell, there is no truth whatsoever in Mr Porter's statement. However, this House is well aware of Mr Porter's record on housing. Not only has he shown a complete inability to grasp the present housing problems in this country: he does not even know his own Party's policy. Indeed, I recall his first speech in the Federal Parliament regarding public housing when he was slating the Hawke Government about its failure to provide enough money for housing in Australia and someone tapped him on the shoulder to tell him that his own Party's policy was to walk away from public housing altogether. So, Mr Porter is not a very credible person whatever.

Returning to the honourable member's question, the South Australian Government abides by the Commonwealth-State Housing Agreement which does not allow discounting of public housing for sale but requires sales at market price or replacement cost only. The general strategy is the same as that pursued by the Liberal Opposition prior to the most recent State election, a strategy which the Bannon Government exposed as illegal. It was illegal in 1985 and it is illegal in 1988. I suggest that the Leader of the Opposition get on the telephone quickly and tell Mr Greiner that he is breaking the law. I get the feeling that the Liberal Party, no matter where in this country, is prone to breaking the law. South Australia is not discounting trust homes for sale.

The SPEAKER: Order! The honourable member for Murray-Mallee.

Mr LEWIS: The Minister has just reflected on me, if not others, by saying that Liberals, no matter where in this country, are prone to break the law.

The SPEAKER: Order! The Chair does not accept the point of order. This has been considered on many previous occasions regarding collective criticism. However, in view of the point of order raised by the honourable member for Davenport last Thursday, as I recall, I draw to honourable members' attention a ruling that I gave at some length on 7 August 1986 regarding the vexed question of how much Ministers may digress from those requirements that are placed on other members in relation to questions. At that stage I said:

The Chair has no wish to unduly restrict the liveliness of Question Time, but calls on Ministers to refrain from introducing irrelevancies or unduly provocative comments in their replies, particularly when questions have not incorporated material of that nature.

The honourable Minister.

The Hon. T.H. HEMMINGS: South Australia is not discounting trust homes for sale, and I have received an assurance from the General Manager of the South Australian Housing Trust which confirms that. The trust gives credit on the price of a house sold to a sitting tenant to the value of improvements made to that home by that tenant, and that is fair and appropriate: it is provided for in the Commonwealth-State Housing Agreement.

Mr Greiner's plan to sell off public housing in New South Wales at $10 000 below market value is plain discounting, as was the scheme proposed by the Opposition in this State prior to the last election, a scheme which, by the way, they copied from Thatcher and which was so comprehensively rejected by the South Australian community. I understand that, as a result of that article, Mr Greiner's discount proposal has met with a wave of anger from those people who previously bought New South Wales Housing Commission homes at market prices—and quite rightly, because those people could be disadvantaged by this confidence trick of Mr Greiner.

Notwithstanding that, even if we accept the fact that what Mr Greiner puts forward is illegal but will still take place, it will decimate the housing stock in that State. That proposal has been rejected by the Federal Minister for Housing (Mr Peter Staples), who said in Parliament that discounting is a policy scam and a direct contravention of the Commonwealth-State Housing Agreement. He described discounting as an ill-considered scheme and a short-term fix which would benefit only a few people, while a major national resource is squandered. I endorse those comments.

MINISTER OF FORESTS

The Hon. JENNIFER CASHMORE: Does the Premier defend the continuance in office of the Minister of Forests, who has cost the South Australian taxpayer $60 million or more through his handling of various issues under his responsibility, including the multi-million dollar scrimber project, the New Zealand Timber Company venture and the *Island Seaway* fiasco?

The Hon. J.C. BANNON: The answer is that, quite clearly, I have confidence in my Minister. It was very significant that the question had to be withdrawn and rewritten in order to conform with Standing Orders. The question indicates the Opposition's total lack of flexibility and the inability to anticipate what will happen.

Mr Olsen interjecting:

The Hon. J.C. BANNON: I answered the question in the very first words that I uttered. I can picture the scene up there in the Leader of the Opposition's office: 'Right, we have the Minister of Forests on the run; we are really going to deliver the *coup de grace*. Dale has given us all the good words from the South-East; he knows all about it, and you realise that the Minister misled the House yesterday. We've got him cold. I will ask the first question and, as the Minister staggers back clasping his forehead and collapses onto the bench, you, the member for Coles, can deliver the *coup de grace*. You can point to the shambling wreck sitting in his seat and ask the Premier if he has confidence in him and the Premier will in turn collapse back into his seat, and the Government may even resign. We'll do it that way.'

Probably a few other questions are lined up, so they are all handed out, neatly typed, ready to go. The Leader of the Opposition stands up to deliver his *coup de grace* about misleading the House. The Minister said that no contract

was issued or tender made by the Woods and Forests Department. That is supposedly totally wrong, because here is all the information about that tender! The Minister has said, quite correctly, 'My answer was right: the Woods and Forests Department made no such contract. However, if in your total confusion and inaccurate information you were referring yesterday to transactions of the South Australian Timber Corporation, here are the facts of it.' The Minister delivered that answer and sat down, and the Leader of the Opposition could not even tap the member for Coles on the shoulder and say, 'Forget it, Jenny, we are done; give it away.' No: up she gets, as large as life, leads with her chin and gets planted again.

Mr BECKER: I rise on a point of order. Mr Speaker: would you remind the Premier that it is against Standing Orders to refer to members by their Christian names and that this Chamber is not Theatre 62 revisited?

The SPEAKER: Order! I do not uphold the second point of order. The first one is technically quite correct, and I uphold it.

HAPPY VALLEY WATER FILTRATION PLANT

Ms LENEHAN: I direct my question to the Minister of Water Resources. Will he provide the Parliament with more detailed information of the announcement he made at the Happy Valley water filtration plant this morning? What will this decision mean specifically for my constituents and also for the 400 000 residents of the southern and western areas of Adelaide?

The Hon. D.J. HOPGOOD: I am only too happy to provide the honourable member and the House with the information. This morning, the honourable member and several other members took the opportunity to inspect the Happy Valley plant which, when it is completed, will be the largest water filtration plant in the Commonwealth. What we propose to do is to bring forward certain contracts that otherwise would have been let in the coming financial year so that, all being well, it will be possible for the plant to come on stream some time in the last quarter of the 1989 calendar year.

As the honourable member has indicated, the Happy Valley plant will service a very large part of metropolitan Adelaide. The area that is already serviced with unfiltered water from Happy Valley extends as far north as Semaphore and as far south as my own electorate. So I can confirm what the honourable member has said, that is, that about 400 000 people in the electorates of Henley Beach, Morphett, Hayward and Albert Park, as well as those very southern electorates of Baudin, Mawson and others—yes, Mr Speaker, your electorate—and many others will benefit from the scheme.

Because the Happy Valley reservoir will have some surplus capacity, and will continue to do so for some time, I indicate that the engineers in the E&WS are also examining a scheme that will maximise the area that is serviced by the Happy Valley system. This is because at that stage, although I hope the Myponga facility would be under construction, it will not be completed. Obviously the more we can maximise the benefits of the additional expenditure and the advantages of the filtered water, the better. That matter has not yet been finalised. I am told that it can be done, but the extent to which the filtered water can be spread beyond the area already serviced by Happy Valley has yet to be defined and will be the subject of a later announcement.

SCRIMBER PROJECT

Mr D.S. BAKER: I ask my question of the Minister of Forests.

Members interjecting:

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

Mr D.S. BAKER: Why has he not responded, as promised, on the viability of the scrimber operation as asked yesterday? Yesterday it was stated that it has now become apparent that the scrimber operation cannot use timber of less than 70 mm or small wood, in accordance with the original feasibility study, and that it now has to use millable timber of some 120 to 140 mm, which would render the whole process unviable. Could the Minister please deliver his response to the House?

The Hon. R.K. ABBOTT: I thank the honourable member for his question. I did not answer the Leader of the Opposition yesterday simply because it was all nonsense.

Members interjecting:

The Hon. R.K. ABBOTT: The allegations were nonsense.

Members interjecting:

The Hon. R.K. ABBOTT: Here we are again, with the Leader knocking all of the projects that this Government has implemented for South Australia.

Members interjecting:

The SPEAKER: I caution the Leader of the Opposition.

The Hon. R.K. ABBOTT: You want to look at your own incompetence.

The SPEAKER: Order! The honourable Minister should not—

Members interjecting:

The SPEAKER: Order! I warn the honourable member for Victoria. He has been here long enough to know that it is bad enough to interject in the manner in which he interjected, without his further compounding that offence by doing so while I was reprimanding the Minister for not complying with Standing Orders and referring to a member opposite as 'you'. The honourable Minister must direct his remarks through the Chair.

The Hon. R.K. ABBOTT: Scrimber is a process that can be used for a range of roundwood sizes within the size generally used for pulpwood and preservation plant roundwood products. The pulpwood range is 70 mm to 300 mm and the wood preservation plant has a similar range but generally is between 75 mm and 125 mm. The scrimber optimum range for production plant will be 100 mm to 160 mm. Saw log in small quantities can be down to 15 cm at the small end.

Scrimber material will not interfere with saw log at all. There has been a surplus of small roundwood in the region, but the proposed Kimberley Clark Australia/Apcel expansion plan will reverse that situation. The scrimber process will use a relatively small volume within the pulpwood size range. Therefore, it is a desirable compatible product from every aspect. The scrimber project had established supply arrangements before the Apcel arrangement was announced at 70 000 cubic metres per annum at full production, compared with Apcel production demand of some 600 000 cubic metres in 1990. Therefore, in the short term supplies to the scrimber plant will not create any problems.

TAFE FEES

Ms GAYLER: Will the Minister of Further Education investigate any anomalies in training costs and opportunities as between TAFE colleges and the Mitchell Park re-

entry school which recently advertised a range of job market courses for adult re-entry students? A constituent of mine has pointed out that the Mitchell Park re-entry school is offering 56 courses and advertising that all courses are free. Word processing, for example, is a full year free course at Mitchell Park, but a comparable TAFE word processing course costs $70 to $100 for a 32 hour course. Another course on offer at Mitchell Park is power technology. This course was advertised but following inquires no information was available about the course content. This raises questions about the standard and accreditation of courses offered. My constituent felt it was discriminatory to charge for comparable TAFE courses that are available free at Mitchell Park.

The Hon. LYNN ARNOLD: I thank the honourable member for her question. Officers in my department are having discussions with officers in the Department of Education about a rational way of providing opportunities in educational institutions in South Australia. At the outset, let me say that I am certainly happy to see high schools in this State starting to reach out with community education opportunities to their surrounding communities. That is something which I think we would all be very happy to support. I believe it would complement very well the existing community education being offered in our technical and further education colleges.

What must happen, however, is that there must be consistency about the way in which it is done. Members in this place, on both sides, will know that, with respect to non-award courses in the technical and further education sector, fees are charged and these fees have been as a result of Cabinet decisions over a number of years, going back long before the present Government but certainly supported by this Government.

Therefore, for non-award courses TAFE is obliged to charge its students fees, and they are set by a certain formula. Until last year those fees were set at an hourly rate. Now a schedule of fees is proposed by individual colleges, which they determine on the basis of the local community for which they are providing the courses. That schedule of fees is approved by the department, and in the approval process, in an attempt to avoid dramatic discrepancies, an examination is made of the extent to which other TAFE colleges may be charging widely different sets of fees for similar types of courses.

We must also take into account what is happening in our high schools as well, which matter is presently under discussion between officers of the two departments involved. It is possible that one of the reasons why the Mitchell Park course is a full year free course is that it is a full year course, and it may be a certificated course or an award course, under the terms of awards as given by the Council on Tertiary Awards, in relation to which all such courses in the technical and further education sector are fee free at this stage. So, all of those courses in TAFE could have been offered fee free. The matter of shorter courses—and the 32-hour TAFE word processing course referred to by the honourable member is clearly shorter than a full year course—certainly does need to be further examined, not with a view to stopping the offering of community education opportunities by our high schools but rather to ensure that the best complementary service to people is given by our TAFE colleges and secondary schools.

SCRIMBER PROJECT

The Hon. B.C. EASTICK: I direct my question to the Minister of Forests. Given that the Government, through the SATCO facility is bound by contract to take a minimum of 80 000 cubic metres of pine thinnings each year from the Victorian Department of Conservation, Forests and Lands until 1991, at a total cost of more than $5 million—whether or not actual delivery occurs—will the Minister advise the House how much of that yearly allocation the Government has taken for the year ended 30 June 1987 and this year to date?

The Hon. R.K. ABBOTT: As I do not have that detail at my fingertips, I undertake to obtain that information for the member for Light. The honourable member should recognise that a lot of these matters are administrative in nature. However, I undertake to get that information for the honourable member.

FIREARMS CONFISCATION

Mr DUIGAN: Will the Minister of Emergency Services say whether the Government intends to confiscate firearms, under the Government's proposed changes to the firearms laws? I was contacted this morning by a constituent who was alarmed to read the following report in today's *Advertiser*:

> The Government will not—

Mr GUNN: On a point of order, Mr Speaker, this question was asked at Question Time yesterday.

The SPEAKER: As I recall, that question related to compensation whereas this question relates to confiscation. The question is in order.

Mr DUIGAN: The report in the *Advertiser* states:

> The Government will not pay compensation to gun owners whose weapons are confiscated, under proposed new gun laws, according to the Deputy Premier, Mr Hopgood.

My constituent's concern arose because, in all the information that has been made available by the Government on gun law changes to date, no mention has been made about confiscation and compensation. However, quite clearly, reference is made in the *Advertiser* article to statements made by the Deputy Premier which imply that not only does the Government intend to confiscate firearms but that no compensation will be paid.

I allayed the concerns of my constituent by explaining that it was in fact the Opposition spokesman for emergency services who canvassed in Parliament the issue of confiscation. While my constituent was prepared to accept that explanation, he strongly expressed the view that the matter should be clarified in the interests of both the public debate and a better informed Opposition.

The SPEAKER: Order! Leave is withdrawn—

Members interjecting:

The SPEAKER: Order! Leave is withdrawn for the remainder of the honourable member's question because he has introduced comment.

The Hon. Ted Chapman interjecting:

The SPEAKER: Order! Does the honourable member for Alexandra have a point of order?

The Hon. TED CHAPMAN: Yes, I did, but you have cleared it up, which was necessary after the ruling you made yesterday.

The SPEAKER: Order!

The Hon. B.C. EASTICK: On a point of order, Mr Speaker, to clear the atmosphere, I believe that you are in possession of yesterday's report. Will you confirm to the House that the word 'confiscation' appears in both the question and the answer?

The SPEAKER: Order! The word 'confiscation' does appear in the question and in the answer, but it is obvious

that the thrust of the question asked yesterday was about compensation, as follows:

Does the Government intend to incorporate in its proposed gun legislation the payment of compensation at market value?

The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: The answer is clearly 'No'. I was asked that question yesterday and it surprised me considerably, because it was implicit in the member for Light's question that he believed that confiscation was part of the scheme of legislation. I thought that I canvassed the matter thoroughly enough, so it was clearly a matter of incompetence that the story was run in the way that it was, minuscule though it was in terms of—

The SPEAKER: Order! I believe that the honourable Deputy Premier is straying from the subject matter of today's question and for the past few moments has actually been canvassing his reply to yesterday's question.

The Hon. D.J. HOPGOOD: I am canvassing the content of this morning's *Advertiser* article. I make it absolutely clear: people in the gun lobby—and I make a distinction between the gun lobby and people who are in gun clubs who tend to be very helpful and want to bring forward constructive questions—are wont to compare guns with motor vehicles. The comparison is quite specious because, although it is clear that there is no way that we could conduct our society if motor vehicles were removed from the roads tomorrow, recovering firearms from anyone but the armed forces and the police would take some innocent pleasures away from people who like to shoot holes in bits of cardboard. Nonetheless, our society could continue to run quite well. However, the gun lobby does make that rather specious comparison.

Let us simply take its members at their word and remind them that there was a time when the Government (I suppose it was a Labor Government, although I cannot remember; it has been mostly us since 1965) decided to tighten up considerably on eligibility to drive a vehicle on our roads. Suddenly you had to sit for a driving test and all those sorts of things. Did that mean (I hear you cry) that Don Hopgood, who sat for his written examination in the Prospect police station (sometime in the Middle Ages, it seems) suddenly had to submit himself to a driving test or had to do the new more difficult examination that was suddenly imposed on people? The answer is 'No' because that legislation was not retrospective. That is exactly the case here and has been from the moment when the Premier and I issued that joint statement prior to the Police Ministers' conference on guns.

What is happening in Victoria is totally irrelevant to what is happening in South Australia. We are, without any apology, adopting very stringent measures as to how people who are currently unlicensed will in future be able to obtain a licence or purchase a firearm. That has no impact on anyone who is currently licensed or is holding a firearm, except in circumstances where they do so illegally. In that case, if we find them, the firearm will be taken away and there will certainly be no blooming compensation.

