## HOUSE OF ASSEMBLY

Thursday 16 March 1989

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

### WEST BEACH TRAFFIC LIGHTS

**Mr BECKER (Hanson)** I move:

That, in the opinion of this House, pedestrian activated traffic lights should be installed opposite the West Beach Baptist Church, Burbridge Road, West Beach, for the safety and protection of school children attending West Beach Primary School, parishioners, senior citizens, residents and all visitors who use the Scout Hall, Apex Park, tennis courts and other recreation facilities.

Over the years several requests have been made to the Government for a school crossing and/or pedestrian activated traffic lights west of the West Beach Baptist Church. The road in this area is a wide double lane highway. Travelling west from the traffic lights at the intersection of Tapleys Hill and Burbridge Roads, there is a speed limit of 80 km/h up until about 100 metres east of the church. Motorists travelling along that section drive at a speed of at least 80 km/h, because that seems to be the minimum speed within a speed zone and, if, a driver travels at 60 km/h, he would be run over. So, the cars speed along that section at slightly in excess of 80 km/h and then they gradually reduce their speed to 60 km/h past the Baptist Church, past the West Beach shopping centre on Burbridge Road, and then past several blocks of flats. There is then an intersection with Military Road and a 'stop' sign at Seaview Road where the traffic turns either right to go to Henley Beach or left and then right to the beach at West Beach, which is a very popular beach.

That strip of Burbridge Road is a dangerous speed trap. I have previously complained about the speed at which some motorists travel along that section, particularly those who do not know it well. Like most other inner suburban schools, the West Beach Primary School has suffered from the declining number of young children in the population. It was previously a very vibrant and active school and the vast majority of students lived within very close walking distance.

Since the closure last year of the Fulham Primary School, some 39 students have elected to attend the West Beach Primary School. This means that they cycle or walk from Fulham over the Tapleys Hill Road bridge, which has a very narrow footpath, and my previous requests to the Minister and the Highways Department for a safety rail to be installed on that bridge have been refused. I hope that those requests will also be reconsidered. The students then turn right into Burbridge Road, which they cross in the area adjacent to the Baptist Church. Some 39 students travel this route and about 55 students cross Burbridge Road each day when travelling to and from school.

I understand that the Highways Department has a rule of thumb that, if 50 people cross at a given point in a two-hour period, depending on the density of the traffic, school crossing or pedestrian activated crossing lights are justified. I have always maintained that if there is a reasonable number of people crossing at a given point, be it five, 10, 20 or 30, and if it means that we can provide some safety for people from traffic—if there is the possibility of saving people from being injured, let alone from being killed—then any cost can be justified.

The Henley and Grange council advised me this morning that it supports the request of the West Beach school council for these traffic lights. When I spoke to the council it was decided that, rather than ask for a school crossing, we should ask for pedestrian activated traffic lights, because the lights are always in operation when a person crosses the road and thus it is safer for pedestrians. Also, from the point of view of motorists these lights are less hazardous than the school crossing lights which blink on and off for 45 minutes or an hour and which are sometimes left on much longer, causing motorists to become very impatient. So, I believe that pedestrian activated traffic lights are the best solution to the problems at West Beach.

The Henley and Grange council advised me this morning that council made a request last year for pedestrian traffic lights in the area referred to. In correspondence dated 23 June 1988, the Acting Commissioner of Highways advised the Henley and Grange council as follows:

Further to my letter of 28 March 1988, it is advised that the investigation into the need for a pedestrian crossing on Burbridge Road, in the vicinity of the West Beach Baptist Church, has been completed.

When the Highways Department carries out such investigations it uses established criteria to objectively determine if the relationship between pedestrian and vehicle numbers is such that pedestrians could experience difficulty in crossing a road in relative safety and without undue delay. This approach ensures that pedestrian crossing facilities are not installed indiscriminately and enables priority to be allocated to installations which are shown to be justified.

The investigation included a 10-hour pedestrian and vehicle count, an analysis of accident statistics, an assessment of the adequacy of the existing controls, together with on-site observations. The results showed that the number of pedestrians crossing at the subject location was below the number required for a signalised crossing.

It is considered that the existing symbolic children signs, which alert motorists to pedestrians crossing in the vicinity, and the wide raised median, which enables pedestrians to cross one stream of traffic at a time, afford pedestrians sufficient protection.

In view of the above, I am unable to support the installation of a pedestrian crossing at this location.

With the greatest of respect to the Highways Department—and I know it receives a lot of requests for pedestrian crossings, in many, many areas—this reply to the council is just typical of the bureaucratic nonsense that we have had to suffer under this current Government for many years. I do not agree with the criteria that the Highways Department has established. To me, life cannot be measured in dollar terms—and this relates particularly to the lives of young people, the future generations of this State and this country.

In considering these young people, the first thing that we must do is look at providing a safe and easy way to cross a road. This is particularly important in an area where, as I said, the speed zone reduces from 80 km/h to 60 km/h—and the motorists do not slow down but just keep belting along. We can have all the radar traps in the world, but, until the police can come up with a system to stop motorists approaching from the other direction flicking their lights whenever they see a radar unit, we will never have an effective method of controlling the traffic flow in built up areas.

The raised median strip offers little protection. When you cross the road, you scurry across, reach the median strip and have a couple of deep breaths, and you are ready to cross the other side of the road. That is not on. The Highways Department survey was for only one 10-hour period. Surveys are not conducted properly over just one 10-hour period; they should be carried out for days or weeks on end. They are time consuming and costly. Had the department done that, it would have seen, particularly on Sundays, the number of people who attend the church and the Apex

Park playground. Not only on weekends but also during daylight saving periods it is a very popular park and playground for young families. The tennis courts are fully booked on weekends. Often picnic parties in that location involve large numbers of family groups, including young children. The local scout, cub and girl guide groups also have activities in that area. It is a busy little location.

The area is isolated from the shopping centre, so anyone who wants to visit the shopping centre must cross Burbridge Road, and generally this is the location at which they do that. Many people attend the local Baptist Church. Apart from weekends, a kids club operates on Monday nights with about 70 children attending a wonderful youth group. During the week, other activities include fellowship groups, and so on. All in all, the recreational activities at West Beach are centred in that area. Housing Trust flats are located in the vicinity, with the aged and frail needing guidance and assistance when crossing the road to attend church.

The general public enjoys the opportunity to walk along the embankment of Outbreak Creek or the Torrens River. It is a busy little area with many family groups cycling in that area of a weekend. When the survey was taken early last year, almost 12 months ago, the Fulham Primary School was not closed. So, added to the daily traffic in that location are a further 39 students attending West Beach School from Fulham, resulting in a considerable traffic flow in the area.

I do not believe that the volume of traffic alone does not justify it, because that portion of Burbridge Road is the main thoroughfare into West Beach. As I have already explained, West Beach is bounded by the beach, Tapleys Hill Road, the airport, West Beach Road, which abuts the West Beach Trust development recreation area, and the Torrens River or Outbreak Creek. Burbridge Road carries all the local and holiday traffic, including visitors to the area. The West Beach caravan park with 850 caravan sites is one of the biggest and most popular caravan parks not only in South Australia but Australia, also providing on-site caravan suites and cabins. Marineland, when it was in operation, attracted more than 110 000 visitors per year. So several thousand people each week come to the West Beach area to visit and enjoy the recreation facilities. Hundreds, if not thousands, each week use the sports facilities, including the softball park, cricket grounds, rugby fields, the S.A. Catholic Lawn Tennis Association courts and the two golf courses. It is an extremely popular area.

West Beach is a busy little community, which proudly shares the benefits of its location with other citizens of this city and State. It is a pleasant environment to visit and in which to live. We cannot just stand back and, as I said, let the bureaucracy assess whether a set of pedestrian lights can be justified. No protection is afforded to pedestrians in this area by a break in the traffic flow. Between Tapleys Hill Road, Seaview Road and the beach, there are no pedestrian crossings across Burbridge Road.

I appeal to the Minister, who I know is not unreasonable. I wish that he had the sense of community pride of his predecessor (Hon. Roy Abbott) who gave favourable consideration to a similar request for pedestrian activated traffic lights on Henley Beach Road. That has proved to be of enormous benefit to the community and to visitors to the Catholic school and church. We are very grateful to the member for Spence, who has proved to be a wonderful friend.

I have also received a letter from the Secretary of the West Beach Baptist Church (Paul Blackeby), who wrote to the Henley and Grange council, stating:

I am writing to you on behalf of the Pastor, Diaconate and members of the West Beach Baptist Church to register our support for the need of a pedestrian crossing on Burbridge Road in our area. As a church we serve many areas of the local community including senior citizens, children and youth in 'kids clubs' and sporting clubs, and other community groups that use our facilities for meetings, clubs and interest groups.

We have a deep concern especially for the younger children and senior citizens who have to cross Burbridge Road. Many drivers use this section of road as a speed track, making it very dangerous to cross the four lanes of traffic. This situation is even more dangerous with the traffic travelling towards Tapleys Hill Road, as there is a slight bend in Burbridge Road just before Gibson Street. The view of oncoming traffic is completely obstructed by the trees in the median strip. Therefore as a community minded church in your council area we ask that your council will support the installation of a pedestrian crossing on Burbridge Road for the benefit of all who find it necessary to cross this very busy road.

Several hundred people residing in the West Beach area and parents of students attending the school have signed several petitions, which I will present when we resume after Easter, urging the Government to install pedestrian activated traffic lights opposite the West Beach Baptist Church on Burbridge Road as soon as possible. I am grateful that the Minister is present for this debate and I ask that he give compassionate consideration to the needs of the young people and senior citizens who must cross this busy road.

**The Hon. G.F. KENEALLY (Minister of Transport):** I will speak briefly today and then seek leave to continue my remarks later. I foreshadow that I may have to move an amendment to this motion because it involves a significant matter of principle that I want to place before members of this House. The criteria for placement of a pedestrian activated or school crossing are well established and the practice is well accepted. However, international criteria need to be established before Governments can spend money on the placement of road crossings.

I have no argument with the honourable member's using the forum of this House in private members' time—it is quite appropriate for him to do so—and I have absolutely no argument with the honourable member's fighting very strongly for the interests of his constituents. However, I respectfully remind the House that the decision as to where those crossings should be placed does not reside here: that is an issue for the experts. I do not believe that there is one city member of Parliament who has not, at one time or another, asked the Minister to have a pedestrian activated or school crossing established in their electorate. Those members have presented very good arguments and, on every occasion, I have referred those applications to the appropriate technical authorities in order to establish a consistent policy across the metropolitan area.

If Parliament were to determine the placement of crossings, each decision would be made on the numbers and there would be a proliferation of crossings in the most inappropriate places. Local government, schools and the general community would have no confidence in such a process. It is for this reason that I will seek to continue my remarks later. I have already received correspondence from the member for Henley Beach on this matter. The honourable member received correspondence from the school on this matter and he quite properly forwarded it to me.

*An honourable member interjecting:*

**The Hon. G.F. KENEALLY:** It is in the honourable member's electorate—I am not trying to suggest otherwise. I am not being critical of the honourable member, but there is a process that should be followed. As a result of approaches that have been made to me, the Highways Department will undertake an investigation. There will be an on-site investigation of pedestrian activity on Burbridge Road, in the vicinity of the West Beach Baptist Church. The investigation will take into account all relevant factors including

analysis of accident data over a five-year period, site distance and roadside development. The findings of the investigation will be compared with accepted criteria contained in Australian Standard AS1742 'Manual of Uniform Traffic Control Devices' to determine whether a warrant exists for the installation of a pedestrian crossing.