WORKCOVER

Mr S.J. BAKER: Is the Minister of Labour aware that long delays in the payment by WorkCover of compensation to persons injured in their workplace are resulting in some employees continuing to work with injuries rather than be off without any income? My question follows a report that I received concerning a casual nurse employed at a Norwood nursing home. As a result of back strain caused by lifting a patient on 18 December last year, the nurse was off duty until 21 January as determined by doctors' certificates. WorkCover approved the claim and promised payment by 2 February, but the nurse received no compensation from WorkCover until yesterday—12 weeks after the date of injury. The nurse was promised on two occasions after 2 February that the cheque and release papers would be delivered by courier, but they did not arrive. I am advised by her that fellow workers, aware of her financial predicament brought about by this lengthy delay, have opted to work with injury rather than face similar circumstances, and I can provide details to the Minister.

The Hon. FRANK BLEVINS: In regard to delays in payment by WorkCover, I have had absolutely no complaints at all: in fact, I have received only compliments about the operation of WorkCover. Since WorkCover started in December there would have been tens of thousands of claims processed without one complaint, as far as I am aware. However, if in all these thousands and thousands of claims that have been processed there has in this case been a delay and, if the honourable member gives me the name of the person involved, I will have the question examined. Certainly, if WorkCover is at fault, I will chastise it as a kindly father. However, while I am doing that, I will again congratulate WorkCover for the way it has implemented, under a great deal of difficulty and pressure from me, the WorkCover scheme to the satisfaction of almost everyone in this State, with the exception of the member for Mitcham and perhaps this particular client, but that has yet to be established. I will establish it one way or another for the honourable member.

TOBACCO SPONSORSHIP

Mr HAMILTON: Can the Premier say whether the Government intends to proceed with the legislation aimed at limiting tobacco sponsorship in South Australia? The *Advertiser* today contains statements from the tobacco industry that it intends to campaign against the Government at the next election unless the Government withdraws its legislation. I understand that the Bill has almost been finalised, and I am interested and I believe that the electorate is interested to known whether these statements may cause the Government to review or delay its decision.

The SPEAKER: Order! At this stage leave is withdrawn because the member was introducing superfluous material. The honourable Premier.

The Hon. J.C. BANNON: The short answer is—

The SPEAKER: Order! The member for Mitcham.

Mr S.J. BAKER: On a point of order, Mr Speaker. We have had two exhibitions in this House when members on the other side have deliberately defied your call for order. It involved the member for Adelaide and the member for Henley Beach. When is the call for order actually adhered to in this place?

The SPEAKER: Order! There is no point of order. However, the Chair asks members to observe appropriate decorum at all times. The honourable Premier.

The Hon. J.C. BANNON: The short answer to the question is, 'Yes, we do certainly intend to proceed with this legislation.' We are not going to be intimidated by any group in the community. We have announced our intention, we are prepared to consult and discuss the legislation as tabled, but it will go through the parliamentary process. I believe in that, that members of Parliament should be able to give proper consideration to this Bill without undue pressure and intimidation being placed upon them.

When I say 'undue', I accept the right of any group in the community to voice its protest, to sign petitions, and

to appear on the steps of Parliament House. That is a democratic right, but I do not accept the statement made by spokesmen of the tobacco industry that they believe that they have a right to work for the defeat of a Government using unlimited funds to do so. That is outrageous. How did this arise? Yesterday, I was asked questions on this issue in the House. I walked into the House to have drawn to my attention certain statements by a Mr Alistair Drysdale (General Manager, Corporate Affairs, with the company Amatil). My reaction was one of surprise and outrage: first surprise, because I believed that a company of the standing and national status of Amatil would not be involved in making such extreme statements.

Incidentally, Amatil, although part of its business involves tobacco processing and the production of cigarettes, is also a large producer of soft drinks, snack foods, and other goods. Indeed, only two weeks ago I opened a plant for Amatil in which it has concentrated its entire western and mid-western production of snack foods in South Australia, and I was surprised that a corporation expressing that kind of confidence in the future of South Australia should make statements about working to defeat a Government that had cooperated with it in that sort of establishment.

Having had discussions with Amatil, however, I am pleased to say that it disowns those statements. Although it is prepared to say that it does not like the legislation and will make its thoughts known (and it has every right to do so), it totally disowns those statements that a supposed spokesman on its behalf uttered. I recognise the name of Mr Drysdale, not as an Amatil employee but as a former staffer for Mr Malcom Fraser. As to the other statements by Mr Drysdale, my outrage is well expressed and I hope well understood in this House. To have any corporation or industry group threatening a Government or Parliament in this way is simply not acceptable. To say that a two year campaign to defeat a Government (not to defeat legislation, not to ask for policy changes, not to put a point of view, but to bring down a Government) with a budget whereby industry would be asked to spend up to $1 million (because Mr Drysdale says that there is an unlimited budget with no ceiling) is a travesty of our democratic process and totally unacceptable.

However, having made that serious and, I believe, important point which I hope has been well made to the tobacco institute, I began to think who would benefit from this campaign. Clearly, it is our Liberal colleagues opposite who would hope to gain something. In fact, it throws up an interesting campaign that could be mounted with really interesting possibilities. Indeed, we were racking our brains the other day about what sort of slogans and messages the Liberals might be giving in the context of this campaign prior to the next election, and I thought that I would suggest a couple. Why not put large banners around the city and wherever they could be placed, saying, 'Anyhow . . . have a Liberal!'? Alternatively, we might see the Leader of the Opposition as a kind of Marlboro man wearing his Akubra hat with the accompanying words 'John Olsen—what a sterling idea!'

WORKERS COMPENSATION

Mr OSWALD: Will the Minister of Labour give an undertaking to review immediately a directive on the Workers Compensation and Rehabilitation Board that persons over the age of 60 years who suffer injuries at their place of work be sacked, and does he consider this treatment to be just? I cite the case of a 63 year old woman who for many years has been employed as a nurse and who is currently receiving workers compensation payments as a result of injury on the way to the workplace. The woman has been working for a number of years on a part-time basis at a salary level of $258 a week.

Her employer has now been informed that both WorkCover and the Department of Labour instruct that injured persons over the age of 60 should not continue in their employment but, rather, will have their medical and hospital bills met by WorkCover and will commence receipt of pension entitlements from the Department of Social Security. In this case, the woman has no desire to cease employment and to commence life on a pension, thus greatly reducing her weekly income, but she has no choice as a result of the directive provided to her employer.

The Hon. FRANK BLEVINS: I know nothing of such a directive. I have been in the parliamentary process and a Minister long enough to realise that probably 97 or 98 per cent of the questions asked by members of the Opposition tell only a fraction of the tale. If the member for Morphett supplies me with the name of the individual, I will have the case examined and bring back a reply tomorrow.

OLD REYNELLA VILLAGE COMPANY

Mr TYLER: My question is directed to the Minister for Environment and Planning. Does the Old Reynella Village Company have the power to demolish all the historic buildings in Old Reynella, including the Reynella Primary School? Today's *Southern Times* Messenger carries a front page story headed 'Scare Bid by Old Reynella Developer'. The article states:

> In a bid to 'scare-up' support for a proposed multimillion dollar shopping centre at Old Reynella, the developer has applied to demolish the town's historic buildings.

The article quotes company director Colin Boyce as stating:

> 'There's nothing to stop us demolishing every building in Reynella'. Mr Boyce owns the historic buildings which are subject to the demolition application. 'We offered to restore those buildings but we don't have to. We can put a bulldozer through every one of those buildings tomorrow.'

The buildings are the Old Reynella Primary School, a church and a factory. I have been approached by angry constituents in the Reynella area who are outraged that the developer has tried to intimidate the community in this manner. For instance, my constituents rightly point out that, even though the Reynella Primary School is due for relocation in the near future, it currently operates as a school in Old Reynella and in fact has an enrolment of 305.

The Hon. D.J. HOPGOOD: If the honourable member is inviting me, as it were, to give a legal opinion, I think it would be more appropriate if I take considered advice on that matter. On the other hand, if he is in effect asking me, as a responsible local member, to put a shot across the bows of this person who, if he is being quoted correctly, seems to be hell bent on making a bit of a mockery of the whole process, then I am quite happy to do that. I should make it clear that, as the Minister responsible for the Planning Act in this State, I cannot be seen to take sides as to the merits of the proposition wherever that might be in the planning process, but again, if Mr Boyce has been correctly quoted, it seems a very quixotic way in which to go out and secure general community support for the project that he has in mind.

Furthermore, as the honourable member has pointed out, the school has an enrolment in excess of 300 and I would have thought that Mr Boyce was inviting trouble in the extreme, even if he had due legal permission to be able to do so, if he demolished the school in a situation where

there is no alternative for the children enrolled at that school.

I find the statement extraordinary. I hope that the gentleman has been misquoted and that there will be some retraction. Given the amount of concern and work involved in this application, I am quite sure that something reasonable will come out of the process. I am not able to comment on the current ownership of the church, although I think it is owned presently by the Education Department; it is an annex of the school. As a little piece of closing trivia for those who might be mulling through *Hansard* in 50 years time, I might say that the occasion of my taking a service in that church many years ago was the first occasion on which I drove a vehicle on South Australian roads.

MOUNT BARKER ROAD

Mr S.G. EVANS: I wish to ask a question—

Members interjecting:

Mr S.G. EVANS: I appreciate having the opportunity to ask a question on the twentieth anniversary of my being here. Will the Minister of Transport say when it is expected that widening will be commenced and completed on all or parts of that section of Mount Barker Road that lies between the Tollgate and the Mount Osmond turn-off? By way of explanation to the question, I should say that the department has acquired some houses along this section of the road and constituents are concerned that, especially at the Mount Osmond junction, this is one of the bad sections and there is an opportunity to widen it. I know the Minister will have the answer for me, so I ask him when it will be completed?

The Hon. G.F. KENEALLY: I congratulate the member for Davenport on being in Parliament for 20 years, despite his very best efforts. He has been here long enough to understand that he cannot expect to get immediate answers on technical matters such as details of the Highways Department's program for road widening, particularly when it involves a national highway, which is subject to a very intensive investigation and environmental impact statements and requires approval from the Federal Government.

No such application has yet been sent to the Federal Government for a major widening of the Mount Barker Road in the section between the Tollgate and the turn-off. The proposal to upgrade the Mount Barker Road is still being considered by the South Australian Government. In turn, it will have to go to the Federal Minister for his or her approval—I say that because the Federal Minister for Transport changes very frequently.

If there is some underlying factor about the request of the honourable member that on the face of it is not apparent, I will ask the Highways Department to see if there has been any specific investigation of this section of the road that might pre-empt the general work involved on the full section. I do not believe there has been but, in the remote event that that has happened, I will examine it and advise the honourable member accordingly.

LOCAL GOVERNMENT ACT AMENDMENT BILL (1988)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is the second in a series of five Bills which, when complete, will revise and update the entire Local Government Act.

The first Bill of the series was passed by Parliament in 1984 and came into force in August of that year. It dealt with the constitution of local government—the formation and structure of councils, the electoral system, duties of council members and staff and other matters. This Bill covers the powers and duties of councils in relation to their discretionary functions and the raising and expenditure of revenue. The Bill also demonstrates the Government's commitment to expressing legislation in gender-neutral language.

It is proposed that subsequent Bills will deal with the management of land dedicated for public use, and certain regulatory functions of councils. The final Bill will review any remaining provisions and consolidate the Act.

This revision Bill has two distinct aims. The first of these is the more straightforward, that of recasting relevant parts of the Act in logically arranged sections, written in plain language. Frequent amendments to the Act since 1934 have resulted in poorly structured provisions, duplication, excessive detail and incongruous material.

The second aim is to reform the legislation so that it provides a more adequate framework for the operation of contemporary local government. In this process a balance must be struck between the legitimate scope of local government activity, the rights of individuals and groups governed by local authorities, and the overall responsibility of Parliament for the system of Local Government.

The Government considers that judgments as to where that balance lies should be based on the following criteria:

(i) Local government in South Australia is sufficiently developed and responsible to warrant broader powers and greater flexibility to respond to local needs and circumstances, subject to the duty of the Parliament to ensure that appropriate standards are maintained.

(ii) Local government taxation should be based on standards of equity, consistency and accountability, comparable with other spheres of government.

(iii) Modern financial management in local government requires a greater degree of flexibility in the raising and deployment of funds.

Providing appropriate powers for Local Government:

Communities now expect a great deal more from their local council than the basic property-related services they have historically provided. Councils have responded to the extent they are able under the present Act and provide programs which range from industry assistance to community art. It is now desirable to allow councils to exercise broader powers and greater autonomy in the performance of their functions.

The administration of local government employs increasing numbers of officers drawn from a range of professional groups. As a result of measures introduced in the first revision Bill its elected members are now more directly accountable to their electors and ratepayers through a more representative electoral system and a more visible and accessible decision-making process. This represents a most sig-

nificant change from the circumstances in which local government operated when the Act was introduced in the 1930s, and makes it possible to rely to a greater extent on the response of the council's electors as a check on its performance.

The degree of autonomy which can be granted to councils is limited by the State Government's responsibility for the overall performance of the local government system. Local Government in Australia is subordinate, not sovereign. It is established by State Parliaments to exercise delegated powers. A State Government has a duty to delegate those powers in such a way that appropriate standards are maintained in local government.

Councils may only exercise the powers, duties and functions which are expressed or implied in the Local Government Act and other statutes. An action of a council which is *ultra vires* (that is, which goes beyond those powers) is invalid. Clearly, expressing the power of councils to act for the benefit of the community in a broad and inclusive way, instead of in a narrow and restricted way, will soften the application of the *ultra vires* principle and provide councils with the flexibility they require.

The Bill does this by providing councils with a new set of functions which they can exercise for the benefit, improvement and development of their areas. These include the provision of services and facilities which benefit ratepayers and residents, improving amenities and attracting commerce industry and tourism. Where a council has a function it has power to do whatever is necessary, convenient or incidental in carrying out that function. Councils will be able to undertake any of these functions jointly with other councils, bodies or persons and will be able to appoint controlling authorities to undertake the management of any council project, service or facility.

These measures provide a very broad range of options for councils to exercise in responding to community needs and initiating development at the local level. These extensive powers are balanced with the requirement that councils must refer projects to the Minister where they involve the compulsory acquisition of land, expenditure or borrowing in excess of stated limits, or are otherwise of a prescribed kind. This control is designed to ensure that a local community is not exposed to significant financial risk without being properly informed, that projects undertaken by councils are not in conflict with broader regional or State activities, and that proper standards of public accountability are maintained.

Any regulations affecting specific types of projects will be the outcome of consultation between the Minister and the Local Government Association. The provisions of the Bill aim to ensure that the Minister's powers cannot be used in a heavy-handed unilateral fashion. If the Minister believes that a project should not go ahead, or is considering imposing modifications or conditions, he or she is required to consult with the council concerned. The Minister must provide in writing to the council reasons for any decision to veto a particular project. The clear intention of these provisions is that every reasonable effort should be made to assist councils to meet the local needs which they have identified.

Local Government Taxation:

The most important source of revenue for local government will continue to be the levying of a rate upon the assessed value of property. All taxing systems need to be based on the principles of equity, consistency and accountability whilst also raising sufficient revenue for the proper performance of responsibilities.

The notion of tax equity is notoriously difficult to resolve. In the rating system ratepayers are taxed *pro rata* to the value of their property. The amount payable should be related to both the benefit derived from services supplied and to the capacity of the owner to pay. These principles are not always compatible. However to a great extent the fairness of the rating system depends upon the certainty and consistency of its application.

The Government intends in this Bill to deal with a number of specific issues which have arisen over recent times in relation to Local Government rating. In particular the application of existing minimum rating provisions has been subject to widespread debate. The Government has identified three broad areas of concern in relation to current practice. First, the increased use of the minimum rate to raise greater proportions of total rate revenue is causing serious distortions in the rating system, to the extent that in some council areas it is questionable whether an *ad valorem* rating system exists in any real sense. Second, the use of the provisions is accentuating the regressive impact of local government rating through increasingly higher rates of tax being borne by owners of lower valued properties. Third, the increasing application of minimum rating is diverting Commonwealth and State funds from the purposes intended by Parliaments. The Bill as introduced in the Upper House provided for minimum rating to be phased out by 1990 by which time the flexibility proposed in raising and managing funds will be understood and utilised. It provided for the levying of a minimum rate beyond that date only with ministerial approval, which was intended to be used in exceptional circumstances. Liberal and Democrat members in another place successfully combined to defeat that proposal and the Bill now provides for unfettered minimum rating. However, the Government views reform of current practice in this area as a crucial element of the Bill and will seek to reinstate its original provisions. New sections allowing councils to levy a fixed minimum charge on all assessments, a system devised by the Government as an alternative to minimum rating which would allow councils to recoup the revenue lost by the removal of minimum rating, were also inserted during the Bill's passage through the Upper House. The Government remains opposed to the mere addition of this option without any associated treatment of the problems associated with minimum rating.

The Government desires to encourage the general tendency towards the use of capital values. Capital valuations, taking into account improvements to land, are considered to more closely reflect a landowner's capacity to pay than do other methods. The Bill as introduced in the Upper House provided that those councils currently using alternative methods of annual and site (land) value could continue to do so; however, having adopted capital values a council could not revert to other valuation methods. The Opposition parties were successful in removing that restriction and the Government intends to argue for its re-insertion.