This is vitally important because, no matter how sympathetic I am to the particular representations of individual members, it is critical that there be a standard and that an appropriate warrant be established. If it was suggested by a member, whether on the Opposition benches or the Government benches, that a pedestrian crossing be put in place—and I agreed with the member, the school community and the council that that was appropriate—I would then have to respond to the representations of every member of Parliament—and I would have to respond favourably. As Minister, I do not have that competence and nor does any individual member. These matters must be assessed by the appropriate authorities and referred to the Minister for action on the best professional advice available. It is quite obvious that, if a pedestrian crossing is placed on a street in Adelaide where a warrant does not exist, every other member who has had a request for a crossing denied over the past 10 years will come back to the Minister and say, 'Look, you approved a pedestrian crossing here where a warrant clearly does not exist. I want you to approve a pedestrian crossing in my electorate.'

It is quite true that every school in Adelaide and outside the metropolitan area that is sited on a busy arterial road believes that provision should be made for pedestrian activated or school crossings. If we place these crossings alongside every school on a busy road, whether it be a major arterial road or a local road for which local government is responsible, we shall create impedances for the through flow of traffic, and that would be likely to cause more difficulties than it would solve. We have to take an overall integrated view of pedestrian crossings.

Every application is examined and treated seriously. The data over several years are taken into consideration. The Highways Department goes to the locations, for which pedestrian crossings are sought, at the busiest times of the day. It carries out a 12-hour evaluation of the traffic flow during the morning and afternoon peaks when children are going into and coming out of school. It is on such data that decisions are made. I am not saying that the honourable member might not have a valid case, but it will be determined by the investigation.

As the Minister, I do not suggest that the House should approve or otherwise of the motion: I say that the House should wait for the appropriate professional assessment. I give notice that I shall be seeking to amend the motion, if necessary, that this House calls upon the Highways Department to evaluate the need for providing pedestrian activated traffic lights, and so on. However, I am not prepared to go that far until I have technical professional advice available to me. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## COASTAL POLLUTION

**Mr OSWALD (Morphett):** I move:

That this House censures the Government for failing to respond to warnings over the past five years from commercial and recreational fishermen and senior officers and scientists from both the Departments of Environment and Planning and Water Resources and for failing to widen legislation and take the hard decisions which are essential to prevent further increasing pollution and destruction which is occurring to our metropolitan coastal ecological systems including the Patawalonga outlet and adjoining beaches at Glenelg.

Anyone who has stood on the north beach at Glenelg when the regulator gates have been opened and seen the E. coli impregnated water and the rubbish pour out into the ocean, drift out into the seagrass areas, and end up back on the beach will appreciate the motive behind my motion.

Early in the 1970s, when the environmental movement was gaining momentum in Australia, Queensland, New South Wales, Victoria and Tasmania passed laws preventing pollution of the marine and inland waterways of their respective States. In 1986 the Western Australian Parliament faced the problem and enacted legislation. Yet, in 1989 in South Australia, that has not come to fruition.

The South Australian Gulf is different from the coast along the eastern States and the western coast of Australia where offshore currents carry pollution away, but those States have seen fit to enact legislation. In South Australia we have an enclosed gulf system where, by and large, the water never leaves the Gulf. It moves up and down the Gulf on the tides, but very little water escapes to the Southern Ocean.

In 1972 Prime Minister Malcolm Fraser joined the majority of States by signing an international agreement in London—the 1972 London Dumping Convention—which was aimed at preventing marine pollution by the dumping of waste into the sea. The first article of that convention binds Australia 'to promote the effective control of all sources of pollution of the marine environment'. Unfortunately, the convention was ignored by the Dunstan and Corcoran State Governments and it was not until 7 May 1980 when the Liberal Government of David Tonkin came into power that the Liberal Premier wrote to the Prime Minister saying that South Australia would cooperate with the Commonwealth in legislation to control pollution and dumping around our coastline.

It is on record that on 14 October 1980 the Liberal State Government authorised the then Minister of Environment (Hon. David Wotton) to draw up legislation. History proves that when the Labor Party came into power in 1982 these proposals were not proceeded with: they have never seen the light of day. It is quite apparent that between 1982 and 1988 the Bannon Government has completely lacked the will to enact or broaden any legislation that will protect our coastline. During the period of inaction a variety of reports were presented in the public arena by both the Government and the media. Those reports came from the CSIRO, the E&WS Department, the Department of Fisheries, the Health Commission and the Department of Environment and Planning. I would like to advise the House of some of the disturbing facts published in those reports. I quote briefly from an article that appeared in the *Advertiser* of 4 March this year which refers to some of these disturbing facts. For the edification of the House, I will summarise them. The article indicates:

That there are 92 places on the South Australian coastline where contaminants are discharged regularly into the sea, excluding places where leaching occurs from dumps close to shore, for which there is no data.

That more than 4 000 hectares of seagrass have been lost or are dying off the Adelaide coastline. There is no conclusive evidence that this has stabilised.

That at least 600 square kilometres of Spencer Gulf, about 30 kilometres from the Broken Hill Associated Smelters Port Pirie lead smelter, contains sediments with elevated levels of heavy metals (heavy metals if ingested in humans via the food chain can cause illness).

That about 100 square kilometres of this area is 'significantly contaminated' with concentrations of cadmium, lead and zinc more than 10 times the level normally found in sea water.

That dangers associated with eating fish from these areas have not been conclusively ruled out.

Apart from this, the Patawalonga River at Glenelg has been closed to fishing and all water-based activities for two years because of health risks associated with bacteria in stormwater and agricultural run-off from creeks and drains into the waterway. This is drained regularly on to Glenelg's foreshore.

In my opening remarks I referred to what happens on those days when the outlet opens and the beach and seagrass areas are inundated with rubbish, E. coli and heavy metals. It is patently obvious that during this period of environmental inactivity by the Bannon Labor Administration the metropolitan coast has been inundated and saturated by tonnes of heavy metal and treated waste from more than one million people and the associated industries around this city.

This is not to mention the accidental discharge of untreated waste and heavy metals which flow down to the sea from a network of stormwater drains, which end up around the Port River and the Patawalonga at Glenelg. This pollution is insidiously killing marine life, threatening our commercial and recreational fishing enterprises and is a potential hazard to our personal health. I do not have the figures with me, but the E. coli levels at Glenelg reached a figure of, I think, 100 000 units per millilitre when the safe level is in the region of hundreds of units per millilitre.

If any honourable member doubts the degradation of the coast since the Bannon Government took over, let me refer to the report of the Environmental Protection Council of South Australia which has just been published and which I purchased only yesterday. This excellent report is entitled 'The State of the Environment Report for South Australia'. It is available from the Department of Environment and Planning at 55 Grenfell Street for the princely sum of only $15. It is highly recommended reading and is an attempt by the department to set out this State's environmental issues. I applaud the authors of this report, because at last we have a document which starts to spell out what we are looking at as regards our coastal environment. At page 56, under the heading 'Seagrasses', that report states:

These are true flowering vascular plants which have become secondarily adapted to living in the marine environment. Ten species have been recorded from South Australia. It is estimated that there are over 15 000 $km^2$ of seagrass beds in South Australian waters. They play an important role in stabilising shifting sea-bed sediments, and an essential habitat for marine flora and fauna. Although the living plants are not eaten to any great extent, dead plant material and its film of micro-organisms is a food source for fish.

With the exception of seagrass beds along the Adelaide metropolitan coastline, beds throughout the rest of the State are not seen as being under any significant threat at present. Seagrass beds near Adelaide have declined considerably since the 1960s and studies into the causes have been undertaken. Major factors identified so far in the dieback are changes in discharge of water (quantity and quality), nutrients and treated sewage effluent outflows.

If any honourable member has looked at aerial photographs taken of the area between Glenelg and Outer Harbor 15 years ago, 10 years ago and currently, he or she will see quite a dramatic cut-back in the seaweed line. Where the line used to be just off the beach, it has now disappeared well out to sea and there are only small patches of seaweed. As the seaweed has died off, its ability to collect sand has diminished, and now we have only calcite deposits in many cases where we had quite deep reserves of sand amongst the weed.

Because of this lack of attention, the seaweed has pretty well gone forever. I now refer to page 265, under the heading 'Marine pollution' as follows:

Although the situation has improved over recent years, point and non-point sources of marine pollution from land-based sources are of continuing concern. Diffuse sources include stormwater drains, creeks and rubbish dumps while point sources include ore and grain conveyors and stockpiles, fish processing plants, and discharges from sewage treatment plants, industry and power stations. Many point source discharges are high in nutrients, the remainder being chemical and thermal discharges.

Large volumes of oxidised nitrogen and phosphorus are discharged with treated sewage effluent from the Adelaide sewage treatment works and with industrial effluent from Whyalla. An extensive area of seagrasses has been lost around the Semaphore sewage outfall.

Further on the report states:

Unsightly discharges of alkali wastes continue into the Port River from chemical works . . . Overall, marine pollution continues at unacceptably high levels and measures should be taken to reduce and, where possible, eliminate discharges. The 'out of sight, out of mind' philosophy should be rejected; although generally unseen, marine pollution has affected ecological processes and life-support systems such as seagrass communities as well as populations of marine organisms.

Pollution has also degraded the environmental quality of the coastal and marine environment. Preparation of long-awaited marine pollution legislation should be accelerated.

Members will recall that that is referred to in the text of the motion, which I would like them to support. I do not have any argument with the technical officers of the various departments. On the whole, I think that they have been attempting to do their jobs. However, I have a real argument about the lack of resolve of the Minister for Environment and Planning and the Premier in the way that they have ignored, and failed to heed, advice, including that from the heads of their departments. Historians will record that both these men had a dismal record when analysing their performance in relation to environmental management and the way in which they failed to listen to people. I again refer to some relevant quotations in Saturday's *Advertiser* of 4 March 1989. Advice given by Mr John Mate, of the Australian Scuba Divers Federation, was as follows:

. . . divers have been 'yelling from the rooftops for years' about the need for pollution controls, particularly for Gulf St Vincent.

'But no-one in the Government and the Department of Environment and Planning is listening,' Mr Mate said.

'Our members are very concerned about the ecology of the sea because we know what's happening down there. We see it,'

'And, in our opinion, if something isn't done within the next five to 10 years, it could be too late. For future generations, the gulf waters adjacent to our metropolitan coastline will be dead.'

The federation has begun a 'pollution watch' program to try to prove to the State Government the extent of damage to the marine ecology off Adelaide. Ironically, the most consistent voices—

and this part is terribly important—

calling for effective marine pollution laws have been those from within the Government—the E&WS and Fisheries Department. The Fisheries Director, Mr Rob Lewis—

not a junior officer by any means—

said it was 'essential' that marine pollution be controlled and that it should be given the 'highest priority'. In 1986—

in the middle of the Bannon Administration—

Mr Lewis, a qualified marine biologist, presented a summary of scientific research on marine pollution to Fisheries Minister Mayes, urging him to ferry industry and department concerns to Dr Hopgood, as Environment Minister . . . The chief executive officer of the E&WS, Mr Don Alexander, in a recent interview, said he also had campaigned for effective marine pollution legislation.

He had been campaigning for it. The report continues:

'Apart from testing for effluent, there is no other testing of other sources of waste such as stormwater run-off, agricultural run-off or ships' wastes, which is one of the reasons why we need some overriding legislation which specifies which level of waste can be dumped into the sea,' he said.

'I, in fact, recommended to my Minister (as early as 1979—

and we saw that Minister David Wotton picked it up and ran with it; he started the process—

and most recently in 1988) that we needed the formation of a wider committee to expiate legislation to control pollution,' he said.