Differential rating, or the application of a different rate in the dollar to different classes of ratable land, also interferes with the consistency established by the *ad valorem* rating system. It is generally used to differentiate between different classes of property benefitting disproportionately from the services provided by a council, as a means of recognising differences in capacity to pay rates, or as a tool to complement and assist development policies of councils. The Bill as introduced in the Upper House maintained this flexibility in ways designed to limit the arbitrary application of taxing powers. It retained the power to declare differential rates according to the use of land. In order to provide greater

certainty for councils and ratepayers, those uses will be specified in regulations. The Bill was amended at the instigation of Opposition Members in another place and now provides for the fixing of differential rates on the basis of use, locality and/or a combination of use and locality. The Government remains opposed to the setting of differential rates on the basis of locality and will seek to have that criterion removed on the grounds that it is an indirect and inappropriate means of responding to perceived differences in benefits received or capacity to pay, or of encouraging desired development.

The measures which, in addition to differential rating by use, allow councils to differentiate between ratepayers in a direct and appropriate way have passed through the Upper House unaltered. These alternatives have the advantage of being visible and therefore more easily understood by the public. Where one part of a council area derives a particular benefit not enjoyed by other parts, for example, in the form of residential street-scaping, a council will be able to apply a separate rate to those properties. Councils wishing to encourage particular forms of development will continue to have broad powers to grant rate rebates.

Where the rating system produces adverse impacts councils will have broad powers to grant remissions and concessions. Councils will be able to assist disadvantaged persons through providing complementary concessions to those currently made available by the State Government under the Rates and Taxes Remissions Act. A greater incentive will be provided for Councils to allow postponement of rates, for example until the finalisation of an estate, as they will be able to charge interest on such rates.

The Bill contains a number of further measures which attempt to rationalise inconsistencies in the application of the rating system. The range of properties exempted from rating will be clarified by the proclamation of those hospitals and benevolent institutions not required to pay rates. The existing statutory exemption for such bodies is so difficult to interpret and apply that their present treatment by councils varies considerably. Concessions to private schools and show societies will continue to be guaranteed by legislation. However, instead of being granted by way of reduced property valuations they will appear in the more appropriate form of rate rebates.

Powers to levy rates and annual service charges for public utility functions, on rateable and non rateable land, have been consolidated. As departures from the rating system, such annual service charges may be subject to regulation prescribing their method of calculation.

The difficulty created for ratepayers by a single annual rate payment is being addressed by providing Councils with power to adopt a system of payment by half-yearly or quarterly instalments. Encouragement for Councils to move to a system of quarterly payments is offered in the form of special arrangements, available in the first year of operation, which would allow Councils to depart from the principle of equal instalment payments. Councils may collect up to two fifths of that year's revenue in the first instalment, and decrease the remaining three instalments, so as to have a greater sum available earlier in the year and thereby ease the cost of transition.

The Government intends in this Bill to reinforce the general rate based on the value of property as the primary means of generating income for the broad range of Council services. Provisions allowing for the levying of service charges and service rates, separate rates, and other user fees and charges are all intended to ensure that whilst flexibility for councils is maintained and extended, the public is able to identify a clear purpose behind taxing decisions.

Raising and Managing Funds:

Councils' powers to raise and expend revenue have been set out in general terms, again to address the restrictions which arise when specific powers are conferred by legislation. Although to new tax base has been identified as appropriate for Local Government, the Bill allows greater scope and flexibility in raising revenue. Councils will be able to obtain a variety of forms of financial accommodation to take advantage of the most appropriate and least expensive finance available in the market. The securities which a Council may offer are expanded to include its general revenue, registered mortgages, bills of sale or other forms of charge upon property.

Councils will be granted a general power to levy fees and charges for various purposes where these are not prescribed elsewhere. User charges for services or facilities which Councils choose to provide may be set at a level which recovers more or less than the cost involved, allowing Councils to transfer costs between services as they see fit.

Local Government has, for some time, been seeking powers to extend its revenue raising capacity by undertaking commercial ventures associated with economic development. Councils, like all governments, have a responsibility to manage public assets as effeciently and creatively as possible. The Bill provides that councils may undertake projects and activities to raise revenue. All of these measures add to Local Government's ability to expand its revenue base.

These powers should, however, be treated with some caution. Councils will be required to have regard to the effect of a revenue raising or commercial project on local service provision and business and to the objectives of the Development Plan. Councils are precluded from forming or participating in companies, although they may, with ministerial approval, invest in the types of companies in which a trustee is able to invest. The measures contained in the Bill are sufficient to enable the effective management of projects or schemes by other means. For example, the Bill allows the establishment of controlling authorities within the existing Council structure for the carrying out of projects, and the administration of facilities. Finally, as noted earlier, Councils engaging in projects beyond certain expenditure and borrowing limits will require Ministerial approval.

In holding and managing funds councils act in a caretaker capacity on behalf of the residents and ratepayers of an area. Many of the existing statutory controls which purport to preserve the standard of care required are ineffective or serve to limit a Council's ability to arrange its finances to best public advantage.

The measures contained in the Bill deregulate most of these matters and give Councils the power to manage their assets in the most productive way. Reserve funds and special purpose accounts, for example, may be established without Ministerial approval. If the money being held is not immediately required it may generally be advanced for other purposes and replaced as and when necessary within the financial year.

No controls over local government borrowing are contained in the Bill, with the exception of those relating to projects involving debt in excess of specified limits. It should be noted that existing controls bear no relation to the capacity of a council to service a loan. It is to the advantage of both councils and lending authorities to assess that capacity within bounds established by 'the global limit' and the financing of the Local Government Finance Authority, rather than rely on arbitary statutory restriction.

The object of any controls should be to ensure that Councils meet high standards of accounting practice and do not commit themselves so heavily that the proper performance of their statutory duties is compromised or their future choice curtailed. In this light, the auditing provisions have been strengthened. The auditor will be able to comment on irregularity, not only in the council's accounting practices, but also in the management of the council's financial affairs.

The preparation of the Bill benefited from a long process of consultation and debate. Discussion papers dealing with the valuation and rating system, local government borrowing, alternative sources of revenue etc., were distributed last year to councils, business organisations, and a wide range of other interested parties and their views sought on the most viable options for amendment to the legislation. The Local Government Act Revision Committee, comprising representatives of the Department of Local Government and the Local Government Association, assessed responses and provided advice on the drafting of the Bill. A draft Bill was prepared and circulated to councils and interested bodies in May of last year. A series of seminars on the draft proposals were conducted for local government officers throughout the State.

While it cannot be said that councils unanimously support every measure now contained in the Bill, the vast majority of issues addressed are the subject of agreement.

In striking a balance between local government flexibility and State Government responsibility, inevitably disagreement occurs. Given the range and complexity of the matters involved, it is a noteable achievement that such disagreement is narrowly confined. The broader powers contained in the Bill are urgently required and eagerly sought by local government.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides for the repeal of section 3 of the principal Act.

Clause 4 replaces or revises several definitions in section 5 of the principal Act in association with the enactment of new substantive provisions in other clauses of the Bill. New definitions include definitions of 'company', 'domestic premises', 'land', 'prime bank rate', 'project' and 'unalienated Crown land'. The definition of 'owner' has been revised and simplified. The definition of 'ratable property' is to be replaced by a simple definition and the contents of the existing definition, insofar as may be appropriate to this measure, are to be transferred to a substantive provision.

Clause 5 amends section 36 of the principal Act to make new provision in relation to a council's powers. A contract will not be void by reason of a deficiency in a council's juristic capacity but action will still be available to restrain a council from entering into an *ultra vires* contract.

Clause 6 makes a minor amendment to section 37 of the principal Act to clarify that the common seal of a council may be affixed to a document in any case where to do so is to give effect to a council's resolution. Some councils have been taking the present provision to mean that a separate resolution of the council must be passed for the common seal to be affixed to a document.

Clause 7 inserts a new section 37a. A later provision of the Bill repeals Part XVIII of the principal Act. Section 377 presently prescribes the manner in which a council may enter into, vary or discharge contracts. The new section 37a will replace that section and provides that a council may make its contracts under its common seal or through an authorised officer, employee or agent.

Clause 8 amends section 41 of the principal Act, which deals with the delegation of council powers. It is proposed that councils now be limited to not being able to delegate the power to make or fix rates and charges under Part X. The present restriction on the inability to delegate the power to borrow money is to be extended to include the power to obtain other forms of financial accommodation (which is consistent with later provisions to be inserted by this Bill). The section is also to make specific reference to the inability of councils to delegate the power to establish controlling authorities and the power to adopt, reconsider or revise financial estimates. A delegation will not be able to be made to an advisory committee.

Clause 9 provides for a new section 57a of the Act, which will extend the Conflict of Interest provisions of the Act to members of controlling authorities.

Clause 10 provides for the repeal of Parts X to XV of the principal Act and the substitution of new Parts dealing with Financial Management, Rates, Fees and Charges, Council Projects and Controlling Authorities.

The provisions of new Part IX—Financial Management, are as follows:

Section 152 sets out the various ways in which a council may raise revenue.

Section 153 sets out the various forms of security that a council may provide in respect of its borrowings. It is proposed that a council have a general power to issue debentures (or other forms of charge) charged on the general revenue of the council. If a council defaults in carrying out it obligations on a loan secured by debenture, the creditor, or a trustee for debenture holders, will be able to apply to the Supreme Court for an order directing the council to appropriate sufficient revenue to satisfy its liabilities or requiring the council to impose a special rate.

Section 154 provides for the expenditure of council revenue.

Section 155 will provide that if a council declares a separate rate to raise money for a particular purpose and that purpose is not carried into effect or an excess of funds occurs, the money made available must be credited against future liabilities for rates in respect of the land on which the rate was imposed or repaid to the person who paid the rate.

Section 156 provides that revenue raised from rates in a particular financial year need not be completely expended in that year.

Section 157 provides that a council may invest its money in trustee investments. Ministerial approval will be required in some cases. A council will be able to invest in other forms of investment with ministerial approval.

Section 158 deals with the creation and management of bank accounts and reserves.

Section 159 will require the chief executive officer to prepare an annual budget of estimated income and expenditure for the ensuing financial year. The estimates will have to be considered and adopted (with or without modification) by 31 August of each year.

Section 160 makes it the chief executive officer's duty to keep proper accounts of the council's income and expenditure.

Section 161 provides that financial statements must be prepared at the end of each financial year. These statements will be required to be in a prescribed form and in the preparation of the statements prescribed accounting principles will be required to be observed. The statements are to be audited. A copy is to be supplied to the Minister, and any other prescribed body, by a date set by the regulations.

Section 162 relates to the appointment of an auditor for each council.

Section 163 requires a chief executive officer to assist and co-operate with the council's auditor.

Section 164 directs an auditor to refer any irregularity in a council's accounting practices or the management of its financial affairs to the chief executive officer and, if it is appropriate, to the council. A report must be made to the Minister if an irregularity is not promptly rectified, if a breach of the Act comes to the auditor's attention or if the council's liabilities have exceeded its assets by more than 3 per cent of net general rates. The Minister will, on the strength of a report under this section, be able to appoint an investigator to carry out an investigation under Division XIII of Part II.

Section 165 relates to the writing off of bad debts. The chief executive officer will be required to certify that reasonable attempts have been made to recover the debt or that the costs of recovery are likely to exceed the amount to be recovered.

Section 166 allows a council to accept any gift and, if property is affected by a trust, the council may carry out the terms of the trust. A council may apply to the Supreme Court in certain cases for an order varying the terms of the trust.

The provisions of new Part X—Rates and Charges on Land, are as follows:

Section 167 sets out the various rates and charges that may be imposed under the new Part.

Section 168 provides that, subject to subsection (2), all land within a council area is ratable. Under subsection (2), specified classes of land will not be ratable.

Section 169 sets out the basis of rating.

Section 170 provides that, subject to this Act, a rate must be declared on the capital value of land. However, a council that has in one year declared its rates on the annual value or site value of land may do the same in the next year and a council that has declared its rates on capital values for 2 years may move to the annual value or site value method of valuation.

Section 171 relates to the valuation of land for rating purposes. A council will, in every year, be required to adopt the valuations that are to apply to land within its area for rating purposes. The valuations will be prepared either by the Valuer-General or a valuer appointed by the council. A council will be able to adopt valuations that relate to land values in its area at a date prior to the commencement of the relevant year but a council will not be able to adopt a valuation that is more than five years old.

Section 172 relates to the valuation of land within a council's area.

Under section 173 a mechanism for objection and review is included if a valuer appointed by the council carries out the valuations.

Section 174 empowers a council, after considering and adopting estimates of expenditure for a particular financial year, to declare a general rate on ratable land within its area or differential general rates. A general rate must, unless the Minister otherwise approves, be declared by 31 August in each year.

Section 175 empowers a council to declare separate rates or differential separate rates within specified parts of its area. A separate rate must be related to raising revenue for a project that will benefit that part of the area in relation to which the rate is imposed.

Section 176 prescribes the various factors by which differential rates may be imposed. Differential rates may vary according to the use of land, the locality of land, the locality and its use, or some other basis approved by the Minister. The uses of land by which differential rates may be set will be prescribed by the regulations and the non-use of vacant land will be capable of constituting a use. A person can object to a land use assigned to his or her land on the basis that it has been wrongly assigned.

Section 177 empowers a council to declare a service rate or service charge on ratable land, and a service charge on non-ratable land, where the council provides, or makes available, a prescribed service. A council will not be able to seek to recover from a particular service rate or service charge an amount exceeding the cost to the council of establishing, operating, maintaining and improving the particular service within its area. The Minister will be able, by notice in the *Gazette*, to prescribe a method or various methods for the calculation of service rates and charges under this section, and fix the maximum amount that a council may impose as a charge for a particular service in a particular financial year. A service charge will be recoverable as a rate (even as against non-ratable land).

Section 178 relates to the assessment book. The assessment book will be required to record a brief description of each separate piece or parcel of land, the ratable value of the land, the name and address of the owner of the land, the name of any principal ratepayer (not being an owner), if relevant, the use of the land, and any other prescribed information. The chief executive officer may keep the assessment book in any form that allows for the accurate recording of information and easy access to that information.

Section 179 enables persons to apply to the chief executive officer for an alteration of the assessment book on prescribed grounds. A person who is dissatisfied with the chief executive officer's decision on an application under this section will be able to apply to the council for a review of the matter. A further right of review will be to the Supreme Court.

Section 180 provides that a person is entitled to inspect the assessment book during ordinary office hours (excluding the first hour and the last hour) at the council's principal office.

Section 181 includes service charges in the definition of 'rates' for recovery purposes.

Section 182 prescribes that rates imposed on land are charges against the land.

Section 183 sets out the persons who are liable to pay rates. At first instance, the owner of land is liable to pay rates. However, if the name of an occupier has been entered in the assessment book as the principal ratepayer in respect of the land, then he or she will be liable.

Section 184 provides that rates will fall due in four equal instalments, two instalments or in one single instalment, as may be determined by the council. A decision that rates are to be payable in instalments cannot be subsequently revoked without Ministerial approval. An instalment in arrears will bear interest and a fine will be payable. A council will be empowered to grant discounts and incentives to encourage early or prompt payments of rates. A council may, with the consent of the Minister, impose different requirements in relation to the payment of rates other than general rates.

Section 185 relates to the remission of rates.

Section 186 sets out the way in which an amount paid in respect of rates must be applied.

Section 187 will empower a council to sell land if any rates in respect of the land have been in arrears for three years or more. A council will be required to send a notice to the principal ratepayer for the land before a sale proceeds. A copy of the notice will also be sent to any owner who is not a principal ratepayer and to any registered mortgagee of the land. The land (other than Crown land) will be sold

by public auction, at which the council will be able to set a reserve. If the auction fails, or the land is Crown land, the council will be able to sell the land by private contract for the best price that it can reasonably obtain. Land sold in pursuance of this section will vest in the purchaser free of encumbrances.

Section 188 sets out a procedure that a council may follow if land cannot reasonably be sold in respect of arrears in rates. The provision will allow the Minister of Lands to order that the land be forfeited or transferred to the Crown (depending on the class of title), or transferred to the council. If an order is made under the section, the land is freed of any charge against the land in favour of the council, and any outstanding liability to the council in respect of the land is discharged.

Section 189 provides that notice of the declaration of a rate must be published in the *Gazette* and a local newspaper within 21 days after the date of declaration.

Section 190 allows a council to fix a minimum amount in relation to an assessment of general rates.

Section 191 provides that the right of a council to recover rates is not suspended pending the outcome of an objection, review or appeal in respect of a valuation or the assignment of a particular land use. If a valuation or assignment of land use is altered on an objection, review or appeal, an appropriate adjustment must be made and any amount that has been overpaid must be repaid to the ratepayer or credit against future liabilities for rates, and any amount that is additionally payable may be recovered as arrears after 30 days.

Section 192 provides for the apportionment of rates in certain circumstances.

Section 193 provides for the rebate of rates in certain cases. Land that is predominantly used for educational purposes will in certain cases be subject to a 75 per cent (or greater) rebate of rates and land predominately used for agricultural, horticultural or floricultural exhibitions will be entitled to a 50 per cent rebate of rates. A council will also be able to grant rebates in a variety of other cases.

Section 194 provides for the making of an application to a council for a certificate stating the amount of any liability owing on land under Part X of the Act within the council's area. A council will be, as against the person to whom the certificate is issued, estopped from asserting any liability against the land under that Part that is beyond the liabilities disclosed in the certificate.

The provisions of Part XI—Fees and charges, are as follows:

Section 195 relates to the ability of a council to impose fees and charges. The section sets out a list of items in respect of which fees or charges may be set. A council will be able to set specific fees and charges, maximum and minimum fees and charges, annual fees and charges and fees and charges that vary according to specified circumstances. Fees and charges are to be set by the by-laws or by resolution of the council. Fees and charges must be listed in the principal office of the council.

Part XII relates to projects within a council's area.

Section 196 prescribes various functions of a council in relation to its area and provides that a council may, in the performance of a function, undertake such projects as it thinks fit. A council will be able to undertake projects in conjunction with any other council, authority or person, to participate in the formation of a trust, partnership or other body, to acquire and dispose of units and other such interests, to enter into various forms of commercial activity, and to undertake projects to raise revenue. Where a council proposes a revenue raising activity, the council must consider what effect the project might have on other services and businesses in the proximity, and the objectives of any Development Plan within the area.

Section 197 requires notice to be given to the Minister before a council embarks on certain classes of project. The Minister may require that a council supply various kinds of information in relation to an application. The Minister will be empowered to grant his or her approval unconditionally, impose modifications or conditions, or veto the projects. The Minister may direct that public submissions be sought, received and considered. The Minister will be required to consult with the council if modifications or conditions are to be imposed or he or she is mindful that the project should not proceed. A regulation will not be able to be made under this section without prior consultation with the Local Government Association.

Section 198 provides that a council may apply to the Minister for permission to acquire land under the Land Acquisition Act 1969, for the purpose of carrying out a project.

Part XIII relates to controlling authorities.

Section 199 will allow a council to establish a controlling authority to provide for the management of property, undertakings and council projects. The new provision is a replacement for existing section 666c.

Section 200 will relate to the establishment, composition and operations of controlling authorities by two or more councils. A controlling authority under this section will be able to be established to carry out any project or to perform any function or duty of councils under this or any other Act. The councils will be required to obtain Ministerial approval before establishing a controlling authority and a controlling authority will be created by Ministerial notice published in the *Gazette*. A controlling authority will be a body coporate that has the powers, functions and duties specified in its rules. The membership of a controlling authority will be provided for in its rules and a controlling authority will be able to make by-laws in authorised areas.

Clause 11 makes an amendment to section 313 of the principal Act which will allow a council to set a fee under this section in substitution for the fee presently set by the Act. This amendment is consistent with the policy under new Part XI of the Act to allow a council greater flexibility to set fees and charges in respect of various matters under the Act.

Clause 12 provides for the repeal of Parts XVIII to XXI.

Clause 13 repeals section 476 of the principal Act and is consequential on the greater flexibility in relation to the imposition of fees and charges and the application of its revenues.

Clause 14 is a consequential amendment to section 478 of the principal Act.

Clause 15 amends section 504a and is consequential on the greater flexibility being given to councils in relation to the imposition of fees and charges and the application of its revenues.

Clauses 16, 17, 18 and 19 are all consequential on the flexibility being afforded to councils under this Bill especially in relation to charges.

Clauses 20 and 21 relate to the provision of sewerage within council areas. A council will be empowered to undertake works and services under other provisions of the Act and so specific empowering legislation will no longer be required in relation to services for the disposal of sewerage. Under new section 530c a council will still need to obtain the approval of the South Australian Health Commission before it undertakes a scheme for the disposal of septic tank effluent, but will not require (under this section) Ministerial

approval. Section 530c is otherwise to be revamped into a more up-to-date form.

Clause 22 provides for the repeal of sections 533 and 534 of the principal Act, and is consequential on the enactment of other general provisions that will empower a council to act within its area.

Clause 23 repeals section 537 of the principal Act which specifically allows a council to fix fees for the removal of nightsoil, filth, offal and refuse.

Clause 24 provides for the repeal of section 630, which is no longer required given other general provisions that will empower a council to act within its area.

Clause 25 makes two amendments to section 646 of the principal Act that are consequential on the enactment of new Division III of Part X.

Clauses 26 and 27 are again consequential on the enactment of general empowering provisions.

Clause 28 provides for the repeal of section 666c (Controlling Authorities).

Clause 29 repeals section 680 of the principal Act. This is consequential on the enactment of new Part XI.

Clause 30 makes several consequential amendments to section 692 of the principal Act.

Clause 31 makes a consequential amendment (relating to a cross-reference) to section 694 of the principal Act.

Clauses 32 to 35 make a series of consequential amendments that are related to new Parts IX and X.

Clause 36 makes a substantive amendment to section 717 of the principal Act. Section 717 presently allows a council to receive any fines, penalties and forfeitures imposed by a court for offences against the principal Act committed within the council's area. Similar provisions were to be found in the Food and Drugs Act and the Health Act, but have not been repeated in the new Food Act 1985 and the new Public and Environmental Health Act 1987. It has therefore been decided to include these Acts within the operation of this section, and to allow for other Acts to be included by later prescription.

Clause 37 repeals sections 727 and 728 of the principal Act and is consequential on the repeal of Parts XIX and XXI.

Clause 38 enacts a new section 732 as a consequence of the enactment of new Part IX.

Clause 39 repeals section 774 of the principal Act and is consequential on the repeal of Part XX.

Clause 40 relates to the expiation of offences under section 794a of the principal Act. It has been decided to provide generally for the expiation of offences against the by-laws.

Clauses 41 to 44 make a series of consequential amendments to Part XLV (special provisions affecting the coporation of the City of Adelaide). The matters affected by these provisions are dealt with by new Parts IX to XII.

Clause 45 is consistent with provisions in new Part XI relating to fees and charges.

Clause 46 provides for the repeal of section 875 of the principal Act, which is to be replaced by new section 194.

Clause 47 replaces other provisions that have been repealed to empower a council to enter and occupy land.

Clause 48 restricts the ability of a council to participate in the formation of a company or purchase shares.

Clause 49 makes a consequential amendment to section 886d of the principal Act.

Clause 50 will insert a provision that will allow the Minister to delegate any power or function under this Act to another person.

Clause 51 provides for the repeal of certain schedules.

Clause 52 contains various transitional provisions associated with the enactment of this Bill.

Clause 53 makes a consequential amendment to the Electricity Trust of South Australia Act 1946, to preserve certain matters in relation to the rating of property.

Clause 54 makes consequential amendments to the Rates and Land Tax Remission Act 1986.

Clause 55 and the schedule provide for certain statute law revision amendments to Parts I to VIII that are proposed before the principal Act is reprinted.

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

STAMP DUTIES ACT AMENDMENT BILL

Returned from the Legislative Council with suggested amendments.

STRATA TITLES BILL

Returned from the Legislative Council with amendments.

CORRECTIONAL SERVICES ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Correctional Services) obtained leave and introduced a Bill for an Act to amend the Correctional Services Act 1982. Read a first time.

The Hon. FRANK BLEVINS: 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 amendment to the Correctional Services Act repeals Section 37 (2) *(a)*, removing any reference to the sex of those persons present during the strip search of a prisoner.

Currently, the law requires that at least two persons, apart from the prisoner, must be present at all times during the strip search, who, except for a medical practitioner, are of the same sex as the prisoner. Section 37 was amended in 1987 to obtain greater security in prisons through improved search-procedures. The proposed amendment will increase the efficiency of search-procedures from a management perspective while maintaining the power of correctional officers to visually examine the mouth and other bodily orifices in order to detect illicit materials.

The proposed amendment results from problems that have arisen between section 37 (2) *(a)* of the Act and equal opportunity in employment. The current situation has proven to be restrictive; in that it limits the range of duties that employees are permitted to perform. It has consequently disadvantaged officers of both sexes. Institutional rosters by necessity have been selective of correctional officers to particular posts. This has caused difficulties in the management of staff.

The Office of the Commissioner for Equal Opportunity has received a number of formal complaints from correctional officers regarding the specific sex discrimination presently occurring. The Government is bound to uphold the principles of equal opportunity in employment, particularly

since recruitment of both sexes into the custodial ranks is encouraged.

The amendment will not force a change to current powers or practices. Strip searching of prisoners will continue to be carried out as a necessary procedure to assist in the control of drugs entering prison.

In conclusion, the amendment proposed by this Bill has been introduced in order to bring administrative procedures under the Correctional Services Act into line with the principles of equal opportunity in employment for both sexes.

The amendment will not only allow officers of both sexes to carry out a full range of duties but will also facilitate the movement of prisoners and the continuation of contact visits with their family and friends.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 amends section 37 of the Act by deleting all reference to the sex of officers present when a prisoner is required to remove all clothing as part of search procedures.

Mr BECKER secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 4, line 18 (clause 10)—After 'group' insert '(and, in the case of an application made on behalf of all members of the group, must be accompanied by the appropriate written authorisation signed by all of the members of the group)'.

No. 2. Page 5, line 40 (clause 16)—After '*(a)*' insert '(i)'.

No. 3. Page 5 (clause 16)—After line 45 insert new subparagraph as follows:

'and

(ii) if it is apparent that the newspaper referred to in subparagraph (i) will now be widely available in the relevant subdivision before the day previously fixed for polling—

—by the Electoral Commmissioner publishing a further notice advising electors of the alteration in a local newspaper that will circulate in that subdivision before that day; or

—if there is no such newspaper—by the Electoral Commissioner taking such steps as are reasonably practicable to notify electors in the particular subdivision of the alteration.'

No. 4. Page 6, line 11 (clause 17)—After 'amended' insert '—*(a)*'.

No. 5. Page 6 (clause 17)—After line 13 insert new word and paragraph as follows:

'and

(b) by inserting after subsection (5) the following subsection:

(6) A person who—

(a) makes a declaration vote after the close of poll on polling day;

(b) when acting as an authorised witness to a declaration vote, falsely certifies that the declaration vote was made before the close of poll on polling day; or

(c) delivers or posts to a returning officer under subsection (2) an envelope containing a declaration vote knowing that the vote was made after the close of poll on polling day,

is guilty of an offence.

Penalty: $2 000 or imprisonment for 6 months, or both.'

No. 6. Page 7, line 30 (clause 20)—Leave out 'subsection' and insert 'subsections'.

No. 7. Page 7 (clause 20)—After line 33 insert new subsection as follows:

'(2a) In addition to the requirements of subsection (2), at any time before the declaration of the result of a House of Assembly election, the district returning officer may, if the district returning officer thinks fit, and must, if so directed by the Electoral Commissioner, conduct one or more further re-counts of the ballot papers contained in any parcel.'

No. 8. Page 7, line 44 (clause 22)—Leave out '$500' and insert '$200'.

The Hon. G.J. CRAFTER: The Legislative Council has referred to this House a number of amendments of a minor nature, and I move:

That the Legislative Council's amendments be agreed to.

Mr OSWALD: The Opposition supports the amendments. This Bill has already been through the Lower House where certain amendments were made and transmitted to another place, where further amendments have been made. The Bill now comes back for our concurrence. While the Bill was before the other place there were a couple of matters raised, and the Minister said he would investigate them. I ask the Minister to confirm whether that was done.

Clause 14 deals with the manner of voting, and adds the additional grounds for a declaration vote that a person must be working in his or her employment during the polling hours of 8 a.m. and 6 p.m. If it can be established that the voter could not get away from the place of work, then this would be an additional ground for a declaration vote. The Attorney-General told the shadow Minister in the other place that he would check that clause.

The CHAIRMAN: I must interrupt the honourable member here in order to be consistent with my previous rulings, that is, that the honourable member must not refer to debate in another place.

Mr OSWALD: I accept that, Sir. However, I am advised that the Government would look at that clause before it was considered this afternoon. In his reply perhaps the Minister would say whether or not that has occurred? I am also advised that the Government would again look at clause 23 to see whether or not any addition would be made. Perhaps the Government could take both issues on board.

There has been an interesting debate on this in the public arena. I still have some concerns about major changes provided for in the Bill. One of the greatest fears that the public has is that playing with residential status opens up the possibility of stacking the rolls. I believe that the three month period to establish residency, as provided for previously, was fair. The Bill provides that this period be brought back to one month, and I do not agree with that. I think that it would have been wiser to leave it at three months.

Other matters pertaining to this measure have been canvassed at length. I read in press comments on this Bill that an attempt was made to increase to 500 metres from the polling booth the distance at which how-to-vote cards could be distributed. This raised a very interesting question. I am a believer in how-to-vote cards and I think they are a very useful tool. Some people make up their minds as they go into the booth, while others are confused about the voting, and it is terribly important to maintain the practice of handing out how-to-vote cards. I gather that the move was from one of the minor Parties; it was determined to get this measure through as it would have meant the demise of handing out how-to-vote cards, which would have assisted that Party.

Basically, the Opposition is delighted with the amendments. We attempted in the other place to make major changes to the Bill; they were not successful, and we will await the day when we can have a look at the Bill while occupying the Government benches. However, we support the Bill.

The Hon. G.J. CRAFTER: I have no instructions on the specific matters that the honourable member has raised. I can only assume that law officers have looked at those matters and that they are satisfied that there is no further need for amendment of the legislation.

Motion carried.

TECHNICAL AND FURTHER EDUCATION ACT AMENDMENT BILL (1988)

Adjourned debate on second reading.
(Continued from 25 February. Page 3132.)

Mr S.J. BAKER: It was not intended that I would be the Opposition lead speaker in this debate, but now, apparently, I am. This Bill provides for a very simple amendment. According to the Minister's second reading explanation of the Bill, it removes an anomaly which exists in the Act in that the Minister has ultimate control of the membership of councils. The Minister declares, of course, that this matter should be in the hands of the TAFE colleges themselves. Whilst members of the Opposition are in favour of this measure, for a variety of reasons—and the Minister would well remember some of the comments that have been made on these matters in the past—we are mystified as to why indeed the Minister has gone ahead with this measure, given his past history in relation to college councils. It is no secret that over the past three years the Minister has dealt with the college councils in a very heavy-handed manner.

For example, the Panorama college council, with which I am associated, has put up names for approval by the Minister who has then said that he would not accept those nominations and that we should go back and think again. In the last round of appointments the college was placed in a difficult situation. The Minister refused to accept the council's nominations, despite the fact that the council had made every endeavour to have as wide a cross-section represented as possible; it advertised and asked various people to become involved in the council. The Minister did not explain why he was not satisfied, but we presume that there was a sex imbalance on the council, as it was very much male dominated. Council members made an extraordinary attempt to go out and ask individuals with particular talents and who would be useful to the Panorama college whether they would be prepared to participate in its affairs. A number of females were asked, because we realised that the college council was a bit short in that area and that we had not been able to fix up the matter through the other means that are available.

The Minister refused to accept the names that were put up and, indeed, he put forward his two nominations. I should say to the Minister that if he is going to make nominations he should check whether those nominees are actually going to perform. One of the people who was nominated has yet to appear at a council meeting. It mystifies me why the Minister should nominate a person who has no intention of performing on the council. I understand that that experience has been duplicated in other areas. I do not know whether indeed the Minister is waving an olive branch at the colleges because of all the problems that he created last year. I am not sure whether the Minister, through regulation, will make it so prescriptive that he will actually have control of the councils, anyway. Because of the Minister's past actions, some people are a little concerned that while he is giving something with one hand he is taking away with the other.

The Opposition does not understand this, and certainly the second reading explanation does not explain the matter. The regulations that I have looked through do not require that people on the council perform to a particular dictate and, therefore, traditionally it has been within the realm of college councils to determine their own membership, although there are certain guidelines under which they have to operate. For example, there are staff representatives, student representatives, community representatives and local council representatives on college councils. Generally, as far as I am aware, on all occasions the councils have attempted to come up with a mix of members that will try to do the best for the college. In response to the questions that I have raised, perhaps the Minister can tell the House what has motivated him to act in this way, given that he will now no longer be able to put his finger in the pie and tell councils how they can operate.

So, while supporting this measure, the Opposition would like some explanation of the matters I have raised. If the Minister intends to put in a set of regulations that will be non-operable, the Opposition would have difficulty with this measure, for a variety of reasons. However, certainly on the face of it we welcome it. We believe that it is in keeping with the responsibilities that should be exercised by college councils, which on the whole are reasonably capable bodies.

I might add that I have spent five years on the Panorama college council and I have only the highest praise for the people who work at Panorama. Members of the council have applied themselves diligently to their task over those five years. Under the directions that have been placed on TAFE, Panorama has borne up extremely well. It has stretched its resources to the absolute limit. It has met all the challenges that it possibly could, in the face of the dilemma of meeting increasing demand with reduced resources. Indeed, the Panorama college has done a lot of which it can be justly proud. The Minister's intervention last year dampened the ardour of a number of people associated with the college, however, and if this measure will renew their enthusiasm then obviously one must be in favour of the move.

The Hon. LYNN ARNOLD (Minister of Employment and Further Education): I thank the honourable member for his comments, although it might have been more useful for the debate if he had done a little more research into the history of this Bill. The situation is that before 1986 college councils were appointed by colleges and were approved by the Director-General of the department. The Director-General's authority to approve was delegated from the Minister. The legal authority for that apparently appeared in both the Act (providing that councils of not fewer than five shall be appointed by the Minister) and in some regulations. I say 'apparently' because it has since become apparent—and indeed this is the purpose of the legislation—that those regulations had no real authority to exist even at that time and going back to 1975.