**The Hon. Jennifer Cashmore:** It should be 'expedite'.

**Mr OSWALD:** That is not what it says; the paper has 'expiate'. As I am quoting from the *Advertiser* I will leave it at that. I guess the journalist got it wrong, but all members would know what is meant. It is crystal clear that the Government has been advised what to do. What has occurred interstate has been well known. All other States of Australia have come to grips with this marine legislation, but this State Government has sat idly by while seagrasses along the metropolitan coast have slowly become degraded. I will now quote three paragraphs from a recent position paper of the South Australian Fishing Industry Council (SAFIC). They are as follows:

SAFIC considers it is the role of the Department of Environment and Planning in conjunction with the Department of Fisheries to constantly monitor water quality and the status of the marine environment within the State. SAFIC firmly believes that the Department of Environment and Planning is not fulfilling the requirements of this role, particularly in that insufficient evidence of adequate monitoring has been provided to date.

SAFIC considers that in particular the Gulf St Vincent and the Coorong are under dire threat of biological disaster. All subjective data received to date supports these concerns and the absence of action by all sections of the Government with the exception of the Department of Fisheries has led to an ever exacerbating problem. SAFIC recognises the value of the work of the Department of Fisheries and recommends that this work be continued, extended and recognised. Particularly the laboratory facilities of the Department of Fisheries be extended to be fully utilised for this particular purpose.

SAFIC directs its criticism towards to the Department of Environment and Planning. I take it a step further: the buck must stop with the Minister for Environment and Planning, Cabinet and the Premier. The lack of effective legislation is the fault of no-one but these personnel. To head off cricitism the Government has set up an inter-deparmental working party headed by Gary Stafford, of the Environment Management Division, and the committee met for the first time this month. The Government has been a government of setting up committees and inter-departmental committees whenever it has a problem. I hope that this is not one of a myriad—

*The Hon. Jennifer Cashmore interjecting:*

**Mr OSWALD:** Yes, as the honourable member says, anything to avoid making a decision. I hope that this committee will not become another talkfest and that it does get down to recommendations that will lead to early legislation to control the marine environment. If it does not, I give the House a categorical assurance that after the next election the incoming Olsen Government will pick up the recommendations and do something about marine pollution along our South Australian coastline so that we will not simply become part of the overall Commonwealth legislation but will be leaders in preserving our ecological heritage along the coast.

**Mr ROBERTSON** secured the adjournment of the debate.

## COMMUNITY MEDIATION SERVICES

**Mrs APPLEBY (Hayward):** I move:

That the Government, and in particular the Attorney-General, be congratulated for the increase in financial support to community meditation services and for ensuring the use and participation of these services are evaluated and monitored by the establishment of the Community Mediation Service Evaluation Team.

I am delighted to congratulate the Government, because for some time now I and a number of others in the community have found the use of mediation services most beneficial to the harmony of our environmental community. Mediation, conciliation and arbitration are all means being looked at increasingly to resolve disputes at all levels of society, from neighbourhood disputes to complex commercial or contractual disputes. That is occurring because of an underlying problem, namely, the increasing cost of delivery of legal services through the regular courts system and the consequent limitation of access to the law by citizens. Although there has been some movement in recent times with such things as pre-trial conferences, the courts generally have not moved to introduce new techniques of dispute resolving within the existing courts structure. This has led to legislative intervention and the establishment of specialist tribunals, such as the Residential Tenancies Tribunal and the Commercial Tribunal, to try to resolve disputes in a less formal and expensive manner.

The whole tradition of our law has been adversarial with disputes being resolved through the formal court structures, although today there are increasing questions about the ability of the courts to deal with disputes. The court structure and procedures have already had difficulties coping with minor disputes as well as complex contractual matters, such as building disputes. Even most lawyers would agree that dealing with building disputes through the regular courts system is a nightmare.

Because of our tradition, lawyers are trained as adversaries, not conciliators or mediators—indeed, they earn their living from being adversaries. Historically, the overall judicial culture of Australia has seen disputes resolved by the adversarial method through the regular courts and their formal structures and procedures. Behind all this is the broad question of the ability of our citizens to get access to the law and its dispute resolving mechanisms.

Despite some changes the system has become too cumbersome and expensive to meet the needs of today's society. That being the case, should we not look at reforms to procedures, both within and outside the courts, to reduce the cost and allow real access to the law? In a period of restraint, taxpayers will not fund legal aid to the extent necessary to ensure that everyone has equal access to the courts.

The overall cost of this system has been exacerbated by what the market will pay senior lawyers. Lawyers can command $5 000 a day and commercial clients will pay, thus increasing the market rate which filters down to all levels of what in those States is a separate bar. If because of outmoded procedures or excessive cost the system no longer serves its principal role in society, consideration will be given to resolving disputes in other ways. This is why in most countries in the world increasing attention is being given to alternative means of resolving disputes. Commercial clients are using arbitration. At that level organisations are set up to deal with commercial mediation.

Mediation is also being seen as an option for ordinary citizens—and there has thus been the development of community mediation services in South Australia. The Norwood and Noarlunga community mediation services are funded by the South Australian Government. The most recent funding to the Noarlunga service was provided as part of the social justice strategy and this service will benefit my community in Hayward.

As an alternative dispute resolving mechanism, mediation is relatively new in South Australia. I have been interested to monitor the development of this service. The community mediation service is now in its fourth year of funding by the State Government. In the last State budget the Southern Community Mediation Service was funded. This service is involved in training people to serve our community. If mediation is a viable alternative to the traditional means

of resolving disputes, it must prove itself. It is not a matter of saying that it sounds like a good idea. It must be considered in terms of its costs, its benefits and its relationship to the more formal legal system.

The sorts of questions with which the Government must deal are, for example: is funding of community mediation services an appropriate use of resources? Would it be more appropriate to fund the South Australian community legal centres to a greater extent? Can the community mediation service demonstrate its effectiveness? Would the expansion of mediation services lessen the demands on the courts and for legal services and is it possible to qualify the impact of the development of mediation services on legal services and the courts? Was the intervention of the mediation service necessary to settle a dispute? Would the parties have settled it anyway? Was it a final settlement, or did the dispute recur? Are we just transferring the burden from one agency—the police, community welfare or local members of Parliament—without any increase in effective resolution of the dispute? Are mediation services just catching more people in their net and dealing with disputes which would otherwise have been resolved anyway?

For these reasons, the Government has commissioned an evaluation of the Community Mediation Service. The evaluation team consists of representatives of the Courts Department, the Department for Community Welfare, the Attorney-General's Department, the Law Society, the Legal Services Commission and the Bowden-Brompton Community Legal Service. The evaluation team has conducted some preliminary meetings. As the collection and analysis of clients' statistics will be involved, the evaluation will be a long-term project.

The evaluation committee has been given the task of developing criteria for the evaluation. Its terms of reference will include an assessment of the efficiency and effectiveness of mediation services, both to the community and to the court and Government agencies. It is expected that, during the assessment period, referrals to the service will come from police, Courts Department officers, local government and other agencies. Cabinet has approved that the evaluation committee determine the efficiency and effectiveness of the Community Mediation Service for a period concluding on 30 June 1991 and the final report will be delivered in early 1991.

In general terms, it is proposed that, in consultation with the Community Mediation Service, the evaluation committee will set policy objectives and measureable outcome objectives for the services. The end result will be of benefit to the Government in planning service delivery in this area. The mediation service has been involved in educating the community and community groups about such issues as neighbourhood disputes, family/housemate problems, and even organisational disputes.

An information seminar held for personal staff of members of Parliament raised their awareness about the service and how they may now refer constituents to such services. Mediation involves ordinary people having the willingness and courage to sit down with their opponents and discuss ways and means by which they can both win. It involves people making their own decisions instead of leaving it to the authorities and relinquishing the need to impose their values and will on other people. That is a very powerful and positive change for the community at large.

As my motion indicated, we see this mediation service as being in two parts. The first is the funding of an effective service and the second is to run in tandem an evaluation process which should provide a more effective service to the community to resolve such disputes as those involving trees and tree roots, which make up 20 per cent of the disputes; fences and retaining walls, 22 per cent; noise, including music, dogs, birds, cars, etc., 19 per cent; nuisance, such as children's behaviour, pollution, water run-off, etc., 13 per cent; harassment, 13 per cent; relationships, breakdown of communication, 19 per cent; property damage, 4 per cent; access to properties or other aspects, 2 per cent; and all other complaints, 1 per cent.

I think this indicates that a number of things in our community do not necessarily need a purely legal resolution and, in a community spirit, people should get together to resolve situations. The fact that a person in conflict identifies that there is a problem, which at the time might appear to be unresolvable, is the first step to enabling referral to and assistance by an accredited community mediator, in a fair, equitable and harmonious way—which thus improves the community environment. The community that I represent has benefited, and I trust that an ongoing development of these services will continue to provide an inexpensive and equitable method of resolution of problems experienced by people in conflict.

**Mr OSWALD** secured the adjournment of the debate.

## FOREIGN OWNERSHIP OF LAND

**Mr GUNN (Eyre):** I move:

That in the opinion of the House, a select committee should be established forthwith to determine whether or not legislation is required to identify foreign ownership of land in South Australia and, if it is required, what form of public register of all future purchases of land by non-resident individuals or foreigners should be established.

There is a clear concern in the community about the level of overseas purchase of land—not only in this State but throughout Australia. If the community is to become involved in a productive and informed debate—which is the community's right in a democracy—people must have access to information in order to make a judgment. The only way that the community at large can obtain that information is to have a register of all foreign ownership of land in South Australia. This process has already been put into practice in Queensland. It is under active consideration, and legislation has been drawn up in Tasmania.

My proposal to establish a select committee is a genuine attempt to resolve this matter as quickly as possible. The issue should not involve political point scoring; it must be dealt with by means of a positive and effective mechanism that will quickly and effectively establish a workable register. There is no doubt that the community at large wants a register. The community is concerned about this matter, and therefore the Parliament and the Government have a responsibility to ensure that the community is adequately informed.

No-one on this side of the House is attempting to prevent foreign ownership or foreign investment. However, foreign investment and foreign ownership should be on our terms. It should be on the basis that we are the ones to determine when, where and how much investment in any particular sector of the economy is undertaken by foreign interests. My view is that, in South Australia, and in Australia as a whole, we have sufficient people who wish to be involved in agriculture, who have not only the experience but the knowledge, wisdom, will and desire to farm the country.

The role of Government should be to provide them with the security of tenure, the encouragement and sufficient financial resources, plus taxation concessions, to allow young

Australians or people currently involved in agriculture to purchase that land. There is no doubt that in agricultural areas in South Australia there is concern when large overseas corporations move in and purchase land. At this stage there is not sufficient knowledge to know exactly how and when they are purchasing it, because they can purchase land through nominee companies and other various and quite legal mechanisms which preclude the average person in the community from knowing exactly who has purchased it.

If my proposal is put into effect, it will put an end to that exercise. In recent weeks a very large property in the South-East was purchased for about $2 million. Some of my constituents indicated to me that they were interested in that land, but how could they compete at 16 per cent, 18 per cent or 23 per cent interest rates when those individuals were paying 3 per cent, as well as receiving taxation concessions from their own government. The time has come for us to improve that situation. I placed a question on notice to the Minister as follows:

Does the Department of Lands monitor and record the amount of foreign ownership of agricultural and pastoral land and of commercial and residential land and, if so, how long has this been taking place and what is the level of foreign ownership of agricultural, pastoral, residential and commercial land in South Australia?

The Minister replied:

As the member would be aware, the Australian Government requires notification of proposed foreign investment in real estate. The State Lands Titles Registration Office does not maintain any separate register of foreign land ownership of either freehold or Crown land; however, dealings disclosing an overseas address are recorded on the certificate of title or Crown lease.

As I have explained, that provision is about the easiest thing in the world to get around. I do not profess to be a brilliant financier but I could tell members in two minutes how that proposal could be circumvented. All that is required is for the principal to purchase the land through nominee companies. Those companies can be owned by other companies, trusts or groupings and, as you well know, Mr Acting Speaker, unless you set about a most detailed and thorough investigation, it is absolutely impossible to actually find out who the owner of the land is. Therefore, if we adopt a similar proposal as is the case in Queensland, in my view we will once and for all give the community in South Australia the opportunity to know who is purchasing land in South Australia.

We do not want to engage ourselves in some sort of anti-foreign investment exercise. That is not my purpose. Unless the Government acts quickly, the current situation will cause a great deal of ill-feeling within the community because, when people are in doubt, they make assumptions and, therefore, it is important that the debate is factual and based on information that should be made available by way of a register tabled in this House. The best way to achieve that is to set up a select committee consisting of members from both sides of the House to examine what is taking place in Queensland, consider the proposals in Tasmania, and see what has taken place around the world.

I suggest that we cannot go to Germany or Japan and purchase large tracts of land. Also, there are restrictions in Switzerland and the United States. The Parliamentary Library has an excellent report, which I am having examined, that was prepared by the British Government. As usual, Prime Minister Thatcher has taken the right course of action and, in her usual efficient and effective manner, has had this matter examined and had all the arguments put forward so that an informed decision could be made.

We do not want absentee landlords in this State, nor do we want to become tenants in our own State, but that will take place. In only a few countries do people have access to huge amounts of money, generous taxation concessions and low interest rates for borrowers. They are not interested in short-term returns. People from Japan and, to a lesser extent, Germany and some other parts of the world are setting out to buy land as a hedge against future economic difficulties. One cannot blame them, but as a Parliament we have a responsibility to protect the rights of citizens and make sure that any investments in this State are in the long-term interest of all citizens.

I strongly support the notion of giving people secure title to land. However, as someone who believes strongly in democratic principles, in the role of Parliament and in the rights of the electors and citizens of this State, I must point out that in a free and democratic society one of the fundamental principles that should not be denied is the right of the public to have access to information that will affect them. If we are to have intelligent and informed debate, that information must be tabled in Parliament so that all and sundry can examine it.

I urge the Government to act quickly because, if it does not, the public debate that will be generated on this subject will heat up, causing people not to invest in South Australia. I have been amazed at the response I have received from citizens throughout South Australia since I raised this matter in Parliament a few days ago. I have been thinking about this issue and working on it for months; it has not resulted from a rush of blood to the head. I have actively discussed this matter with my colleagues for many months and I have been in contact with the Queensland Government and the Premier's Office, so I urge the Minister to accept what is in my view a most moderate motion to refer this issue to a parliamentary select committee which can report and recommend legislation.

If nothing happens, legislation will be brought to the House. The legislation has been drawn up and, if something is not done in the relatively near future, I will bring the Queensland legislation to this House. Headlines such as 'Japanese buy South Australian land for $2 million' are already appearing in rural South Australian papers. We do not want to see much more of that. It is time the Government took firm and decisive action to resolve this matter in an effective and sensible way out of the glare of publicity. I consider that the select committee option will give everyone the opportunity to state their case, including firms who bring business migrants to this country, financial institutions and Government officers, who have the role of drawing up this legislation and making the register work.

Although I could talk about a number of cases that have been brought to my attention, it is not necessary for me to say much more. I could also take the House through a number of other options, but that is also unnecessary. I believe that the overwhelming majority of South Australian citizens are demanding the right to know who is buying rural, agricultural and metropolitan real estate in South Australia. They are entitled to such information, and Governments have no right to keep it from them.

Parliament will be acting in the best interests of all citizens if it moves quickly and decisively to establish this register. The best way to achieve that is to have an all-Party select committee. In my experience in this Parliament, if one wants to solve a problem and get something working effectively, one should refer it to a select committee for some sensible recommendations, a draft Bill for presentation to this Parliament and, ultimately, inclusion in the statute books. By doing this I believe we will be acting in the best interests of all citizens and we will have dealt with this most difficult issue.

If this matter is not resolved in the next few months, public controversy will continue and, indeed, will heat up. This matter has already been discussed on talk-back programs; it is attracting public comment all around Australia. I realise that there is more activity in the eastern States, but that still does not resolve the issue for South Australia. I commend the motion to the House. I believe in private enterprise, responsible foreign ownership and foreign investment, but I do not believe that the public should be kept in the dark. I believe that any foreign ownership or investment should be on our terms and in areas and industries that we desire. We should decide the direction of foreign investment.

Given the limited role that Parliament has in this exercise, we should move to have a register of foreign ownership. I am fully aware of the requirements of the Commonwealth Government, but very few citizens of South Australia have access to that information. One can go to the Lands Department and find out who owns what and where, and how much they paid for it. However, one can be frustrated in that activity without sufficient time and a knowledge of foreign ownership, because foreign investors have access to the best legal and financial advice and, through various and intricate ways, can make it very difficult to find out who has purchased what. Therefore, I commend the motion to the House and look forward to the support of all members and quick action by the Government.

**Mr ROBERTSON** secured the adjournment of the debate.

## ASH WEDNESDAY BUSHFIRES

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

That this House, recognising the plight of the residents of the Stirling district council area who could face an unacceptable and unfair financial burden and the loss of essential community services, calls on the Government, as a matter of urgency, to accept its responsibility in meeting the relevant liability arising out of the 1980 Ash Wednesday judgment recently handed down.

(Continued from 9 March. Page 2288.)

**The Hon. D.C. WOTTON (Heysen):** Last week in this place I had the opportunity to refer in considerable detail to the problems being experienced by ratepayers in the Stirling council area. Having sought leave to continue my remarks, because I wanted to comment further, I am pleased to be able to say that since that time the Liberal Leader has brought forward a very positive statement on the Liberal Party's attitude to this issue. Indeed, he has made a commitment on behalf of a future Liberal Government.

It is time that the Bannon Government showed some true leadership to the people of the Stirling District Council area on this matter, which has gone on for far too long. I do not want to reiterate the concerns that I raised last week, but, particularly for Stirling council and the people that it represents, the problem has been going on for much too long. There can be no dispute that Ash Wednesday 1980 was a major disaster—a disaster too big to be left to the Stirling community. It is a South Australian responsibility.

I referred previously to the package that the Minister of Local Government presented in November last year. The Government's proposed package placed a considerable part of the burden on local government across the State, and that has been rejected very firmly by that body. Councils across the State have said no to the proposition that they should contribute.

Members of the South Australian Grants Commission have been outraged, to say the least, that the Government should seek to direct the commission to cream off a proportion of the funds of local government to meet the Government's obligations in Stirling. It is felt generally—and it is certainly a position that I would support—that the commission should remain independent of the Government and be left to decide on merit the application of the Stirling District Council, or any other council, for special disability consideration. I am aware that the Stirling District Council has already made an application to the Grants Commission, and I hope that that application is successful.

The first essential in achieving a solution to this problem is to determine, without further delay, the amount of the claims. The fact that claims may still be lodged nine years after the event has not helped. Only last week three further claims were lodged—nine years after the original disaster. It would be helpful in these cases if the existence of a claim could be signalled within three years. This has ramifications across the whole range of civil litigation and should be examined as a matter of urgency. I recognise that would not help the people of Stirling, because it would not be retrospective, but at least it addresses the problem for similar circumstances in future.

The Government has no alternative but to establish a fast track procedure for fixing the reasonable amount of claims, and if any parties do not agree they should remain within the court system. I realise that the Minister of Local Government would say that was what she was trying to achieve—that an important part of the original package was that a fast track system should be determined. However, it is regrettable that when, in another place, the Minister was questioned on how that would work, she was unable to give any precise details about such a fast track procedure.

Any undecided claims, and particularly those that have significant problems attached to them, should not be allowed to delay the assessment and settlement of other claims. As far as the Liberal Party is concerned, we believe that Stirling council should not be entirely exonerated from making new payments. Of course, we recognise that considerable court costs have already been incurred.

The assessment of the finanicial capacity of the council to make a further but reasonable contribution within existing rate revenue must be completed as a matter of urgency. Again, I referred last week to the need to get on and do just that—it is of concern to me that the committee established by the Government with that responsibility in mind appears to be dragging its feet. Certainly, that was the case until recently and it certainly has a real responsibility to make that determination as soon as possible.

The Liberal Leader, in making his statement, suggested that any surplus land such as reserves or other property not required for council and community use should be sold, with the proceeds going towards costs and claims and that the Government should fund the remainder. I recognise that a considerable number of reserves have been held by the council, which owns a considerable amount of land, but many of those reserves would bring little because they are unable to be developed in any shape or form because of the stringent regulations that have been brought down in more recent times in respect of septic tanks and so on.

I know that some areas that people would suggest might bring a considerable sum to the council would bring far less than would have been the case in more recent times, and I want to emphasise that I would not support, in any shape or form, the sale of any reserves that may be made use of by the local community. Many of the reserves are seen to be valuable because of the natural resource, because of the

vegetation that they contain, and that should be taken into account as well. However, we have to start somewhere. Stirling ratepayers cannot afford to pay any more than has been the case through the massive increase to which I referred last week—the massive increase in rates brought about mainly through the cost of litigation already.

If the council is going to be responsible for finding at least some of the funding, then we have to look at all the alternatives and the sale of some reserves should be considered. I know of much concern originally, when the council started talking about the sale of reserves, that it might refer to the sale of ovals and other specific areas used extensively by the community. I want to make it perfectly clear to the House that I would not support the sale of any such areas. We are saying that the council needs to accept some responsibility, recognising that it has paid considerable court costs at the expense of Stirling ratepayers.

Once a sum has been determined it should be up to the Government, without any hesitation at all, to fund the remainder of the costs. The matter of quantum has not been determined, and I understand that it will be some time before that is the case. Whatever the situation and whatever those costs may be, it must be the responsibility of the State Government and not Stirling ratepayers. Much was said earlier about the possibility of the council becoming bankrupt, so sorting out some of the problems and putting more responsibility on the State Government. Allowing the council to become bankrupt is not a solution. Dividing the council between surrounding councils would not be a solution either. It would not be palatable to those other councils, certainly not with the current debt difficulties.

An element of that will continue at least until withheld rates and enforced necessary payments are a fact of the past and not a reality of the present. I am pleased that only a relatively small percentage of ratepayers at this time have not paid their rates. As I have said previously in this place, the fact that some of these people within the Stirling district have not paid their rates is purely because they cannot afford to pay them. If any honourable member has a question on that matter, I would be pleased to escort him or her through various sections of my electorate, and through that council area in particular, to indicate that situation more clearly.

The Government must arrange finance to allow for the immediate settlement of reasonable claims (and the assessment of some claims has already been completed, as I said earlier). This would minimise interest costs for the council and overcome the trauma of the long wait for claimants. Finally, the Government must pay the balance of the claims when they are tested and properly assessed. I remind the House that, the longer the Government delays biting the bullet, the more difficult things become for a community which is under siege.

The Stirling community needs decisive action, not further buck-passing with the inevitable additional costs and personal misery. Final settlement at the earliest possible moment will prevent unnecessary oncosts becoming a further burden on the council and ratepayers. This is a matter of considerable urgency, and it is for that reason I have moved this motion, and it is for that reason that I urge members of this House to support the motion.

**Mr DUIGAN** secured the adjournment of the debate.

## WHEAT INDUSTRY DEREGULATION

Adjourned debate on motion of Mr Gunn:

That in the opinion of this House the Minister of Agriculture should support the stand taken by the New South Wales and Queensland Ministers of Agriculture not to pass complementary State legislation which would allow the Federal Minister of Primary Industry to commence deregulation of the wheat industry in Australia.

(Continued from 9 March. Page 2293.)