It has been drawn to my attention that this anomaly that existed between regulations existing and no authority in the Act for there to be regulations became apparent when we sought to change the structure of councils. I will detail the history of how that came about. The South Australian Council on Technical and Further Education, which advised both me as Minister and the Director-General of Technical and Further Education, presented a report in 1984 on the responsibilities and the autonomy that TAFE colleges should have. The report made a number of recommendations and, as a result, I said to the council, 'I am very interested in what you are proposing.

t seems to me to be the way that we should be going but, if we are to go down this path, I believe that we need to tighten up the way in which we structure the governance of TAFE colleges.' In other words, the system that had in fact grown up in an *ad hoc* way meant that the people nominated by the principals of many colleges were then accepted by the department and we did not really know how that list of names was compiled; nor indeed was much attention paid to making sure that the list of names adequately represented

the community interests, both the geographical and specialist areas of the college in question. So I said that, if we could come to terms with that and then structure our councils in a way that picked up both the geographic way in which they serve and the specialist areas in which they serve over a wide area, in terms of the make-up of the councils we would be in a better position to give more responsibilities back to our colleges.

I then asked the Council on Technical and Further Education to report on this matter. Indeed, in March 1986 it gave me its report, the 'Composition of College Councils'. It is a public report and I am certainly prepared to forward a copy to any member who wishes to have a copy. The report made a number of recommendations about how college councils should be structured. Indeed, it proposed that there should be certain representatives of the staff and student body; that there should be one ministerial nominee; that principals should be *ex officio* members; and that there be a biennial election/re-election process. I considered those recommendations and before I put anything to Cabinet I went back to the council and said that it was my view that there should be three ministerial nominees. I also had a number of other queries in relation to this area and asked the council to further consider the role of a college principal—whether he should be *ex officio* or a full member of the council.

As a result of the discussion that then took place between the council and me, I submitted to Cabinet a proposal which contained the following recommendations (and which in fact were accepted):

(1) The maximum number of members of college councils remain at the present 15 but retaining the provision allowing the Minister to permit exceptions upon request.

(2) In a college where no college council exists, the principal be responsible initially for recommending a structure and membership of the college council, but thereafter the council itself be responsible for recommending structure and membership.

(3) The regulations be amended to require a two stage process for the establishment of college councils: first, approval of a structure for membership of the council which matches the specified representation criteria in (5) below with local factors and, secondly, approval of actual membership.

(4) In view of the increasing managerial role of councils, at least one nominee should be a person with recognised business/management skills.

(5) In the year preceding the biennial election/re-election of college councils the existing college councils be required to submit to the Minister for approval a proposed structure or model to be followed by it in arranging nominations. Evidence should be given that the model takes adequate account of the following factors and will achieve a suitable balance of interests and skills: geographic sub-regions, industrial and commercial interests, employees, educational disciplines taught by the college, an appropriate gender balance, coverage where appropriate of such special interest groups as Aborigines and migrants as well as the more general community interests.

(6) (i) Selection of nominees to be through the calling of nominations by advertisement and subsequent selection by college councils for referral to the Minister for approval.

(ii) Any variation from (i) above to be by consent of the Minister.

(7) The regulations be amended to allow the Minister to appoint directly two nominees to any college council.

(8) Principals continue to be *ex officio* members of their respective college councils, but be ineligible for any executive role.

(9) Staff and student representation should continue as presently provided.

(10) The attached report be distributed to college councils and principals and be made generally available.

That submission was approved on 22 September 1986. There were two significant elements, the first being the two phase process. First, colleges were obliged to have their structure approved by the Minister; and, secondly, the actual names that they put in relation to that structure had to be approved, and then to the names that they submitted would be added the two ministerial nominees. I point out in relation to that second point that whereas originally the report suggested one ministerial nominee I counter-proposed three—the balance of two was settled upon. That advice, having been approved by Cabinet, then went out to all colleges.

Subsequent to that, and in the drafting of the regulations as required by that submission, it became apparent to Parliamentary Counsel that the anomaly existed, that it had existed since 1975 and that, therefore, the matter should be resolved. This Bill is the result of the effort to resolve that anomaly to give effect to the consideration of the former South Australian Council on Technical and Further Education and the Cabinet submission on the structure of college councils. So it is not something that happened last year; it is something that has been around for some years now and indeed is part of a process to acknowledge the increasing responsibilities of the colleges within our system.

As to the matter raised by the honourable member about Panorama, that the Minister would not accept the names, I will certainly have that matter looked at again to remind myself of the exact details. As I understand it, Panorama would have submitted a proposed structure picking up the courses and geography that it serves. I do not recall—though I may stand corrected when I examine the files on this matter—that I varied the structure that it proposed. I recall that I approved the structure and, in that event, it would have been referred back to the college and it would have said, 'Okay, now the structure is approved by the Minister let us fit names to the places for all those that we nominate and see what happens.' There is another group: the ministerial nominees. The Cabinet submission makes no reference to anything other than the Minister appointing the ministerial nominees. The Cabinet submission gave unfettered right to the Minister.

In a process of trying to give considerable credence to the role that college councils play in this matter, I invited all colleges to submit the names that they thought I might like to consider for ministerial nominees. At the time I indicated that I was not bound to accept those names. Nevertheless I was giving them the opportunity to submit some names. My recollection of the Panorama situation is that the college came back with names to fit the structured representation on its council and volunteered some names that it thought that I might consider as ministerial nominees. My recollection is that I accepted all of the structured names—I did not reject any of those names. (I notice that the honourable member is nodding, so I take it that my recollection is correct.)

However, with respect to the ministerial nominees I did not necessarily accept the names submitted by all college councils, and I remember that with respect to Panorama there was a variance between what was proposed by the college and what I ultimately accepted. I defend my right to do that. First, it is unfettered under the Cabinet approval, anyway. Secondly, I was paying colleges the courtesy of inviting them to submit names that I might consider. My record of ministerial nominees with respect to the broad canvass of 22 college councils in TAFE will show what a high percentage of names recommended by colleges I accepted. However, there were a number of cases where I did not accept the names submitted.

I want to be clear, before I come to some of the reasons why I did not accept some names, that there is no suggestion of political favouritism or bias. A number of the nominees that I have supported for council membership represent all sides of the political arena. I did not use my ministerial discretion in a partisan way, and I do not believe that the honourable member suggests such. Certainly, I want to make

the point to all members that it was not exercised in a partisan way.

As to how the decision was made not to accept certain names proposed and I determined other names to be my nominees, it was on the basis of such things as gender balance, certainly, and also that it might have been my opinion that certain areas, while recognised in some aspects of the structure of the college council proposed by the college, were still inadequately represented and needed to be counterbalanced by ministerial nominees. I was attempting to take an overview look at all our colleges, and to determine, therefore, how the two names should be allocated.

It was in that context that I could not accept the original SACOTAFE recommendation of the Minister having only one nominee, because I believed that that gave insufficient flexibility to the Minister to try to give that overall view that should be reflected on college councils. If, as it turns out from the assertions made by the member for Mitcham, one of my ministerial nominees on the Panorama College of Technical and Further Education is not performing, if that is correct, I am very concerned about that and I will certainly have that matter further investigated now that it has been drawn to my attention. I can assure the honourable member that, from the feedback I have had from many other nominees that I have made, even where they have been at variance with names supplied by the colleges themselves for consideration, broadly speaking I am very happy with the way they are performing.

That is the way in which we structure it. The honourable member made reference to the fact that this is to give power to the colleges themselves to form their councils. In fact, it is not doing that: it is providing a structure as to how college councils should be appointed so that there can be an opportunity for greater autonomy to be given to colleges inasmuch as we know that the governments of colleges will be under better administration or better structuring than was the case from 1975 to 1986 when, frankly, it was a very haphazard approach. We had a haphazard approach governing multi-million dollar colleges.

That is not to say that the people who performed on those councils did not perform with great skill and concern for their areas. They certainly did. We have been well served by the individuals who have been on college councils over the years, but what we really need is a structure that provides for the future and, rather than just hoping that we always have the right mix, knowing that your structure will generate the most appropriate mix. I thank the honourable member for his comments on the Bill. If he wishes a copy of that report, I will certainly see that it is forwarded to him, and I hope that all members see fit to support the legislation.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Establishment of College Councils.'

Mr S.J. BAKER: I thank the Minister for his response. I would correct one statement, because I remember the subject matter vividly when the total council was rejected on the basis that it was not a full complement at the time. I mean that the council put forward its nominations—

The CHAIRMAN: We are not in a second reading speech.

Mr S.J. BAKER: My comments have a lot to do with the regulations.

The CHAIRMAN: I just cannot see the connection in the way that the honourable member is heading.

Mr S.J. BAKER: The point at issue in that case was whether the council was informed that the total complement was not satisfactory because of the ministerial appointment element. Indeed, we had the understanding that, until ministerial appointments were fixed up, the council was not an authorised council according to the Minister. We will assume under this process (and I ask the Minister the question), when college councils actually submit names, we will not go through a rejection of the package based only on the two missing elements, which are the ministerial appointments. Can the Minister clarify that position?

The Hon. LYNN ARNOLD: With respect to the structures as they came up, I know certainly that the department on receiving structures in a number of cases would not submit them to the Minister until certain matters had been further examined. Perhaps it is in that process that the Panorama matter was referred back to the college. The format is that the structure is approved formally and then the names are approved. From my point of view, and indeed I would not want anything in the regulations to be at variance with this, the structure and the names should well be considered separately from the filling of ministerial appointees.

If they can be done concurrently, good; if they cannot be done concurrently, then I take it that the member for Mitcham is saying, 'Please do not let the appointment of ministerial nominees hold up the appointment of the basic structure'. I concur with that point and, to the extent that that needs any particular addressing in the subsequent regulations, I will be happy to apply that point.

Mr S.J. BAKER: I thank the Minister for his response. Will he inform the Committtee when the new regulations will be put in place that reflect the Cabinet decision of 1986, because I note that there would need to be a number of ministerial approvals given to those initial structures and composition before councils had the right to then get into a continuum of making up their own minds as to how they conduct their meetings and as to the people who shall be on the council?

The Hon. LYNN ARNOLD: As I understand the situation, and I will take further advice on this matter, we had of course anticipated that the regulations would be in last year. That was when we discovered that it was not possible: Parliamentary Counsel discovered this anomaly. The situation is now that ministerial approvals as acts of ministerial fiat exist with respect to the college councils' structures, and my understanding is that that has interim power. They will then be supported by the regulations that are subsequently brought into place. We will bring those regulations into place as quickly as we can. We cannot start those until the Bill has passed through both Houses and has received the Governor's assent.

With respect to processes such as the biennial elections that are to take place, I will have further advice on this matter, but I believe that they could not be done until such time as the regulations are present. It is one thing for the structure to be approved by the Minister, because in fact the Act simply states 'not less than five appointed by the Minister' but in fact I have technically done that for all except one council. There is still one that has not submitted its names, but that is for separate reasons. If it then goes further than that into the process of election, which is to take away from the Minister's powers, because the Act does not provide for anything other than the Minister appointing, that must certainly await for this Bill to pass.

If any of the councils had finished their two years for any of their members now, under my former approval it would not be possible, as I understand, for them to go to any process of election. It may not be possible. Ultimately, the Minister must approve anyway, and that may be suffi-

cient legal coverage to entertain any selection process. I will get further legal advice on that matter.

In any event, I do not believe it should be too much of a problem if this legislation gets through quickly, because the regulations will be through as quickly as possible thereafter. Certainly, before the expiry of two years from the date of the first ministerial approval of the first college council under these new procedures.

Mr S.J. BAKER: I take it from the Minister's comments in both the second reading debate and in response to my question that, once the structures are in place and where there are some guidelines for appointed members by the council, there should be no ministerial interference. Some members are elected and some will be there by definition—one or two. There are other members who will be appointed as representatives of various interest groups, whether it be a business group, a trade union, or whatever group is seen to be useful to have on the councils. Can the Minister guarantee that once that process has been gone through there will be no ministerial intervention?

The Hon. LYNN ARNOLD: It would not be appropriate for a Minister to intervene in the change of structure of any college council, but some points may merit ministerial concern. The extent to which interference is involved is hard to define, but I believe that no Minister should ever do this without consultation with the appropriate college if there were to be a change. However, if a college is to be redeveloped and that redevelopment expands enormously the range of subjects taught, the college may not want to change its council in terms of the structure.

Then, the Minister may say that, because extra areas are involved, they should be considered. Where colleges move from stream 5 to stream 6 and offer an enormous amount in the other streams, those streams deserve representation on council. If the college itself does not do something about it, the Minister cannot forsake his or her right to do something about it. Likewise, if in the mix of names proposed to fulfil the structure the Minister should have the right to comment on the broad problems, it is not appropriate for the Minister to refuse to approve names, but he has the right to interfere by asking the college to reconsider. However, if the college reconsiders and does not acknowledge that there is a problem, I suppose that in the final analysis the structure would have to be as proposed and the names would stay, but I do not think that the Minister should lose his right to ask the college to reconsider a situation. Regarding ministerial nominees, there should be an unfettered right and, if it is interpreted that I am being fettered, I make clear that I do not interpret that to be the case and I shall not in my duration treat it as such.

Mr LEWIS: We are in the midst of a review of the structure of post secondary education in South Australia. Why pass this legislation if the structure of TAFE colleges is not to remain the same?

The CHAIRMAN: Order! Because of members' conversation, it is difficult to hear the speaker. The honourable member for Murray-Mallee.

Mr LEWIS: Other people in the post secondary arena who are contemplating the restructuring of their institutions now recognise, by the signals in clause 3, that they need not bother to contemplate the rearrangement of TAFE colleges because the Government is to appoint boards under a new format. I ask the Minister to comment on whether or not such people are mistaken in that belief. Any Minister subsequent to the present Minister may not act on the principles on which he has said that he would act, and it strikes me as odd that the Minister is giving any subsequent Minister who wishes to act in a way differently from him the opportunity to act in an unprincipled way and then disclaim responsibility for it. Why not appoint TAFE college councils in the same way as we appoint councils of universities and colleges of advanced education?

The Hon. LYNN ARNOLD: The green paper on the restructuring of higher education specifically refers to five higher institutions of higher education. It is acknowledged that the regulation of TAFE is important and must be subject to subsequent discussion, and that may change some TAFE structures. Indeed, the Mills report proposes that the number of TAFE colleges be reduced from 21 to five, but this Bill does not propose regulations for the present 21 colleges.

There will be a TAFE at the end whatever happens and that TAFE will have a college structure even if there be only one TAFE college, although no-one proposes that. That structure would need a college council and this gives us the authority to do that, given the anomaly between the regulations and the Act which we are trying to sort out. Since the proposal was first drafted, the number of TAFE colleges has been reduced from 22 to 21 and further amalgamations are likely in future. However, that does not prevent it or assist it: indeed, it is irrelevant to it.

Regarding the honourable member's generous comment about my intentions and his suspicions of future holders of this Ministry, the present Act gives certain rights to the Minister and contains no controls. Past Ministers and I have delegated that authority, first, to the Director-General and, by other de facto delegations, to principals. Indeed, it has moved down the system and beyond the ambit of the Minister. My proposal is to tighten the structure by regulation. The honourable member knows that the councils of our higher education institutions differ from each other, partly because of their date of creation and partly because of the different needs of the various higher education units. The University of Adelaide, for example, has a very rigidly structured council that provides for even an official parliamentary representative, selected by the Parliament. On the other hand, the SACAE provides for 14 members, nominated by the Minister, without any specification as to how their names shall be arrived at. Those five have different arrangements.

The 21 TAFE colleges will always have to have different arrangements, because they do different things. The Regency Park College of TAFE is quite a different kind of TAFE college, say, from the Tea Tree Gully College of TAFE or, say, from the former Naracoorte College of TAFE, because each one serves different geographies: indeed, in the case of Regency Park, it is reasonable to say that its geography is the State of South Australia. They serve different trade areas. Perhaps some do not offer any apprenticeships at all or any direct industry employment opportunities, but they serve individuals' employment opportunities or skills enhancement for individuals. That requires different input into the governance of those colleges.

The way to overcome that is a complex way as provided for in the Act, that is, something which looks at each one of those colleges and which acknowledges those differences, but I would argue that is very cumbersome or, alternatively, it can be built into the regulations, which gives a greater flexibility to change. As I mentioned to the member for Mitcham, as colleges change in their brief, as they will do, and as they have done in the past, it is a much easier system now to pick that up through that means.

Clause passed.

Title passed.

Bill read a third time and passed.

BARLEY MARKETING ACT AMENDMENT BILL (1988)

Adjourned debate on second reading.

(Continued from 25 February. Page 3134.)

Mr D.S. BAKER (Victoria): Will the Minister of Agriculture be present during the debate?

The DEPUTY SPEAKER: That is not a question that the Chair is competent to answer.

Mr D.S. BAKER: It is with some concern that I raise two questions about this Bill. Section 19 of the Act states:

> Upon delivery of barley or oats to the board, the barley or oats is or are discharged from any mortgage, bill of sale, lien or other charge to which it may be subjected.