**Mr BLACKER (Flinders):** Last week when I was talking to this motion I referred to a number of incidences and, more particularly, my grave concern about the lack of commitment by many members of Parliament on both sides of the House as to where they stand on this issue of deregulation. I want to point out to the House what little information has been given to members. I raise this point because, if the Federal Minister carries out his threat to allow the sunset clause of the Wheat Board to apply (and, as a result, the Wheat Board would become null and void as of 1 July), we would have very serious problems for local industries.

First and foremost, I refer to the guaranteed home consumption of our wheat for our milling companies, where the consumers of this State—the millers and the bakers—would not have a guaranteed supply or a guaranteed price from which to do their milling and make their bread. That is a fundamental aspect: the primary producers of South Australia and Australia on many occasions have subsidised the local consumption price of wheat for the domestic consumer. The growers do not particularly worry about that and think that that is fair and reasonable but, if this legislation goes out the window, so does that arrangement.

Secondly, we have the stock feeders, those persons who buy grain through the orderly marketing system and supply it to people for their stock-growing purposes. Chaos will develop, because some of those feed lot operators will be able to go direct to the farmer and do a direct deal, and in some instances the farmer may get a slightly better deal. But, in the main, any reasonable guaranteed price will not be achieved. It will be only a matter of time before there is trading-off one against the other, and eventually, as the number of feed lot operators diminish (in other words, the bigger ones will get bigger and the smaller ones will disappear), the bargaining power for individual growers to maintain a price for their commodity will be lost. The chicken industry is another large user of this State's grain, as is the pig industry. They, too, will not have a guaranteed supply. There will be bartering and, generally speaking, the growers, who are at the bottom end of the line, will miss out.

Many people say that that is part of trade practice, but what about the carryover of grain for drought years and for seed purposes? It has always been the responsibility of the Wheat Board, Cooperative Bulk Handling and the Barley Board to maintain certain stocks so as to provide an equaliser in the event of drought or adverse conditions. All members know of those conditions. A certain part of this State is experiencing difficulties now, and the grain producers of this State have responded with at least 1 500 tonnes of seed being donated to West Coast farmers.

But it goes beyond that. The Wheat Board, Cooperative Bulk Handling and the Barley Board have been able, under the existing arrangements, to make provision for adverse seasons. They know that they cannot respond to every market request and sell all the grain out of the country, because there is some legislative control over that.

Another issue that is of importance is quality control. Without an umbrella organisation there will be no quality control. A weevil infestation requires only one farmer, marketer or transport operator to fail to clean his equipment properly. If that occurred, entire shiploads of grain would be rejected. That has occurred previously, and it will occur again if we get back to the system that is proposed. For

that reason alone, if for no other reason, this proposed legislation should be thrown out.

I now turn to insect control and fumigation. We all know that in today's very delicate world of insecticides, pesticides and chemical contamination there needs to be an authorative body to place stringent controls on any fumigation of any grain for whatever purpose, and more particularly when that grain is for human consumption. All members in this Chamber know that, if quality control in relation to contamination by pesticides or insecticides (or any other chemical for that matter) is left to the discretion of growers, transport operators, shippers, handling authorities, storage agents, or whatever, the system will break down in less than one season. With the two major grain marketing authorities and Cooperative Bulk Handling we know that there is very stringent control over grain hygiene. With that control the producers obtain premium prices because a guaranteed quality product is put on the market, and that is to the benefit of all concerned.

I implore members of this House to support the motion which calls on the South Australian Government to reject the Kerin proposal. I make the point again: so far no State Minister—Liberal, Labor or National—has agreed to Mr Kerin's proposal. I am not saying that that will not occur. They may well agree to it, but certainly the State Ministers of Agriculture are not bending over backwards to support it because they know that it will create problems in their home States.

That raises the question of where we are as far as this legislation goes. We all know that we are at the end of the five year period and the sunset clause will apply under normal circumstances; therefore, there must be new Federal legislation and new complementary State legislation. We also know that there are only two weeks sitting left and, further, that the Federal legislation will not have been passed in Federal Parliament before we prorogue. What does that mean? Where does this House and the Government stand on the issue? Will the Government recall Parliament to put through complementary legislation required to support the Kerin proposal, irrespective of what happens? We are facing sunset legislation; we are at the end of the five year period and new legislation will have to be put in place by 30 June. I leave that thought with the Government and hope that someone has given the matter some thought. This House cannot debate complementary legislation before we rise in two weeks, because the legislation will not be before us and will not have been passed by Federal Parliament. In any event, when it is debated in Federal Parliament there will be changes of some kind.

There is a dilemma for the State Government and the grain growers of the State because the last thing in the world they want is the abolition of the Wheat Board on 30 June. That will happen unless complementary legislation and the legislative program of the Federal Government match up and are put through in the appropriate time. Maybe some mechanism is available so that legislation can be passed retrospectively after that time. I do not know, but it must be considered.

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

**Mr De LAINE** secured the adjournment of the debate.

## YOUTH REPORT

Adjourned debate on motion of Mr Oswald:

That this House notes with concern the findings of the Marion, Brighton and Glenelg Community Health Needs Assessment Youth Report which was publicly released on 1 March 1989, and condemns the economic and social policies of the State and Federal Governments which have been responsible for startling inequalities in health and lifestyles amongst young people as well as low income families in the western and south-western suburbs of Adelaide.

(Continued from 9 March. Page 2295.)

**Mrs APPLEBY (Hayward):** The motion moved by the member for Morphett last week related to the community health needs assessment youth report, which was launched on 1 March 1989 by the Minister of Community Welfare, who is currently in the House. I found it a little bit out of line with certain aspects of the community to which the report refers. The member for Morphett referred to several aspects of the report upon which I wish to comment. I also give notice that I will move an amendment to the motion. The two aspects that concern me are, first, that whilst the report contains negative aspects, it also contains positive aspects. It depends on the interpretation by the person reading the report. It is necessary for the community to read reports in the full context of developing projects and programs which can provide benefits.

The second aspect about which I am concerned is the way in which the media had difficulty interpreting anything positive about the youth of the collective area to which the needs survey applied. On the morning of the launching of the community research report there appeared in the local community press major headlines and an article which indicated a negative attitude. I am sure that the majority of youth in our community who would in some way come across this article would feel disturbed at being lumped together, tagged and labelled in this way; they would feel uncomfortable about the way in which adults in the community interpret their needs and certain elements that may have to be addressed.

Nothing in any community is perfect and that is why surveys are undertaken and reports written. There are still areas of the community—in particular, I refer to youth—which are totally overlooked or left out altogether. The negativity to which I refer has already demonstrated itself in the reaction of some of the young people involved in the Marion youth community project in my electorate of Hayward. They have been vocal in describing what they believe to be discrimination against them rather than being able to see that a report can be beneficial if it is interpreted correctly and if they are involved in the deliberations on what aspect of the report should be pursued further.

When we see negative headlines and when the negative aspect of a report becomes the focal point of discussion in the community rather than the positive aspects, people who previously supported programs and projects in the community may tend to back away from that support—even to the extent of removing financial support—or feel uncomfortable about what they are pursuing.

I thank the member for Morphett for his kind words last week about my involvement in the Marion youth project. One very important component has made this project workable: local government, the State Government and a private sector corporation have worked jointly to fund this project and to achieve the participation of all young people at all levels of management, decision-making and learning, thereby pursuing those aspects of management to which not all young people have access. I feel that we need to be a little bit more positive. I move:

Leave out the words 'with concern' and all words after 'Youth Report' and insert the following:

'and commends the Government for its initiative in commissioning the report. Further, this House urges the continuation of the cooperative efforts of both Government and non-government

agencies and groups in implementing the recommendations of the report.'

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## HOUSING

Adjourned debate on motion of Mr Tyler:

That this House congratulates the Premier on representing the housing concerns of South Australian families to the Federal Government, particularly the need for the Federal Government to offer young home buyers tangible assistance in meeting their mortgage repayments and, further, that this House acknowledges that initiatives over the past six years by the State Government have enabled the housing needs of tens of thousands of South Australian families to be met.

(Continued from 9 March. Page 2297.)

**Mr DUIGAN (Adelaide):** I have much pleasure in seconding the motion, which seeks to make some observations about the involvement of South Australia in the housing summit and, in particular, the policy position taken to that summit by the South Australian Premier. That was one of the best submissions presented not only in terms of presentation of the argument and background evidence but also because it was comprehensive in its scope. It has certainly now been accepted by the Commonwealth Government as by far the most comprehensive and all-embracing of the submissions presented at that housing summit.

The main features of the South Australian proposal to the Commonwealth that will continue to be examined a long time after the discussion at the summit has concluded are the following: first, that interest rate protection for mortgage holders who are on low incomes is an essential priority and of the highest and most important degree of urgency; secondly, that the Commonwealth-State Housing Agreement must be maintained at its current level of funding at least and, if possible, that funding should be increased; thirdly, that a higher proportion of Commonwealth-State Housing Agreement funds must go into housing stock, that is, into the building of new houses rather than being diverted into recurrent expenditure, which relates to maintenance of existing housing stock and financial support for rental assistance for people in both the public and private rental markets.

The fourth feature of the State Government's contribution to the housing summit was an argument for the recognition of the need for increased expenditure on community infrastructure. That proposal, which was canvassed by the member for Fisher when he moved the motion, was argued very strongly. It was a feature of the State Government's contribution to the debate because the Commonwealth Government offered to release some of its land to enable more housing to be built. The State Government wishes to take up some of the offers that have been made by the Commonwealth Government, but it argued that the Commonwealth Government should also make some financial contribution towards the development of infrastructure on those available parcels of land so that housing money that we receive is used directly on housing rather than being eaten up by providing community and physical infrastructure.

The fifth feature of the South Australian submission to the Commonwealth was a very interesting one indeed. It involved an argument to the Commonwealth Government that it engineer, if you like, some mechanism by which population growth in Melbourne and Sydney could be diverted from those cities into South Australia. The submission did not just say that the diversion should be only to South Australia; it recognised that such a diversionary policy would benefit Western Australia also. The benefits were seen not only in terms of a diversion of population to South Australia or Western Australia but also in taking the population away from Melbourne and Sydney.

Population growth in Melbourne and Sydney, which is putting tremendous pressure on housing costs and house prices and which, in turn, is putting great pressure on availability of land for housing, is one of the principal contributing factors to the so-called housing crisis. The proposal that was argued very strongly by both the Premier and the Minister of Housing and Construction on South Australia's behalf was in relation to looking at diversionary policies that would bring people to South Australia or provide an incentive for people to come to South Australia, and those policies are being taken very seriously by the Commonwealth Government.

The South Australian Government urged that consideration be given to the idea of doing this through immigration arrangements. Members would be aware of the points system that operates in relation to people wishing to emigrate to Australia. The more educated a person is, the less dependent that person will be on the Australian social security system and the greater will be that person's contribution to the Australian economy, and these factors result in a person getting more points in terms of an immigration application.

An additional argument put by the South Australian Government to the housing summit in its submission was that if an intending immigrant to Australia was prepared to come to one of the smaller States, for example South Australia, rather than to Sydney or Melbourne, that could result in more points being added to the application. That proposal is being taken very seriously by the Government. It has advantages for the immigrant applicant, and if this was able to be instituted it would have great advantages for South Australia. People might have, say, 70 or 80 points in their immigration application but, for one reason or another be unable to increase that number to the level of admission. These people might be relatively financially secure, have good skills and education and, as indicated by past performance, have made an active contribution to their community.

These are the sort of people who would make a major contribution to the South Australian economy. The idea has considerable merit. It was canvassed at some length in the State Government's submission to the Commonwealth. I think it again indicates the intelligent and innovative way in which the South Australian Government is trying to tackle the problem of the so-called housing crisis.

Regarding the housing situation in South Australia, as compared to the other States, obviously the housing crisis is greater in the Eastern States than it is here. The housing situation across Australia is not the same in all places. I refer to an article by Rod Nettle that was published in the *Business to Business* magazine of 6 March 1989, in which comments were made about the relative position of the cost of housing in Adelaide and South Australia as compared with the cost and availability of housing in the other States. Mr Nettle stated:

After all the fuss about housing prices in the last few months, a fuss which started with the Sydney housing market going through the roof, it is pleasing to see that the South Australian and Adelaide housing market is still displaying a median price level, which puts it in the realm of the affordable.

A major distinction must be made between land supply, the cost of housing, the availability of housing in Sydney and Melbourne, the cost of land, and the availability and affordability of housing in Adelaide. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

## COUNTRY FIRES BILL

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

## PETITION: BLACK AND OAKRIDGE ROADS INTERSECTION

A petition signed by 213 residents of South Australia praying that the House urge the Government to reduce the speed limit on Black Road and modify the intersection of Black and Oakridge Roads was presented by Mr Tyler.

Petition received.

## PAPER TABLED

The following paper was laid on the table:

By the Treasurer (Hon. J. C. Bannon)—

Friendly Societies Act—General Laws—Friendly Societies Medical Association Inc.

## QUESTION

**THE SPEAKER:** I direct that the following written answer to a question asked in Estimates Committee A be distributed and printed in *Hansard.*

## YES ALLOCATION

In reply to **Mr S.J. BAKER (Mitcham)** 23 September.

**The Hon. LYNN ARNOLD:** I have received the following table:

OFFICE OF EMPLOYMENT AND TRAINING YES ALLOCATION

| PROGRAM | 1987-88 ACT SAL | 1987-88 ACT CONT | 1987-88 ACT MISC | 1987-88 TOTAL | 1988-89 PROP SAL | 1988-89 PROP CONT | 1988-89 PROP MISC | 1988-89 TOTAL |
|---|---|---|---|---|---|---|---|---|
| PROGRAM 10 | | | | | | | | |
| Disadv. Persons Trg. | — | — | 30 | 30 | — | — | 30 | 30 |
| Group Training | 84 | — | 383 | 467 | 77 | — | 428 | 505 |
| Public Sector Trainees | — | — | 391 | 391 | — | — | — | — |
| Traineeships | 113 | 6 | — | 119 | 103 | 21 | — | 124 |
| Training Centres | — | — | 122 | 122 | — | — | 123 | 123 |
| Aust. App. of Year | — | — | — | — | — | — | 41 | 41 |
| PROGRAM 12 | | | | | | | | |
| YIU High School/ Statewide | 157 | 33 | 123 | 313 | 169 | 56 | 137 | 362 |
| PROGRAM 15 | | | | | | | | |
| Bridging the Gap | — | — | 103 | 103 | — | — | 102 | 102 |
| YEP | 81 | 27 | 1 075 | 1 183 | 108 | 22 | 1 051 | 1 181 |
| LEDP | 37 | — | 138 | 175 | 38 | — | 140 | 178 |
| SEVS ** | — | — | — | — | — | — | 118 | 118 |
| Publicity and * Promotion | — | 61 | — | 61 | — | — | — | — |
| YES Initiatives | 18 | — | 20 | 38 | 10 | — | 144 | 154 |
| Special Projects | — | — | 240 | 240 | — | — | 260 | 260 |
| Aboriginal Initiatives | — | — | 43 | 43 | — | — | 50 | 50 |
| AUSP | 38 | 23 | 457 | 518 | 58 | 28 | 446 | 532 |
| HAS | — | — | 1 060 | 1 060 | — | — | 960 | 960 |
| PROGRAM 19 | | | | | | | | |
| Labour Market Research | — | — | — | — | 9 | — | — | 9 |
| PROGRAM 20 | | | | | | | | |
| Publicity and Promotion | — | — | — | — | — | 60 | — | 60 |
| TOTAL | 528 | 150 | 4 185 | 4 863 | 572 | 187 | 4 030 | 4 789 |

* Transferred to PROGRAM 20

** SEVS

Whilst funds for the majority of YES programs were wholly YES funds some programs were funded using only a portion of YES funds. These were Group Training Schemes, Traineeships, Labour Market Research, High Schools program, YIU Statewide, Self Employment Ventures Scheme (SEVS), and Youth Employment Program.

As a matter of policy within OET non-YES appropriations were expended before YES appropriations. In the case of SEVS actual expenditure and carryover from year to year was such that no YES expenditure occurred in 1987-88.

I am in the process of obtaining further information about the breakdown in expenditure of YES and non-YES funds for the other programs detailed above. This information will be made available as soon as possible.

## QUESTION TIME

**The SPEAKER:** Before calling for questions, I advise that, in the absence of the Deputy Premier, any questions ordinarily directed to him will be answered by the Minister of Transport. In the absence of the Minister of Mines and Energy, any questions ordinarily directed to him will be answered by the Minister of Housing and Construction.

## INTEREST RATES

**Mr OLSEN (Leader of the Opposition):** Does the Premier agree with State Bank and Chamber of Commerce predictions following today's trade figures that interest rates are likely to rise again; if so, does he intend to take any action to help ease the pressure on home buyers and, in particular, will he now be calling for changes to Federal economic policy after the admission in his submission to the housing summit that this is putting the greatest pressure on interest rates—pressure which, if interest rates rise by another half per cent, will mean an increase of $61 since January in the monthly repayment of a loan to buy the median priced home in Adelaide?

**The Hon. J.C. BANNON:** I think it is a little too early to say what will happen with interest rates but certainly those commentators—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** As far as mortgage relief is concerned, we have in place existing and quite comprehensive schemes which I believe will be of assistance. It is interesting to note—and I was discussing this with my colleague the Minister of Housing and Construction just a minute ago—that there has been a decline in the number of households receiving mortgage relief over the past 12 months, which seems somewhat at odds—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** I would be interested in the reason for that. There has been a decline in the number receiving assistance. Those schemes are available and our officers will be actively assessing the possible need for interest rate protection and the way in which the Government's strategy can work in with that. The current account deficit was at the lower end of market expectation but it is still quite high, and there could be continuing upward pressure on interest rates.

## COWANDILLA DEVELOPMENT

**Mr PLUNKETT (Peake):** I direct my question to the Premier, representing the Minister for Environment and Planning. Is the Premier aware of a development application for the erection of offices, a showroom and a store at the corner of Spencer Street and Burbridge Road, Cowandilla? Is the Premier further aware of the concern of local residents about the increased traffic in side streets which will be generated by approval of this application? Will he undertake to examine measures to reassure my constituents?

**The Hon. J.C. BANNON:** In the absence of the Minister for Environment and Planning, the honourable member paid me the courtesy of advising me that this question would be asked today and, in the time available, I have been able to obtain a report, which I will give to the honourable member in response to his question. The Minister advised me that he was aware of this matter and had read comments about it in a recent edition of the local press. The procedure under the Planning Act is as follows. As the proposal is a prohibited development for the area, the local council would have been required to give notice of the proposal in the press. Any written objections received during the period of exhibition allowed would have to be taken into account by council in arriving at a decision about the proposal.

If council determines that the development should be agreed to, because it is a prohibited development, the whole issue would need to be referred to the South Australian Planning Commission for its concurrence. If that occurs, there are two possible outcomes. The commission may not concur with what council has proposed, in which case the matter would not proceed any further. However, if the commission did agree with the council and gave its approval for the proposal to proceed, any person who has lodged a written objection with the council during the period of exhibition would have the right of appeal to the Planning Appeal Tribunal. That is the situation as the Minister for Environment and Planning sees it and I hope that will prove useful for the honourable member in advising his constituents.

## WESLEY VALE PULP MILL

**The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition):** Does the Premier support Federal Government decisions which have led to the abandonment of the pulp mill project in Tasmania, or does he share the concerns of the Opposition over the serious implications—

**The SPEAKER:** Order!

**The Hon. E.R. GOLDSWORTHY:** —these decisions have for the rights of the States—

**The SPEAKER:** Order! The Deputy Leader will resume his seat. The Deputy Leader will continue with his question while the Chair listens closely to it.

**The Hon. E.R. GOLDSWORTHY:** I am about to come to the nub of the question, which involves the States but, so the sense is not lost, I will read a bit of it again. Does the Premier share the concerns of the Opposition over the serious implications these decisions have for the rights of the States to seek and to secure major resource development projects which fairly balance economic and environmental needs? If the Premier does share our concerns, will he also support the call from the President of the ACTU (Mr Crean) for a review of these decisions on the grounds that they go, to quote Mr Crean, 'to the whole question of resource development and how serious Australia is about having an industry development strategy to correct its balance of payments'?

**The Hon. J.C. BANNON:** If indeed there is a fair balance between the two requirements of environment and development, there should be no problem with any proposal. I would expect in those circumstances, if South Australia is involved, that we would get the active cooperation of the Federal Government in any project that we had in mind. So far that has been the case and I again stress that, if there has been a fair balance. that is appropriate. The Wesley Vale situation is a matter between the Commonwealth and Tasmanian Governments and I do not intend to interfere in it.

## SCHOOLGROUND CURFEW

**Mr ROBERTSON (Bright):** Will the Minister of Education consider extending the curfew in South Australian State schools, especially in primary schools, to run from 9 p.m. to 6 a.m? I understand that at present the curfew runs from midnight to 8 a.m. in State schoolgrounds and it has been put to me that most of the vandalism in local schools is caused by local children, often by children attending the school in question. It is also said that most of the vandalism, especially in primary schools occurs before midnight and it is suggested that by extending the curfew such vandalism might be obviated. Parents say that even good little arsonists are tucked up in bed by midnight and that, although some parents may allow their children to set fire to schools, they at least ensure that their children get eight hours sleep.

**The Hon. G.J. CRAFTER:** I thank the honourable member for his question and for his interest in this serious issue. Attacks on school property incur considerable cost to the taxpayers of this State, but even more than the direct cost there is the impact on children and teachers who suffer when their classrooms and school work are damaged in this way: valuable materials that teachers have spent years developing are destroyed and the work of the children, some of it material eligible for assessment for important examinations, is also lost.

Often, the schools are the focus of these attacks, but the problem must be faced by the whole community. The overnight curfew came into operation on the last day of term 4 last year in time for the summer vacation period. It was a new move in our battle to minimise school vandalism and arson attacks. As the honourable member has said, the curfew imposes a ban on any unauthorised person entering school grounds between the hours of midnight and 7 a.m. These are the hours when the most serious offences are likely to occur, but obviously other offences occur outside these times.

At the same time, new Education Department penalties of $200 were approved by Parliament for simple breaking of that ban, and penalties for not leaving school premises after being lawfully requested to do so were doubled. The curfew is strongly supported by school communities, as well as all the principal, teacher and parent organisations in our education community. The curfew has resulted in the apprehension of people breaking the ban: for example, the *Payneham Messenger* of 8 February reported on the first person to be charged with trespassing on school grounds as a result of breaking the curfew. This occurred on the grounds of Morialta High School at about 3.50 a.m. on 26 January.

It is difficult as yet to assess the impact that the curfew has had on either the frequency or severity of arson and vandalism attacks. In the summer vacation period there were three major arson attacks on our schools at a total cost of $112 000. There was one attempted arson costing $1 000 and three major vandalism attacks at a cost of $10 000. In the same period last year there were four major arson fires at a total cost of $650 000.

It can be seen that there was a significant improvement from last year to this year, however it would be premature to draw a cause and effect relationship between the introduction of the curfew and the decrease in the cost of arson and vandalism attacks, because we know, unfortunately, how unpredictable they are.