The Barley Board requested that that provision be inserted for its own protection. It was difficult or almost impossible for the board to establish on whose property the grain had been harvested. It was likewise impossible for the board if it made payment to the wrong grower through no fault of its own. However, I am concerned that, when so-called minor Bills come before this place (and this Bill was enacted in December last year), they probably do not undergo the scrutiny that they deserve. It is most regrettable that the Minister allowed to be inserted into a Bill a clause that allows the Barley Board to cross a legally entered document, such as a mortgage, a bill of sale, a lien or any other charge. Quite obviously, the Act had to be changed. Proposed section 19c (1) provides:

> Where the board makes a payment in respect of barley or oats to a person who is not entitled to the payment, the person who would otherwise have been entitled to the payment or to recover the barley or oats cannot make a claim against the board in respect of the barley or oats or the payment unless the board acted dishonestly in making the payment.

In his second reading explanation the Minister stated:

> Although existing section 19c achieves this it goes further than is desirable. The effect of the section is to discharge the security with the result that the board should pay the price of grain to the grower even when it knows of the existence of a security over the grain. The new provision avoids that problem by providing that the holder of the security does not have a claim if the board acts honestly.

I believe that, if the board makes an honest mistake and pays the wrong person, that is completely different from a situation where the board makes a dishonest mistake when one cannot have a claim against it. If the words 'the board acted dishonestly in making that payment' are inserted, it will be impossible for anyone to make a claim against the board. The definition of the word 'dishonesty' is very clear: it deals with deceitfulness, trickery, fraud, etc. If it is a dishonest mistake, I believe that the board should be liable. This provision provides that, if the board makes a genuine mistake, one cannot claim against it but, if the board is very sloppy and, through its own negligence, it pays the wrong person, the rightful owner of the grain can have absolutely no comeback on the board.

The Hon. H. Allison: And there should be.

Mr D.S. BAKER: And I believe that there should be. If the Minister had been present earlier, I would have taken the matter up with him privately, because I am concerned about his second reading explanation when he refers to the board making an honest mistake, but the Bill refers to the board acting dishonestly. I think that this Bill will preclude anyone from ever making a claim against the board, because it is very difficult for a grower to prove in any case that the board wilfully or deceitfully acted in a dishonest way. If in his reply the Minister can deal with that matter more fully, we have no objection to the Bill.

Mr LEWIS (Murray-Mallee): I am also concerned about the issues raised by the member for Victoria. The Act provides:

> Upon delivery of barley or oats to the board, the barley or oats is or are discharged from any mortgage, bill of sale, lien or other charge to which they [that is, the barley or oats] may be subjected.

However, this Bill seeks to amend the Act in two parts and that is an entirely different matter. Proposed section 19c (2) provides that, where there is a mortgage, a bill of sale, a lien or other charge over that grain, the board is not indemnified from any liability, but the original Act does indemnify the board. In fact, the Bill addresses one problem but it creates an even larger one, which is even more horrific—and I wish that the Minister would listen. The problem we are creating is larger than the one we are solving.

This amendment provides that the board must take account of the fact that there are bills of sale, liens or mortgages over the grain. Previously, the Act provided that the board had nothing to do with it. It is just like a situation when rustled cattle or sheep arrive at the saleyard. If there are no identifying ear tags or brands, in the absence of proof to the contrary the person who purports to own them is said to be the owner; the law is on the side of the agent handling the sale, and that agent then makes payment. Under proposed section 19c (1), if anyone employed by the board makes an honest mistake typing up those cheques, the person to whom the cheque goes can bank it and can, as far as the board is concerned, keep it.

There is no longer any remedy in law to any person whose grain has not been paid for, even though their grain has been delivered to the board in their own name and the board made the mistake of paying someone else for it. The person who should not have got the money has got it and gone for broke but there is no obligation on him to repay that money unless the board takes action against him. Because proposed section 19c (1) indemnifies the board in law, there is no necessity for it to go to that bother. That is what I call the appalling mistake in the drafting of this legislation. I am sure that the Minister never intended that and I would like him to reassure the House on that.

Perhaps in Committee he should either report progress or move an amendment to the clause, which we would accept. In some way it should be possible to address what will otherwise become a grievous blunder for which no barley or oats grower will ever forgive us if this legislation in its present form becomes law.

The Hon. H. ALLISON (Mount Gambier): Like the members for Victoria and Murray-Mallee, I recognise the best of intentions contained in the Bill, but if the clause is allowed to go through unaltered we could end up with a much less than perfect piece of legislation. In supporting the previous two speakers, I simply point out a couple of examples in which it would be impossible for anyone to prove a dishonest intent on the part of the board.

For example, if two cheques, one of a very large sum and the other of a small sum, were placed in two wrong envelopes, and the recipient of the large sum subsequently fraudulently converted that cheque, as the Bill stands it would allow for no claim by the rightful payee against the board for what would be an act of negligence, although quite unintentional, by a member of the board's staff. I assume that the person who received the smaller cheque would have some claim against the one who fraudulently converted the larger cheque, but really that person's argument should be with the board, which made the error in the first place. So that is one example.

Another is where a typist sitting at a machine simply made out a cheque to the wrong person, for example, to an

H. Allison instead of a B. Allison, who might occupy neighbouring farms. When the B. Allison received the cheque he may have converted it to his own use. Once again, that is an honest mistake, a typographical error. The cheque has been sent out to the wrong payee and the person who is waiting for the money and who would have a claim on the board is, under this legislation, not entitled to make that claim. So I merely ask the Minister if he and his advisers thought out the simple possibilities that would completely preclude the correct payee from making what would otherwise be a legitimate claim against the board. Is it the Minister's intention to redress that problem in this legislation?

The Hon. TED CHAPMAN (Alexandra): As my colleagues have done, I express some reservation about the wording of the Bill. Clearly, the intent of the Government in this instance was, as I see it, honourable; in fact, with good intent officers of the department have prepared a piece of legislation for the Minister and it has bounced. In its current wording the legislation will have a worse effect on the administration and payment procedure, particularly the procedure involving the receipt of payment by the grower and/or someone else, than applies with the undesirable features in the present Act.

From discussing the subject with the Minister, I am satisfied that he is aware that the wording of the Bill does not cover the intention of his department or of the Government in this instance and that he is making every effort to have the matter corrected. Be that as it may, I believe that in this instance it would be appropriate for the Minister to report progress on the subject, take the matter back to his department, rewrite his second reading speech and in fact re-present the Bill to the Parliament. In its present form it is unworkable and, I believe, unacceptable.

It is unfortunate that our own shadow Minister of Agriculture is not in the House at the moment; I am told that for the next few minutes he will be tied up with other parliamentary duties. In his absence it is difficult, to say the least, for anyone else to go into any further detail about this matter because clearly, on face value, our shadow Minister accepted the intent of the Government as a desirable one. However, the interpretation that I place on the Bill is that it is not in the interests of the barley growing industry, the board or, indeed, the Minister handling the matter for the moment.

Another part of this legislation deals with grain produce, that is, barley or oats, whilst under mortgage. I think that even in that instance the Government has taken a sledgehammer to correct what might have been a problem that could be solved by other means, but I freely admit, and make no apology for saying, that I have not done the homework that that particular subject deserves and will rely entirely on my colleague the shadow Minister and others closer to this subject to comment either during this debate or subsequently in Committee.

I notice that the Minister has had access to his departmental advisers since I rose to speak on this matter and I hope that, notwithstanding any effort to fix it up or reinterpret the Bill in its present form, he takes it away, rubs it out and rewrites it so that we are all clear and supportive of the motive. In this instance that would be the desirable thing to do. For the life of me, I cannot believe that, at this time of the year when there is little or no grain movement in the State and will not be for some months to come, there is any great urgency for this piece of legislation to pass through the House.

It would save us all the argument and/or frustration with the issue for it to be quietly withdrawn and rewritten. It is like mistakes that apparently have occurred previously in the payment section of the board. Mistakes could be made by the Parliamentary Counsel while serving us in this place, as indeed can mistakes be made in the Chamber itself by members of this House. It appears that this is one of those unfortunate occasions when we should just accept that and ride it out in the way that I propose.

The DEPUTY SPEAKER: Before I call on the Minister I would remind the member for Alexandra that he may not refer to the Parliamentary Counsel.

The Hon. M.K. MAYES (Minister of Agriculture): I thank members opposite for their contributions. I suppose that we can assume that sometimes these minor amendments are organised so that they do in fact canvass every possible alternative that can face one of the statutory boards. I understand very clearly the points made.

I repeat, for the sake of the House, that the original amendment to the Barley Marketing Act in 1987 was to deal with the intent of protecting the board from prosecution in cases where grain over which a mortgage, or such like, had been taken was delivered to the board by the grower under an assumed name and the board paid the grower rather than the mortgagee. Therefore, we had a situation where the board could then be subject to prosecution. The original amendment to the Act was designed to protect the board. I have made a note of the points raised by members opposite in regard to the second reading explanation. Referring to clause 19c *(i)*; the second reading explanation states:

> It is therefore possible for the board, through no fault of its own, to make payment to the wrong person. Conversely, it is possible that the board could make payment to a lender whose security has been discharged without the board's knowledge. Although existing section 19c achieves this, it goes further than is desirable.

I refer to clause 19c *(i)* of the Bill. It states:

> Where the board makes a payment in respect of barley or oats to a person who is not entitled to the payment, the person who would otherwise have been entitled to the payment or to recover the barley or oats cannot make a claim against the board in respect of the barley or oats or the payment unless the board acted dishonestly in making the payment.

That phrase 'acted dishonestly' concerns members opposite. I am prepared to meet the request of honourable members and look at that matter before it goes to the other place in terms of what amendment might be accepted. However, I think that we have accepted the processes of the Barley Board in the circumstances referred to by the members for Mount Gambier, Victoria, Murray-Mallee and Alexandra (I do not think I have missed anyone). I accept the examples that they have referred to.

I think that we have assumed that the board will follow its practice: in the process of making payment for the delivery of grain, and if it paid the wrong owner of that grain, the vendor, in the process of this contractual arrangement, whether it be in error, as the member for Mount Gambier has said, or whether it be an error in the process of administration of the Barley Board, then it would honour that cheque or payment.

The Hon. Ted Chapman: There is no requirement.

The Hon. M.K. MAYES: The point I am making is that on the basis of its processes, the board could honour those funds to that particular honest deliverer of those goods, namely, the barley. I believe that that has been the practice which has been accepted and the process that the Barley Board would honour. What concerns members is that there is no legal redress in a circumstance where that error has occurred and it has not been a dishonest process, that is, where there would be legal redress. It believes we should

look at that, and I give members an undertaking that before this Bill goes to the other place we will have a look at it. With the assistance of my officers and others not to be mentioned—

An honourable member interjecting:

The Hon. M.K. MAYES: The undertaking I give is that I obviously would draw this to the attention of the board in the process of any actions of the board, bearing in mind that there are certain deficiencies, as they see it in the legislation, and we will proceed to look at that in the other place.

Members interjecting:

The Hon. M.K. MAYES: That is how I intend to deal with this, because I have received advice that that is the way it would be dealt with by the board. I think that is the most appropriate way to deal with it. I can give an undertaking that we will look seriously at it. When it goes to the other place it can be considered and when it comes back—

Members interjecting:

The Hon. M.K. MAYES: I want to get the process going, Mr Deputy Speaker.

The Hon. Ted Chapman: You are putting the Opposition in an untenable position.

The Hon. M.K. MAYES: I do not accept that at all.

The DEPUTY SPEAKER: Order!

The Hon. M.K. MAYES: I am happy to give an undertaking to look seriously at the issue raised. I acknowledge the problem, I am sure that the board would acknowledge it in its processes on a day-to-day basis, and that the activities of the board would follow in the administration—

Members interjecting:

The Hon. M.K. MAYES: Through you, Mr Deputy-Speaker—

The DEPUTY SPEAKER: Order! We will not have a dialogue across the floor, and I ask the Minister not to respond to interjections.

The Hon. M.K. MAYES: I am responding to a genuine inquiry from the member for Alexandra about the administration, and I think that the deficiency in the Act is of great concern to the board. I understand the point that the honourable member makes about the season at this point of time and of not creating a problem, but I think that we can deal with this matter efficiently, as we have in the past, in dealing with amendments in the other place. If members can bear with me, we can take the opportunity to look at the matter during that process, and we will have a fortnight in which to consider it. So, that is the way that I suggest we deal with this; that we proceed with the Bill as it is before the House and then further deal with the matter in the other place.

The House divided on the second reading:

Ayes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, De Laine, Duigan, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes (teller), Payne, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (18)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis (teller), Meier, Olsen, Oswald, and Wotton.

Majority of 7 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Exclusion of claims against the board.'

Mr GUNN: It is my understanding that this measure has come before us because there is some problem with the drafting of the previous amending legislation and that this amendment is required to make the position quite clear. Certain financial institutions have indicated that problems could arise, where people who wished to encumber their crop would be prevented from doing so, due to certain problems created by the drafting of the previous legislation. It has been pointed out during the debate that problems still exist. It would appear to me that we ought to rectify those problems here and now, to avoid the unnecessary process of having legislation going from this place to the other place for amendment and then coming back here again. From my experience in Parliament I know that it is a bad principle to allow defective legislation to pass.

I indicate to the Minister that the Opposition totally supports the Government's aim in this matter. We have no argument whatsoever with that but let us get it right and avoid that third cut of the cake. The Minister knows of our support, as I indicated earlier to him, and the United Farmers and Stockowners know of our support, as does the industry. As someone who is involved in the industry, I want to ensure that all those people who participate in it are assisted and that there are no impediments to their being advanced credit on their crop, so that they can carry on their legitimate function. Obviously, this is a difficult section to draft, but I ask the Minister to explain briefly how this matter came about and why he will not let this stand aside until tomorrow or next week, to allow us to fix it while it is still before this place.

The Hon. M.K. MAYES: I am happy to respond to the honourable member and I thank him for his support. There are a couple of difficulties that are being encountered in relation to this matter. I refer to the practical example referred to in the second reading speech made by the honourable member's colleague in regard to a situation where an honest error occurs and where, by accident, another grower or some other individual is paid for the grain. The problem we have at the moment, I am advised, is that the board is holding back on payment due to the error in the presentation of the Barley Marketing Act Amendment Act 1987, whereby, in fact, the mortgage is discharged at presentation and, of course, the board would be paying the grower and not the mortgagee. That is the nub of the problem. I am told that the board is holding back payment at present pending the passage through both Houses of Parliament of this amending legislation. Therefore, I give members an undertaking that, if we can proceed with it on the understanding that the board would honour any of those errors, and I will certainly insist that as a statutory body it does that—

Mr Lewis interjecting:

The CHAIRMAN: Order!

The Hon. M.K. MAYES: The situation is that we should proceed with the amendment on the basis of the undertaking that I have given and we will look at it as the Bill proceeds to the other place to see whether there is a solution to the drafting proposal and whether or not a solution is required in the practical application of the board's administration of the legislation. I am happy to do that. I think we can address this problem before the Bill reaches the other place, because we will have some time to do it.

The Hon. TED CHAPMAN: I take exception to the Minister's continual reference to an 'error by the board' and his inference that the board has erred in its intention in this

area. Indeed, the Opposition does not believe that the board is in error in this instance at all, nor has it uttered any comment to that effect during the second reading debate or in Committee. An error has been made, but it has been made within the Department of Agriculture. The Minister's own departmental officers in this instance failed to properly explain, in their briefing to the appropriate authority for the preparation of this Bill, what was truly intended. I can see that the Minister understands that, as does the Opposition.

I am sure that the departmental officers, having thought about it, now understand it, probably better than all of us. Basically, we acknowledge that an error has been made in the wording and preparation of the Bill now before us, and in fact it is incorporated in this clause. As I indicated during the second reading debate, it is appropriate and in the interests of us all to report progress on this matter, have the damn thing fixed up and then bring it back. For the Minister to try to cloud the issue by giving us undertakings, and no-one doubts his word in this instance—

An honourable member: Not much!

The Hon. TED CHAPMAN: I am not doubting his word in this instance, although others may. That is not the point; the point is that we are dealing with a small Bill of only two clauses. The clause with which we are dealing at the moment is wrong and does not convey to Parliament the message that was intended by either the body in question—that is, the board—or by the growers or indeed, for that matter, the sellers, the vendors of the product, those who incorrectly receive payment, or by the Minister, his officers or members on this side of the Committee.

I suppose without being too cynical it would appear that there is not too much awareness of the subject on the backbench opposite. However, with due respect, it is undesirable to proceed with the Bill at the moment. No haste is required for its passage, even given this waffle about payments still to be made. For God's sake, if the board has payments to make let it make them in the same way next week as it made payments last week, last year or the year before under the terms of the principal Act. There has been no great hassle about this, although I acknowledge that there is a desire to correct a situation that might develop into a hassle at some stage. However, I repeat that there is no rush to pass this Bill. In fact, the grain for 1988 has not even been bloody-well planted, let alone ripped and readied for payment. So really, why are we mucking around with this measure, which has been so badly prepared and presented to us on this occasion?

I am not attempting to embarrass the Minister or his Government in this instance. I simply ask again, at this final opportunity, for the Minister to quietly and modestly withdraw and no longer continue to grandstand his way out of this situation. I ask the Minister to bring back the Bill in a couple of weeks and we will deal with it then. I have spoken to my colleagues about this and I am sure that they and the shadow spokesman will agree to support the proposition if it is properly worded and if the intent as originally outlined to us is reflected in the clause. However, if the Minister insists, if his ego cannot allow him to withdraw on a rational and reasonable note, and if he gets the Bill through this place this afternoon, I assure him that it will not go through the other place this afternoon and neither we here nor they there will meet for another fortnight. I repeat: what is the rush? Put the Bill aside and we will deal with it in a couple of weeks and no one will be out of pocket and certainly no one will be out of order.

Mr BLACKER: I join with the member for Alexandra in his plea. A very fundamental principle in relation to the operation of this place is at stake. I believe the issue is understood by all members: that we as elected members of this place should ensure that whatever leaves this Chamber has the concurrence of members and is correct. For that very reason I oppose the Bill's proceeding any further and I ask the Minister to report progress. I believe that the integrity of this place is at risk. We have seen this situation occur before, and it has backfired. It is not as though we are dealing with one minor part of an overall Bill that has the general acceptance of everyone. In this case there is disagreement to the substance of the Bill. I think from the point of view of credibility we should get it right and make sure that what leaves this place is what is intended.

Mr S.G. EVANS: I am amazed that the Minister will not accept the proposition that he should report progress. What the Bill really should be providing is that, if there is a dishonest act, something can be done about paying the people who may be entitled to receive payment. However, this clause provides that, if there is a mistake, the people entitled to be paid will receive nothing. I am sure we are all agreed that that is a correct interpretation of the provision and, if that is so, the Minister is agreeing to it. Surely the Minister understands that you, Sir, and all members have a responsibility to say, 'Hold it.' There have been many times in the past when Ministers have accepted that they have not ended up with the best piece of legislation. However, in this case it is nowhere near the best piece of legislation—it is not even what one could term fair legislation.

The Bill will encourage people to make mistakes and provides that, if there is a mistake, if a person is genuinely owed something and if their money has been paid to someone else, they will not receive it. They will receive that money only if it is proven that the board was dishonest in its actions, that is, there was trickery or fraud—in other words, it was a planned act to make sure that the right person did not receive payment. However, if there is not a planned act to make sure that the right person did not receive payment, they will never be paid. That is scandalous. To suggest that we should trust what might be done in another place is ridiculous, because members there might end up saying, 'Let us trust the board or the department.' That is not the role of Parliament; our role is to ensure that, if we know that something is wrong with legislation or proposed legislation, we should fix it.

It would not be inappropriate for the Minister to say that he would like to have another look at the Bill and then hold it over. He has received an assurance from all members on this side who have spoken that they want the error corrected and the Bill amended. If the Minister does that, there will be no hassles, because members on this side have given an assurance that the Bill will go through. The Minister will then be able to say that he made sure that the legislation was right before it left his hands.

It is out of his hands in a technical sense once it leaves this Chamber. It is in the hands of another body, even though he is the Minister. I believe the drafting intention is correct, but people did not look at the other aspect. I am not talking about the drafting people, but about the department people who did not look at the other aspect under which we are condoning and encouraging genuine mistakes, and a lackadaisical attitude. The only time we reimburse people is if there is a dishonest mistake made (anything that is dishonest cannot be a mistake in terms of being accidental). It is a deliberate act of fraud, trickery, or deceit that will be condoned. Surely this Parliament is not asked to accept that.

The Hon. H. ALLISON: I have no intention to reflect upon the intentions of the Minister or his departmental officers. We all realise that the Bill was introduced with the best of intentions. Not only that, but it was introduced to correct previous deficiencies in the legislation. However, we should all consider that we are looking at a simple but important matter of law. We in Parliament in South Australia enact the laws. The South Australian courts have the duty of interpreting what we place before them.

It has been pointed out repeatedly to members by Mr Justice Wells in the past, for example, that South Australian legislation frequently is deficient because there is no preamble to many important pieces of legislation to convey to the courts in passing their judgments the intentions of the Minister and the Government of the day. There is no onus on the judges to go back to *Hansard* to read the Minister's promises or commitments. All they have before them is the Act. Whatever commitments the Minister has given in this House are invalidated once the Act finally passes if it is in a different form.

Therefore, this second clause carries a major deficiency which, if anything, is even graver than the deficiency with which it was brought into this House to correct. Therefore, I suggest to members that it is an insult both to us and to the courts for us to be asked to pass a clause which, by the Minister's own admission (he has been graceful enough to do that), can lead to serious errors which cannot be redressed against the board by any legal action.

Therefore, I believe that members on both sides should join in asking the Minister to take the Bill back and to do the right thing in presenting a proper clause which can be passed and which members of the Committee would have absolutely no qualms in passing. Otherwise, we are derelict in our duty if we allow a clause to leave this House, with the onus being placed on another place to correct it. The Minister would be derelict in his duty if he does that: surely he would want a piece of legislation to leave his own hands in a workable form.

Mr LEWIS: The remarks that I wish to make are under two parts. The first part has been largely said by previous speakers. That relates to the fact that it was not the intention of the Government or its advisers to introduce an amendment that would have the effect that this one will have, if it becomes law, in its present form. That was not the intention. I believe that to be so, although the Minister stopped short of admitting it. He hedged around that question. I do not mind his wishing to save face in that way. However, what appalled me was that he thought it was okay by his principles to pass a bad piece of legislation which he knows contains a statement of the way the law will be if it passes Parliament that he never intended and believes would be wrong. Those are his principles. They are not mine: I cannot accept that, and I have never accepted it.

That might have been to the discomfiture of a large number of members in this place from time to time, but it does not alter my commitment to the view that, as members of this Parliament, each of the 47 of us has a responsibility to the processes of this House, to make sure that what goes through it is what we mean, and nothing else. Notwithstanding that the Minister says, 'I will get it fixed up', to my mind it is not good enough. It is like taking one's car to the garage with two blown pistons. The mechanic fixes one and returns the car and says, 'I meant to fix it up, but it is not fixed. You take the car and bring it back later.'

I do not accept that that is a way to do business. I do not accept that that is the way that Standing Orders intended that this House should proceed in relation to other parts of Parliament. Parliament is more than just the other House. The point will arrive, if we adopt this principle that the Minister is advocating, where the mistake is made in both Houses through oversight or the like and the Bill, once the Government has the numbers in the second Chamber in which the measure is read, the Government decides, 'To hell with it, we will simply not proclaim it and we will get it knocked out in Executive Council.'

I am telling the Committee that relevant to this clause is that very procedure. In Queensland, Parliament after Parliament they have a stack of Bills put through as Acts that have never been proclaimed because the Government did not have the guts and good sense to admit that there was a mistake in the drafting. Whichever Minister was responsible was bloody-minded even during Committee and insisted on ramming it through and let it sit for three years until after the next election when he could bring the measure back or another Minister appointed to the portfolio brought the legislation back to be fixed up. That is the kind of bind we will get into if we adopt this practice. 'She'll be right mate. We know its wrong but we'll fix it up before it gets to another place'. I am saying that it is not a matter, that we should pass in all conscience. That is my first point.

My second point, and I beg the Minister and all members to listen, is that if we pass this measure in its present form and have it amended in the other Chamber in keeping with the undertaking that the Minister has given that he will do that, it may be that the Minister cannot deliver. He cannot dictate what will happen in the other place, because he can only hope that commonsense will prevail. Notwithstanding that point, the substantive point I make is that it will save us no time at all, because we will pass the measure in its present form; it will be amended in another place; and it will have to come back onto the Notice Paper here in a different form for Assent.

So, we will have to re-present the Bill in an amended form for reconsideration of the Committee in the future. I am saying here and now in advance that that is going to happen. That is what the Minister is telling us to accept. What he is going to do will take just as much time, probably more time, and it will take up the time of the officers of Parliament in the preparation of the amendments, and then the reports from another place back to this House and from this House to another place after everything is agreed. What the hell is the matter with reporting progress and getting our act together and straightening it out here and now? That is the sensible and reasonable thing to do.

Had the Minister done that earlier he would not even be in the more embarrassing situation in which he finds himself now. I beg him and members of the Government not to proceed with this measure now but to have some respect for our role in this place as legislators. Can we not get our act right? I cannot support this clause in its present form.

Mr D.S. BAKER: I support the remarks of my colleagues. I am concerned that new section 19c, which replaces a section in existing legislation which was sloppily drafted and proved unworkable, has not been the subject of enough homework. Although not criticising the Minister or his staff, I implore him to have progress reported, because that is the only reasonable thing to do. It is up to us to pass legislation that is sound and sensible, but this provision would pass neither of those tests. Indeed, it is a ridiculous provision. It would be wrong to pass this Bill and let it go to the other place where it may be passed because of absenteeism, due to illness, or some other reason. It is up to us as legislators to ensure that the legislation passed in this place comprises sound laws for the benefit of all South Australians. Opposition members wish to ensure that the unsatisfactory sort of provision that clause 2 seeks to replace is not perpetuated.

The Hon. M.K. MAYES: I understand the argument that has been put by Opposition members. They have referred to this clause as a mistake, but I do not believe that it is. I must defend the officers of my department against criticism. After all, my officers were only responding to requests from the Barley Board. As the member for Mount Gambier said, errors may be made, but such errors would be unusual and indeed bizarre.

I do not accept that the drafting of this clause is a mistake. Rather it is an attempt to remedy the delay in payments in some cases that has caused concern to the board and to recipients alike. The Government is prepared to consider the issue that has been raised. I am certain that the Barley Board would honour its obligations in the bizarre circumstances referred to. My officers will consider this matter and we will discuss it with the shadow Minister so that he may put his arguments to us. The Bill remedies the situation that has caused a problem for the Barley Board, and this provision will deal with that matter safely. If the Opposition can convince the Government that the practical circumstances are such that new section 19c needs to be addressed, I shall consider its arguments.

Mr GUNN: I move:

That progress be reported.

The Committee divided on the motion:

Ayes (18)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn (teller), Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Noes (26)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine and Duigan, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes (teller), Payne, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Majority of 8 for the Noes.

Motion thus negatived.

Mr S.G. EVANS: The Minister said that the department had not made a mistake; the board had not made a mistake; and the Minister had not made a mistake. However, he is a little doubtful whether or not the Bill is in an acceptable form which can be enacted. He wants us to let it go to the other place and hopes that members there will correct it. The Minister is being pig-headed. He must understand that he is not saving any time whatsoever. He is wasting the resources of Parliament. It would be better if he said, 'Look, there may be a problem, so we will leave it. We will report progress and have a look at it with the shadow Minister, the board representatives and the departmental officers, and we will make sure that it is in an acceptable form before it leaves here and goes to the other place.' In practical terms, the other place is overloaded. We are virtually waiting for legislation to come from the other place so that this Parliament can operate. We are sitting only a few hours a day, but the other place sits to all hours of the night.

If we send this Bill in its present form (which we concede and agree may be a problem) to the other place, it will slow the progress down even further. We now have an opportunity to make sure that the problem is rectified before it leaves this place. There is nothing wrong in a Minister being modest and saying, 'Yes, I will make sure before it leaves here.' However, if it goes to the other place in its present form, this Minister will be remembered for being pig-headed and stubborn. In his own way he has admitted that there is a problem but, rather than correcting the problem before it leaves here, he will just ignore what people say. He will just turn his back on them and continue to yack, because it is of no significance to him.

If the Minister adopts that course of action, he is in contempt of the parliamentary process. It will be recorded for all time. I can understand that he does not want the reporting of progress taken out of his hands but, in all modesty, as a Minister he can say, 'I have told the Committee that I believe there is a problem and that we should fix it. I am the Minister responsible for it, and I will ensure that it is correct. I will not leave it for somebody else to do it. I will do that before it leaves this place.' I say to the Minister to stop thinking in political terms and to start thinking in parliamentary terms. This place does not have a responsibility to the Party structure, and we should rectify the problem before the Bill leaves this place. How could we go to the community and say, 'We know that, in all probability, we are making a mistake, but we will let it go through. You pay us to make sure that legislation is correct.'?

The Hon. Ted Chapman interjecting:

Mr S.G. EVANS: As the member for Alexandra said (and I thought that he made an excellent contribution earlier), there is no urgency whatsoever. I say to the Minister that there is nothing wrong with a Minister taking this action. I would say that the best Ministers realise that we are all human and have acted in such a way, but only the pig-headed, stubborn, and unbending ones will not agree to progress being reported. It is just a human and normal commonsense thing to say, as the Minister has, that there is a problem. As the members for Alexandra and Eyre have suggested, he should take the next step and report progress. If that procedure is not adopted, then the Minister will be condemned for ever and he will always be judged in that way. If the Minister lets the Bill leave this place in a form where, if somebody in a Government department makes a mistake and pays the wrong person, the right person will never get their money in law—

The Hon. Ted Chapman: They have no claim.

Mr S.G. EVANS: They will not get it in law: they have no claim. The court will say that the Act specifically says the person is not entitled to it—

An honourable member: Because it is not a dishonest act.

Mr S.G. EVANS: That is so. I ask the Minister to give serious consideration to this matter because, in the end, his credibility is at stake and, if he does not report progress at this stage, in future he will always be reminded of his action today.

The Committee divided on the clause:

Ayes (26)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine, and Duigan, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes (teller), Payne, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Noes (18)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans (teller), Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Majority of 8 for the Ayes.

Clause thus passed.

Title passed.

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

That this Bill be now read a third time.

The Hon. TED CHAPMAN (Alexandra): I place on record my disappointment at the proceedings in this House this afternoon as they relate to this Bill. When he commenced to demonstrate his attitude towards the Opposition and its argument today, the Minister knew that there was absolutely no time for the preparation of an appropriate amendment to the Bill. He was granted the courtesy of an expressed

understanding from this side of the House; he was granted the opportunity of backing away carefully, quietly, modestly and without real embarrassment to any member in this place, but he chose not to take that course. I am confident that I can say on behalf of my colleagues on this side of the House that it is a disappointment and a legislative erring that I have not before witnessed in this Parliament.

The Hon. D.C. Wotton: The barley bungle!

The Hon. TED CHAPMAN: Indeed. It will go down as the barley bungle by the Minister of Agriculture in this Parliament in 1988.

Mr S.G. EVANS (Davenport): As the Bill comes out of Committee, it is unacceptable to me, as I believe it should be to any logically thinking person, that the House of Assembly is putting through a Bill that is wrong in all principle. That is so because it indicates quite clearly that, if a Government department makes a mistake, as opposed to trickery or fraud, under law a person is not entitled to the normal payment. If some other person is paid the money and the rightful claimant takes the matter to a court of law, he will not be paid because the court will say, 'You are not entitled to payment; it is against the law.'

I am advised that members do not want to divide on the third reading. I say to all members of the ALP and to all members on this side: there is a principle involved, and I think we should divide. If we do not do so, in future we will be seen to be condoning the passing of laws that will deny people the entitlement to money that they should get in law. However, the House is passing a law which says that they are not entitled to that money. Only in the case of a dishonest action by somebody in the board will a claimant be entitled in law to his money. That will not be the case with genuine mistakes. I oppose in the strongest terms the third reading of the Bill. Even if nobody else wishes to divide the House, I cannot speak in these terms and not divide. That would be inappropriate and would really be a case of my shirking my responsibilities.

Mr BLACKER (Flinders): I, too, oppose the third reading of this Bill. I do not know that this House has ever been asked to allow a Bill to be passed knowing full well that it contains a deficiency, that it is wrong and that if similar provisions spread to other legislation they will open up a whole can of worms in other areas. I acknowledge that the Minister has given some sort of an undertaking that the changes will take place, but we all know—

The Hon. M.K. Mayes interjecting:

Mr BLACKER: I regret to have to say that that makes it even worse, because at least some sort of undertaking was given to the House that some remedial action would be taken. However, now the Minister has backed away from that point and has just said that he will have a look at it. I am absolutely amazed that this Minister has acknowledged that there is a fault in the Bill, has allowed divisions to take place, and has defended his actions in opposing the Opposition's move to report progress.

I do not know that I have ever before experienced that sort of action in this Chamber. If it has ever happened, it is a very poor reflection on this Chamber. For that reason, I am more convinced than ever that the Bill should be defeated and be reintroduced. I know that the Minister has gone so far down the track now that it is not easy for him to do that. At the Committee stage it would have been easy for him to report progress, get the amendments drafted and return the Bill to the House with no reflection on anyone, just a slight delay. Now he has pursued the Bill so far that it will require a complete restart. I oppose the third reading.

Mr MEIER (Goyder): I endorse the remarks made by my colleagues on this side of the House and, especially, as I represent the major barley growing area of the State, that is, the Yorke Peninsula—in fact the Minister visited what is regarded as the barley centre, that is, Minlaton, only two weeks ago—I say to him that I hoped that this afternoon he would have admitted his error and taken the honourable course of action on behalf of all barley growers in this State here and now. However, he has not done that, and it is a tragedy that in 1988, because of the Government's numbers, we will have to see passed an amendment that is so poorly worded and so ambiguous that it will leave the gate open for possible abuse and for disservice to barley producers and the industry generally.

In earlier debate—I cannot refer to that—other members have made the points very clearly. I simply place on record that I, too, endorse the remarks made on this side and hope that at this eleventh hour the Minister will reconsider and acknowledge the points that have been made on this side of the House.