New security measures have been introduced and existing ones stepped up in recent years. There are some difficulties in separating out the specific effect of the curfew from the overall effects of the various security measures. However, I am pleased to inform honourable members that, since the curfew started, a continuous assessment of its effect is being made. I have been advised by officers of the security section of the Education Department that the full impact of the curfew is unlikely to be fully appreciated until it has had a full year of operation. However, I will refer the honourable member's suggestion to the department's security services for them to take it into account as part of their assessment of the curfew, and its hours of operation. Schools are an important community asset and it is essential that the community helps to preserve and protect them. Parents and guardians have a responsibility to know where their children are and what they are doing, and we all need to care for our local schools.

## AIDS COUNCIL OF SOUTH AUSTRAIA

**The Hon. JENNIFER CASHMORE (Coles):** Will the Minister of Health initiate discussions with the taxpayer-funded AIDS Council of South Australia to determine whether all activities associated with the council are consistent with the prime aim of educating the public about AIDS and preventing the spread of this disease in the community? This financial year the Government, through the Health Commission, has allocated $769 000 to spend on AIDS-related services. I understand that about $280 000—

*Members interjecting:*

**The SPEAKER:** Order! The honourable member for Coles is entitled to the protection of the Chair against interjection. The honourable member for Coles.

**The Hon. JENNIFER CASHMORE:** —of this is going to the AIDS Council. The council's address is 130 Carrington Street in the city. Its telephone number is 223 6322. Both this address and telephone number are quoted in association with certain activities promoted in the March issue of a publication called *Catch 22* which is self-styled 'South Australia's own gay magazine'.

In particular, the AIDS Council number is given as a source for more information and a registration form for what is advertised as the 'Men's Autumn Gathering'. An advertisement in *Catch 22* describes this event, as follows:

> A celebration of men close to men: a time for relaxation, fun, exploration, pleasuring and time out.

It is to be held at a campsite at Stirling from 7 to 9 April. There are two other activities advertised in *Catch 22* which are actually held on the premises of the AIDS Council: one is called 'Eleven Men—A Group for Gay and Bisexual Men' and is advertised as a free course of five weeks duration. The second is the Gay and Lesbian Theatre project, which, according to *Catch 22* is supported by the AIDS Council, the Department for the Arts and the Health Commission. A brochure published by the AIDS Council says it aims to:

> Prevent the spread of AIDS, assist people with AIDS or AIDS-related conditions, and play a part in educating the public about the disease.

There is widespread community support that these objectives, but it is difficult to comprehend—

**The SPEAKER:** Order! The honourable member seems to be debating the question rather than relating factual matters.

**The Hon. JENNIFER CASHMORE:** Mr Speaker, some people find it difficult to comprehend how the activities I have mentioned could possibly help to meet those needs.

**The SPEAKER:** Order! The honourable member's explanation is out of order. Leave is now withdrawn.

**The Hon. FRANK BLEVINS:** I have no personal knowledge of this publication. I defer to the member for Coles' greater knowledge of it. However, I will have the issue

looked at and bring back a reply. I point out that, if we are to make any inroads with respect to curing this disease—

*Members interjecting:*

**The SPEAKER:** Order! I warn the Deputy Leader. The honourable Minister.

**The Hon. FRANK BLEVINS:** —particularly in expanding the limited knowledge we have, we will have to extend our horizons. The situation is certainly not very hopeful. Therefore, at the moment, prevention is probably the greatest weapon that we can advocate. I certainly hope that everyone in this House, indeed everyone in the community, will support the AIDS Council programs and the way in which it is trying to get to those sections of the community who are most at risk.

If, for instance, members opposite have no interest or compassion for people who suffer from this disease, I would think it would be in their own interests to change that because there is no doubt that, at some stage, there will be a trigger which will ensure that AIDS is transmitted into the general community. That transmission will be predominantly through the sharing of needles but also through bisexuality which is another avenue by which this disease is transferred into the general community.

Whilst today we may be doing things in a preventive sense, which a few years ago would never have been considered, the problem is now so large that we as a community have had to take a fresh look at some of the things we are doing in a medical sense. I am pleased to say that a great deal of bipartisanship has been demonstrated because the problem is so enormous that it does not lend itself to political point scoring—on the other hand, there are the likes of Wilson Tuckey and apparently now the member for Coles. I will have the question investigated.

*Members interjecting:*

**The SPEAKER:** Order!

## VITAMIN SUPPLEMENTS

**Mr De LAINE (Price):** Will the Minister of Health consider the introduction of regulations to ensure that special instructions and warnings are placed on dietary vitamin supplements sold by health shops, chemists and supermarkets? It is estimated that about 45 per cent of Australians take some form of vitamin supplement in an effort to become fitter and healthier. However, overuse or uninformed use of some of these supplements can be quite dangerous. As a precaution, and to protect not only the consumer but the retailer, it would seem appropriate that warning notices be placed on these items.

**The Hon. FRANK BLEVINS:** Warning statements on labels, and other safety controls to regulate vitamin and mineral supplements, have been under consideration for some time by the South Australian Natural and Nutritional Supplements Working Party established by the previous Minister of Health. In its first report, the working party recommended that vitamin and mineral supplements be considered to be therapeutic substances and controlled as such by regulations under the Controlled Substances Act. This would enable, amongst other things, consumer information on labels warning of the dangers of misuse of these preparations.

Since these preparations often contain doses of vitamins far in excess of the daily amounts required for good health, and because excessive consumption of some vitamins can be dangerous, a suitable warning might be: 'It is unnecessary—and may be dangerous—to exceed the stated dose'. This needs to be coupled with controls on the levels of vitamins in the recommended dose. The working party will be making a further report to me and this will include recommendations for controls over vitamin supplements. Work can then proceed on appropriate regulations and I shall be happy to consider the honourable member's suggestion for inclusion in those regulations.

## AMBULANCE DISPUTE

**Mr S.J. BAKER (Mitcham):** Will the Minister of Health completely reject demands by the Ambulance Employees Association for:

1. A Government inquiry into St John;
2. The sacking of the Ambulance Board and its senior officers;
3. A commitment that volunteers will not do the work of paid officers during any future industrial action?

Will the Government also give an absolute guarantee that it has not reached a secret agreement with the union that the issue of integration of paid officers at the expense of volunteers can be reopened after the next State election?

**The Hon. FRANK BLEVINS:** Given the ungodly hour that Parliament rose this morning, I do not really have the physical strength to go through again all the issues I went through yesterday and I would have thought that it would be unnecessary. From my experience in Parliament I know that by Thursday questions are rather thin on the ground. I have gone through it myself. I am not critical of the Opposition, but by Thursday one is scratching.

I have never previously seen the media leave the gallery halfway through Question Time as they now constantly do. I suggest that when the press will not even stay for Question Time, that is the ultimate insult to any Opposition. However, when we hear questions like this one from the member for Mitcham, can you blame them? I would have thought that, of all the issues in which the Government gets involved from time to time, its position on this matter has never been clearer and it is impossible to make it clearer. I would have thought that everything that needed to be said on the dispute was said yesterday in response to a very welcome question from the Deputy Leader.

We have made it very clear to the Ambulance Employees Association that there is no—and we cannot foresee any—circumstances where we would replace willing volunteers with paid crews. I would have thought that that attitude was abundantly clear. I point out also that that will be our position in the foreseeable future. That commitment which has been given by this Government is in contrast with what happened under Liberal Governments in Victoria and Western Australia where, as soon as the heat was on, they caved in and, after the volunteers had given decades of faithful service, they were dumped. We will not do that. I do not believe that even one volunteer in this State does not understand and appreciate the stand taken by this Government. However, it is Thursday and questions are hard to come by; the member for Mitcham was desperate. In relation to the sacking of St John, or was it the Ambulance Board—

**Mr S.J. Baker:** The sacking of the Ambulance Board.

**The Hon. FRANK BLEVINS:** In relation to the sacking of the Ambulance Board, that board is established under an Act of this Parliament and, as far as I know, I do not have the authority to sack it. Nevertheless, the whole legal structure and framework of St John and the way in which the ambulance service is run, including the board's ability to licence, etc., is encompassed in legislative framework, so,

if there were any intention to change it, that would come to Parliament. I have had some discussions—

*Members interjecting:*

**The SPEAKER:** Order! In view of the fact that the Minister has pointed out on two or three occasions how he answered the question adequately during Question Time yesterday, I suggest that he wind up his remarks.

**The Hon. FRANK BLEVINS:** I think so.

## SMALL BUSINESS

**Mr DUIGAN (Adelaide):** My question is directed to the Minister of State Development and Technology. What policy does the Government have in place to assist small business in South Australia and, in particular, has the Government examined the concept of small business incubators with a view to ensuring that the advantages of providing early advice and guidance to those wishing to establish small businesses can be realised?

In the wake of Opposition contributions to the Supply Bill, I looked at a report on small business incubators which was prepared for the Northern Adelaide Development Board. The causes for small business failure were set out principally as follows:

> . . . lack of business ability, acumen, training or experience . . . and failure to assess potential of business.

The second major cause was as follows:

> . . . economic conditions affecting industry including competition and price cutting, credit restrictions, fall in prices, increases in charges.

The third cause was as follows:

> . . . lack of sufficient working capital.

The report went on to confirm those initial findings by referring to work done by the Institute of Technology School of Accountancy, and then, in exploring the view of incubators, outlined a number of advantages to both the proprietor and the broader community, to ensure, in particular, that if the role of the incubator was established there would be significantly greater success and survival rates for new businesses.

**The Hon. LYNN ARNOLD:** I thank the honourable member for his question. I noted during the asking of the question that, when the honourable member referred to the report of the Northern Adelaide Development Board, which is a very distinguished board of local people seeking to promote economic development in the northern area, the member for Coles referred to its report as an Alice in Wonderland report. I would certainly be interested to know the reaction of Max Davids, Chairman of the Northern Adelaide Development Board, to that kind of slur that has been cast upon the work of the board. Indeed, I also mention what another supporter of the Northern Adelaide Development Association, Daryl Hicks, has to say about this. As I understand it, he supports the report of the Northern Adelaide Development Board. The reality is that the—

*Members interjecting:*

**The SPEAKER:** Order! I call the member for Victoria to order. Not only are his interjections out of order, but the situation is made worse by the fact that the honourable member then complains that the Minister has not replied to his out of order interjections. The honourable Minister.

**The Hon. LYNN ARNOLD:** The Northern Adelaide Development Board is one of many organisations that have made submissions to the Government to support the development of small business incubators. I say 'many', because there are many organisations, certainly throughout the metropolitan area, that have posited that this is the way to allow fledgling small businesses to establish themselves. It may be that something can come of these suggestions. Indeed, it may be that small business incubators are ultimately established. That is still subject to further examination.

Indeed, last year we had a committee established to produce a report on this matter, and that brought together expertise from a number of areas, including the organisation Business in the Community—I hope well respected by members on both sides of the House—representatives of the Small Business Corporation and members of the private sector to advise the Government on whether or not small business incubators were the way to go. That report has now been circulated to a number of groups in the community and we are getting feedback from those groups.

What the outcome of that further discussion is, I am not yet certain; but I do say this: certainly the concept of small business incubators is one worth pursuing further. It is something that could offer greater opportunities for a number of starter business enterprises. It certainly has been the case that, overseas, small businesses or start-up small businesses have had the benefit of accommodation in a managed work place situation, along with the support given by those who run those places, in terms of giving smallQKbusiness expertise and in terms of the synergy that takes place between small businesses that can exist at a small business incubator.

The experience overseas is not automatically transferable to South Australia, but the concept is worth further examination. It is for that reason that a number of local governments have put this proposition to the State Government, as have a number of private sector organisations.