The House divided on the third reading:

Ayes (26)—Mr Abbott, Mrs Appleby, Messrs. L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine, Duigan, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally and Klunder, Ms Lenehan, Messrs McRae, Mayes (teller), Payne, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (15)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, S.G. Evans, Goldsworthy, Gunn (teller), Lewis, Meier, Olsen and Wotton.

Majority of 11 for the Ayes.

Third reading thus carried.

FREEDOM OF INFORMATION BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

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

That the House do now adjourn.

The Hon. TED CHAPMAN (Alexandra): In mid-November last year the *Island Seaway* commenced service to Kangaroo Island and Port Lincoln. Since that date there have been a number of problems in relation to its design and operation and, more especially, to its facilities for the purpose of safe transport of livestock. Almost on a weekly basis over that period, either a member of the public or a member of this Parliament has seen fit to identify those shortfalls and, in particular, the ship's design faults. There have been numerous requests of the Ministers responsible for the building and subsequently the operation of that ship to provide the Opposition in this House and, indeed, the public generally, with a copy of the contract that was entered into by the Government in relation to the building of that ship, as well as a copy of the plans and specifications that the builders were bound to observe.

To date, neither of those documents, in the form of detail requested, have been forthcoming. Accordingly, some of the statements that have been made about that ship and its operation are based on matters of fact, and some of those questions and statements that have been made from time

to time are based on what one might reasonably presume had been, or was, the case.

I think that the whole exercise of questioning and publicly debating the subject has had an undesirable effect on the tourist industry and on the general image of the Department of Marine and Harbors, the Port Adelaide location (at which the ship berths on the mainland end of its voyage) and, indeed, on the Port Lincoln and Kingscote ports served by that ship.

I think that the questions raised in this Parliament by members of the Opposition have been responsible and reasonable, considering the people we represent and the public funding that has been invested so far. The requests made, particularly by my colleague the member for Chaffey, the Opposition spokesman on marine and harbors matters, have been responsible. Notwithstanding the history of events, there are a number of unresolved problems in relation to the structure and operation of the *Island Seaway,* be they design or design-related problems or problems related to other aspects of the operation of the ship.

Many allegations have been made and very few, if any, of the matters raised have been addressed positively by the department or the builders. I think the time has come when the ship should be lifted out of the water—by that grand ship lifter that the Government built last year—placed on dry land and, indeed, gone over with a fine tooth comb. All claims, right or wrong, that have been made about various aspects of that ship should be investigated thoroughly and any faults found should be safely repaired, so that we can go into the winter with a service on which we can rely.

In the meantime, it is understandable that some of my constituents, and indeed some of the tourist operators on Kangaroo Island in particular, should be concerned and shudder every time this subject is raised. To some extent, even though done responsibly, raising this subject has injured their businesses on Kangaroo Island. I was at Port Adelaide a couple of weeks ago after a fine trip from Kingscote to Port Adelaide made by the *Island Seaway.* That ship berthed and about 12 passengers walked down the gangplank onto the port wharf. This was during what would ordinarily be a busy tourist period, that is, mid-February, when one would expect the ship to be loaded with passengers. However, indeed it was not. Upon inquiry, I found that this level of passenger loading for the *Island Seaway* was not unusual for the post Christmas period this year. The public are too damn frightened to use the ship, and the facilities on it are not good enough to attract passengers.

Mr Tyler: Have you travelled on it?

The Hon. TED CHAPMAN: No, I haven't travelled on it.

Mr Tyler: So how do you know?

The Hon. TED CHAPMAN: I have been on the ship. I have talked to the crew and the passengers, and I know the feeling of the tourist operators on Kangaroo Island. I know the concern that they have for the image that has developed around this unfortunate vessel and its service. I know, too, that apparently a few weeks ago the South Australian Government was so ashamed of that ship that when it produced the foundation brochure for the tourist promotion exercise on Kangaroo Island—all $100 000 worth of it—it did not even give the *Island Seaway* a mention. I had not intended to raise that subject. Indeed, it is a matter, together with a number of other related factors, that I have undertaken to discuss with the Minister of Tourism in the other place. However, having raised the matter, after being prompted by the member for Fisher, I will leave it at that point. I really do not want to pursue that embarrassing debacle any further in this place.

I can assure the House that the public are not using the ship in the way that they were expected to and there is no real sign that they will use it until the design features and problems are overcome, when we will all then be able to publicly, openly and proudly promote the *Island Seaway.* To date, we have been unable to do that. It is the vessel that serves my district and it is anticipated that it will be the only vessel available to us to serve that area for the next 20 years, and I want the thing fixed up.

There is not much point in being negative in this place. The whole object in citing this subject has been to put forward a positive proposition to the Government. I have done so: I propose that the *Island Seaway* be lifted out of the water, before we go into the winter months—indeed as soon as it can be arranged—checked from stem to stern, any problems overcome, and then put back into service. In the meantime, berthed at Port Adelaide is the *Troubridge,* whose crew, who proved over many years that they were capable of operating her well, could be put back on. Indeed, the *Troubridge* served the people of Kangaroo Island remarkably well. Her timetable was reliable and that vessel was adequate for almost every job that arose over the life of that ship. She was a damn sight faster than the *Island Seaway;* she did not hit the Birkenhead Bridge during her 25 years of service: she seldom bumped, let alone crashed, into the wharf at Kingscote; and she was not scarred after 25 years as much as the 2½ month-old *Island Seaway* is now.

So, I plead with the Government to seriously take up the proposition that I have put forward. It should give us back the *Troubridge* for a few weeks or months, or whatever period is required to fix up the *Island Seaway* properly. In the meantime, we could save on the massive costs involved in having the *Troubridge* tied up at Port Adelaide and we could enjoy a good, reliable and safe service again, and one which we could sell with pride. Ultimately, we would then put back in service the new, repaired *Island Seaway* so that again we could proudly sell that vessel to the community at large and have its service properly, freely and willingly patronised in the way that was hoped prior to her commissioning.

Mr TYLER (Fisher): Originally, the Happy Valley reservoir filtration plant was to be commissioned in two stages. The first was to provide filtered water to suburbs from Marino to Port Adelaide by February 1990; and the second, and to me and the residents in my electorate the most important stage, was to service suburbs, extending up to the Onkaparinga River, by mid-1991. I had the pleasure of attending a press conference this morning at the Happy Valley reservoir, together with my colleagues the members for Henley Beach, Bright and Mawson, and the Deputy Premier. The Minister of Water Resources announced that the $85 million Happy Valley reservoir water filtration plant is to be fully commissioned nearly two years ahead of schedule. As a result, some 400 000 metropolitan Adelaide consumers who are served by the Happy Valley reservoir will receive clean, filtered water by November 1989. It is particularly good news for the 70 000-odd southern districts residents who presently receive poorer quality water. The decision follows a request from the Premier to the Minister of Water Resources to investigate the feasibility of accelerating the completion of the Happy Valley reservoir plant.

I place on record my congratulations to both the Minister of Water Resources and the Premier for this move. I know that my constituents also appreciate it as do, I am sure, the

constituents of my southern suburbs colleagues. As a result of this move, the E&WS capital works program will be adjusted accordingly. The other major engineering contracts will also be brought forward in this program. Like other residents in the southern suburbs, I certainly look forward to its completion.

It is true to say that in recent months water has been a big issue in the southern suburbs. Indeed, members will recall a question that I asked of the Minister of Water Resources some two or three weeks ago about that very initiative to see whether it was possible to upgrade or speed up the commissioning of the filtration plant. Another issue raised by the Minister at that time involved chloramination of the Myponga reservoir. This has certainly been a very interesting exercise in the southern suburbs. Since its introduction, which I suppose would have been towards the latter half of last year, I have been inundated by constituents complaining that the quality of their water has deteriorated. That certainly has been the case at my home and I can recall on one occasion that a whole load of washing had to be re-cleaned as it came out dirtier than when it went in. In fact, on that particular occasion to get our washing cleaned my wife and I had to take it to my parents' place. I have been told numerous other stories like this and I can understand people being upset and in some cases very annoyed, indeed furious, when a garment is ruined because after washing there are rust-like stains all over the clothes.

I know that my constituents will be delighted by the Minister's recent announcement that chloramination of the Myponga water supply will be abandoned because, as I understand the situation, Myponga water has a large concentration of iron which, over the years, has settled in the pipes. Because chloramines are a mixture of chlorine and ammonia that is designed as a disinfectant to protect against bacteria, such as amoebic meningitis, I am told this has had an effect of impacting on the content of the pipes, that is, stripping the substance that has built up on the pipes over a number of years and then flushing into the water system.

Although health authorities told us that this exercise was safe I can understand my constituents being 'doubting Thomases'. I for one refused to drink the water, so I cannot blame my constituents when they will not drink it, either. Not only did it taste dreadful but it smelt as if I was drinking water from a swimming pool. So I would like to congratulate the Minister on his decision to scrap chloramination and, like every other resident in the southern suburbs, I eagerly await the completion of the Happy Valley water filtration plant.

On past occasions I have drawn the House's attention to the rapid housing development that has now been evident for the past four or five years in my electorate. For instance, when the commissioners created the current electorate boundaries (including Fisher), Fisher had just over 18 000 voters and a variation from quota of minus 1.08 per cent. Fisher has currently almost 25 000 voters, or 24 per cent above the quota. Members should compare my electorate with that of the member for Elizabeth with just on 17 000 voters or 15 per cent below quota to illustrate the enormous development and population explosion that has occurred in just five years. Not only is the population growing because of families relocating to my electorate, but there has been an enormous baby boom as well. All of this puts considerable demands on the service providers in the southern region.

In addition, these people (and I include myself in this category) who work at the grass roots level of our community can see first-hand the results of tight financial constraints by the Commonwealth Government. Almost everywhere you look or everywhere you turn the results of the last May economic statement are evident. But the Liberal Party cannot take any comfort from this. Although it loves to criticise (and we saw a great example during the debate on the Supply Bill) and to have its cake and eat it too, John Howard has told us that he wants to cut back the size of Government even further. We get the same sort of ridiculous statement here in South Australia from the Leader of the Opposition.

Although I have been critical of the Federal Government's cut-backs in State money, at least the Federal Treasurer is open and honest about how he believes the economy ought to be tackled. I simply just do not believe the best way is forcing the States to wind back their service delivery. Accordingly, I urge Treasurer Keating to think very carefully about the social impact that further cuts will have. I agree with my Premier when he says that we in government should get back to the people—to get back to basics. I believe we must display, indeed the Labor Party is the only Party that can display, the human face of government. The Liberal Party in this State encourages its shadow Ministers to go out and ask for more State Government expenditure. The shadow Minister of Education, the shadow Minister of Transport and the shadow Minister of Water Resources have all had great fun in the past couple of years asking for more services in and around my electorate. Now, I do not disagree that in many cases those services are justified, but what does destroy the credibility of these shadow Ministers, and consequently of the Liberal Party, is their constant call to reduce taxes and reduce the size of government. In fact, the Leader of the Opposition said that just last week in this House.

The two just do not add up: you cannot afford to reduce your receipts and your work force and expect that the public will still have the same input and the same numbers of police, teachers, nurses and doctors. Talking of the Police Force brings me to an issue which I find rather disturbing, that is, the increased incidence of break-ins to the family home. Not only is this a crime that affects the loss of property but it is a savage violation of people's privacy. If members have experienced this I am sure they will agree that there is significant emotional trauma which takes a considerable time to repair. Consequently, we as a community need to help each other and join the fight against the perpetrators of these crimes. My maiden question in State Parliament was to ask the State Government to expand the Neighbourhood Watch scheme, which had been run as a pilot program in the western suburbs, to include all suburbs. This State Government sponsored program is now operating in many suburbs of Adelaide with outstanding results. Indeed, quite a few programs are operating in the Fisher electorate. I constantly receive calls for more programs, more police resources in and around the Fisher electorate. This I would welcome.

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

The Hon. D.C. WOTTON (Heysen): In recent times I have received a considerable number of representations on matters pertaining to the E&WS Department's standard capital contributions for extensions of deep drainage in various parts of my electorate. I appreciate that this has come about as a result of the regulations that were introduced recently. The Government has introduced them under the guise of the user pays principle.

For some time we have known a situation where, if the water main passes one's property, one pays a rate whether or not the water is used. The same principle has been

introduced in regard to the extension of deep drainage. I want to refer to a couple of letters. I hesitate to say how much representation and how many letters I have received from constituents, but considerable concern has been expressed to me and, I understand, to my colleagues as well.

I have taken the opportunity to speak with the Minister of Water Resources on this matter to make him aware of the concerns of my constituents and others. I have also sent him a copy of some correspondence so that he is aware of some of the points that are being made by people who are affected in this way. I want briefly to refer to a couple of those letters, the first of which states:

The situation is briefly this. A neighbour . . . has requested that they have the sewer attached to their property. As there has been no sewerage placed along this road it means that sewage needs to pass our property to service [that lot]. While I can understand that this is done at some expense to the E&WS, I would have expected that paying our taxes would have contributed significantly to this cost of initially laying the extension.

While I also think it would be unrealistic for the person requesting to pay for the extension and then for us at a later date to 'lock in' on the extension, as I understand has been the case earlier, I think that it is totally unfair that the E&WS has negotiated with the other party without informing us and allowing us to express our opinion and objections, and now just demanding the money, on their terms.

The writer goes on to say that the total fee required by the E&WS in this case is $4 600. I quote from that letter again:

We have not requested this service; nor did we have the opportunity to express our concern or unwillingness to the E&WS until now. It is a severe penalty for just living here, and we are penalised even further if we cannot pay this money straight away. Furthermore, the lot next to us does not contain a residence, and there is no intention for one to be built.

Consequently, I am asking whether negotiations can be made on our behalf with the E&WS to determine if there can be any change in whatever laws or by-laws . . . are required to make it a more amiable situation for the affected individuals. Furthermore, there should be at least some vehicle for the affected party to voice their objections. If a fee has to be paid, surely it would be preferable only when that property is 'linked into' the sewerage. At least then the individual has the right to make the decision to join when he/she wishes and can be more financially prepared.

It also seems unfair that the sewerage laid in [our area] was not subject to the residents paying the standard capital contributions, but we are. There are a number of residents along . . . Road and, if the E&WS was serious about not polluting the catchment area, it, too, should be done without the residents paying this exhorbitant fee. I trust that you will look at this situation sympathetically, not only for us but also for other people.

The other letter to which I refer is written by a person in my electorate. She states:

I am writing a letter of complaint to you in the hope that something can be done.

We have learnt recently that we will be able to be connected to mains sewerage very shortly—this we are very much looking forward to as we've waited a long time for it.

However I was horrified to learn that, whether one wants to be connected or not, each household where the pipe runs past has to pay $1 300 for the privilege. Actually, I will quote from the person whom I spoke to at the Marden E&WS Department: 'We will be asked to donate $1 300.'

My constituent goes on to state:

According to the dictionary, to donate is to give a gift! When I asked the question, 'What if someone can't afford to pay $1 300?' I was told that the amount could be repaid over five years at a rate of 15 per cent. My complaints are threefold:

1. $1 300 just as a donation is an enormous amount. After that there is $170 to be paid to an E&WS inspector, plus the plumber's fees.

2. That the Government expects to make even more money out of people who can't afford to pay the $1 300 in full, whether they want to be connected or not.

3. That for such a large amount of money, in fact there is only a handful of houses concerned in our street, in this particular project, we will still have the problems associated with septic tanks, that is, overflows and the associated aromas.

Hoping that this will receive your support and that something can be done.

As I said earlier, I have already spoken to the Minister about this matter. I am particularly concerned in a number of ways. I think it is most unfair for those people to be told that that sum of money is required of them, whether it be, in the first case, $4 600 or, in the second case—and what I understand to be the standard cost—$1 300 without any negotiation or forward planning. I know some of the people who have made contact with me are very young people with young families; others are elderly people in retirement or on superannuation who certainly have not forward planned to enable such a payment to be made. I think it is most unfair that the department has not been able to at least discuss the matter with them. I do not think it appropriate that they should be told that they have to pay within a certain length of time—and that period is very brief—or else they can pay over a five year period at 15 per cent interest. Again, that is grossly unfair.

It is a different situation if a person makes a request, but the cases to which I have referred this evening, and much of the representation that I have received from my constituents, has been on the basis that it has not been requested. On a number of occasions people who have contacted me have spent a considerable amount of money installing new septic tanks. Let's face it, in installing those tanks in the Hills it is very unlikely that one would get away with that work for under $2 000 at least—and in many cases much more than that. Those people have covered that expenditure and are now being told, whether they want to be connected or not, that they will have to pay $1 300 or, as in the case to which I referred earlier, the sum of $4 600. When young people are paying school fees or elderly people are trying to survive on superannuation, that is an impost they cannot stand.

I hope that the Minister is seriously considering this situation. The first letter to which I referred put forward a positive suggestion. I intend to pursue this matter and I have spoken to other of my colleagues who have received similar representation—and I can understand that. I hope that the Minister will take some action to solve the problem being experienced by so many of my constituents.

Motion carried.

At 5.48 p.m. the House adjourned until Thursday 3 March at 11 a.m.