I want to identify some of the benefits that can accrue to a person who wishes to set up a small business and who has access to a small incubator-type space. The report that was prepared last year indicated that the rent for space in a small business incubator would be at commercial rates. There would be no inbuilt subsidy in the rate of rental. The advantage is that the space can be tailormade to the size of the enterprise. If a business needs only 20 square metres of space—as some very small businesses need in the first year or couple of years—that business could rent that space for a cost of about $3 000 to $4 000 per year, whereas for other commercial accommodation, with a business having to buy the minimum lot that is available, a business might have to pay $12 000 or more.

It may well be that that $8 000 or $9 000 differential between what a small business incubator could offer and what other accommodation could offer could make the difference in that first year of the operation of a business—and we must remember that 50 per cent of small businesses fail within their first three or four years. Cash flow is a critical question. It is in that regard that I think it has been worth pursuing small business incubators further. I repeat the point: we do not know where this investigation will ultimately lead—

*Members interjecting:*

**The SPEAKER:** Order! Interjections are out of order.

**The Hon. LYNN ARNOLD:** —but I would have thought that the proposal was worth much more attention than it has been given by a number of members opposite. I note the comments that were made by the member for Coles in the *Advertiser* on Tuesday, where she was most disparaging of the concept. Clearly, she is not prepared to run with the concept at all. Clearly, she has cast her lot against the development of small business incubators, for some self-serving political motive. It may be part of her own ambitions on the seeming front bench of the Opposition—but I

for them to know. I note also that a would-be colleague of the member for Coles, Ms Judy Fuller, has made some comments about small business incubators. She has referred to them—

*The Hon. Jennifer Cashmore interjecting:*

**The Hon. LYNN ARNOLD:** —as the member for Coles quite rightly now interjects, as a heap of garbage. I think that her comments about small business incubators being a heap of garbage would attract a number of other comments from many others who have a genuine interest in small business.

*Members interjecting:*

**The SPEAKER:** Order! I call the House to order and ask members to take a look at themselves. The honourable Minister.

**The Hon. LYNN ARNOLD:** Thank you, Mr Speaker. I certainly concur with your statement. The member for Coles should certainly take a look at herself, as should Judy Fuller in terms of her comments. There are many out there who are prepared to give this concept serious consideration. It is worth the further consideration. Let us see where it takes us and whether or not it can be a viable alternative to small, start-up enterprises that can provide economic benefit to the proprietors of those firms and this State.

## RAILWAY SIGNALLING SYSTEM

**Mr INGERSON (Bragg):** Will the Minister of Transport confirm that the designers of the STA's computerised signalling system, Westinghouse and O'Donnell Griffin of Britain, recommended some time ago that the outlying relay units should be protected with a special vandal-proof box? Will he also confirm that this recommendation was not implemented? Will he explain why and, in view of the events of yesterday when the metropolitan rail system was brought to a standstill because one of these units was vandalised, will the Minister take immediate action to have the original recommendation of the designers implemented as a matter of the highest priority?

I have been informed that the vandal-proof box recommended by the designers would have prevented the damage inflicted yesterday. However, I understand that the outlying relay units have not been given the protection considered necessary by the designers.

**The Hon. G.F. KENEALLY:** I advised the House yesterday that I have instructed the STA to make every effort available to it to ensure the utmost security of the signalling system and all components of it. That undertaking was given to the House yesterday and the honourable member is asking me to give it again today, and quite clearly I am doing so. In relation to the original recommendations of the manufacturer, I do not have possession of that information but I will obtain it for the honourable member. The House can be assured that the components were housed securely and the efforts that were made by the vandal to access these computerised components were quite considerable indeed. However, I will obtain information for the honourable member and the House to ascertain whether the security provided by the STA was any less than that recommended, or whether or not in fact the recommendations were made as the honourable member suggests. As soon as I am able, I will report on the improved security that the STA will recommend to me.

## FLAGSTAFF ROAD

**Mr TYLER (Fisher):** Will the Minister of Transport raise with the Highways Department two matters of concern relating to Flagstaff Road, Flagstaff Hill? First, can the speed limit be reduced from 80 km/h to 60 km/h and, secondly, can the department improve the bus run-off areas on the road?

The Minister is aware of my concern about conditions on Flagstaff Road as I have corresponded and spoken with him in that regard on many occasions. There is a considerable body of opinion amongst local Flagstaff Hill residents that the speed limit that currently applies to Flagstaff Road is not appropriate. I support this view. Cars travelling at 80 km/h pose a threat to pedestrians and, given that the southern end of the road is poorly designed and falling apart in sections, it is also dangerous to motorists. Residents also complain that, when buses pull into bus stops along the road, when they leave the bitumen and enter the bus run-off area, waiting passengers and nearby houses are sprayed with dust. Conditions are just as bad in winter when passengers are sprayed with muddy water from puddles that form in the run-off areas.

**The Hon. G.F. KENEALLY:** I will instruct the Highways Department to examine the two matters that the honourable member has brought to the attention of the House. However, I must make one or two responses. I acknowledge that, on a number of occasions, the honourable member has raised with me as Minister the question of the speed zoning for Flagstaff Road. I point out to the House, as I have to the honourable member, that speed zones result from the very closest examination of the road performance and the performance of drivers over time.

The honourable member pointed out that the standard of Flagstaff Road has deteriorated. We acknowledge that and, until tomorrow in Skyline Drive in his electorate, his constituents and other interested people may view in a special caravan the Highways Department's major restructuring proposals for Flagstaff Road. Plans for the restructuring will be available in the Happy Valley council chambers until the end of the month.

It is a difficult proposition to accept that merely setting a speed limit does not guarantee that people will abide by it. If people speed along Flagstaff Road in excess of 80 km/h and create traffic problems or dangers for other people and for themselves, they should be condemned. However, drivers generally drive in accordance with the speed environment that is available to them and, if 85 per cent of people exceed a speed limit of 60 km/h, that is a clear indication that the speed limit is too low in the judgment of road users. The Highways Department, local authorities and the Division of Road Safety, which are all involved in recommending speed environments to the Minister, must take account of the available scientific evidence. That is probably of little consolation to the honourable member's constituents whose houses are on Flagstaff Road and who have some concern about the present situation. That will be investigated and, as soon as information is available, I will provide it to the honourable member.

## ABORTION CLINIC

**The Hon. P.B. ARNOLD (Chaffey):** I ask the Minister of Health: what are the Government's and the Health Commission's present intentions concerning the establishment of a pregnancy advisory centre, commonly referred to as a

free-standing abortion clinic? Is Mareeba, at 14 Belmore Terrace, Woodville, being investigated for the establishment of such a clinic?

*Members interjecting:*

**The SPEAKER:** Order! The honourable member for Chaffey has the floor.

**The Hon. P.B. ARNOLD:** If so, have expressions of opposition been made to the Government and the Health Commission by medical and nursing staff of the Queen Elizabeth Hospital?

**The Hon. FRANK BLEVINS:** As I have stated this previously in the House, I can only ask the member for Chaffey to refer to the answer I gave some months ago. The position is still identical: a number of sites are being looked at by the Health Commission, specifically by a projects officer.

*Members interjecting:*

**The Hon. FRANK BLEVINS:** Just hang on.

**The SPEAKER:** Order! I call the honourable member for Victoria to order. I warn the honourable member for Victoria that he is following a perilous course.

*Members interjecting:*

**The SPEAKER:** Order! I call the honourable Leader to order. The honourable Minister.

**The Hon. FRANK BLEVINS:** The member for Chaffey asks three questions a year in this place and on the infrequent occasions that he does, such as today, he obviously gets overexcited and cannot control himself. Once he has found out how to speak he cannot stop. The honourable member will get as full an answer as he wishes and we have 18 minutes left to give it.

*Members interjecting:*

**The SPEAKER:** Order! I call the House to order. The honourable Minister.

**The Hon. FRANK BLEVINS:** The position is as I stated in this House several months ago and I can only refer the honourable member, and anyone else with an interest in this issue, to that answer. However, I will go through it briefly for the benefit of the member for Chaffey. The Health Commission is examining a number of sites around the metropolitan area. There is no secret about that: it is a public operation. When that examination has been completed, the projects officer will report to the Health Commission and to me and a decision will be made. As regards any opposition to this specific place, I did not catch the name, but wherever it is—

*Members interjecting:*

**The Hon. FRANK BLEVINS:** It was not the Queen Elizabeth Hospital. The honourable member mentioned Mareeba at Woodville. As regards any representations made to me about opposition to Mareeba, the answer is 'No'.

*Members interjecting:*

**The SPEAKER:** Order! The honourable Minister will resume his seat. The honourable member for Chaffey is not permitted to ask supplementary questions. As the Chair has pointed out previously, if the House wishes to introduce a system of supplementary questions, that can be done, but Standing Orders do not provide for that procedure by way of interjection. The honourable Minister.

**The Hon. FRANK BLEVINS:** The problem is that, after insisting on a long answer from me, the member for Chaffey was not listening to me but talking to someone else. Because the honourable member was not paying attention, I shall go through the latter part of my response again. No-one, whether from the Queen Elizabeth Hospital or elsewhere, has made representations to me about the specific site that the honourable member mentioned—no-one at all. As I said earlier, when all possible sites have been investigated and when I have had another look at them and made a recommendation to the Government, everyone will have the chance to debate that. I am sure they will do so in great detail and with great vigour, as they are entitled to do. However, at present, as I should have been happy to complete saying three minutes ago, no-one has made any representations to me about the matter.

## PEDESTRIAN ROAD SAFETY

**The Hon. R.K. ABBOTT (Spence):** Will the Minister of Transport give the House any detail of the Federal Government's proposal to award grants to local councils for older pedestrian road safety projects? The Federal Minister for Land Transport (Hon. Bob Brown) recently released the Analysis of Fatal Road Crashes (1984-85) Australia and the February issue of Road Crash Statistics Australia, both of which were produced by the Federal Office of Road Safety. The analysis is a unique policy-making tool that highlights which road safety issues need attention. Among a number of interesting pieces of information that have not been previously available, figures indicate that more pedestrians over 60 years of age are killed than any other single age group. The Federal Government has been aware of this fact for some time and is currently running a national television campaign on pedestrian safety for older people.

*Members interjecting:*

**The SPEAKER:** Order! Is the honourable member for Murray-Mallee withdrawing leave?

**Mr Lewis:** No.

**The SPEAKER:** Order! The honourable member for Spence.

**The Hon. R.K. ABBOTT:** It will also award grants to local council road safety projects for older pedestrians. Can the Minister provide information on the amounts of these grants and perhaps the type of project and the extent to which local councils will contribute?

**The Hon. G.F. KENEALLY:** I commend the honourable member who shares with me a well placed and increasing interest in the road safety concerns of elderly South Australians. This is a matter of serious concern that has been recognised nationally. Of all pedestrians killed in road accidents in South Australia, 30 per cent were aged 65 years or more. These figures are even more disturbing when it is realised that these persons make up only 11 per cent of the population.

In November 1988, the Federal Minister for Transport (Hon. Mr Brown) announced a grants scheme to be administered by his department for projects by local councils to improve the safety of elderly pedestrians. Total funds available under the scheme were to be $250 000 and individual grants to councils to be about $25 000 to $30 000. The projects were to be developed by councils in close consultation with elderly people to identify concerns, needs and counter measure opportunities, and to encourage community participation. The scope of the possible counter measures was seen by the Federal Minister to be broad and encompassing education, behaviour modification and traffic planning and engineering. The projects are seen as pilot programs to serve as models for all councils. Evaluation is required as a crucial part of the projects. In the criteria for selection of projects to be funded, there is no specification of any required funding level from councils. Councils could, however, add their own funds to the grants if they wish—I suggest that many would do so.

I am aware that a number of South Australian councils were considering project proposals for grants under the

scheme. The Road Safety Division has provided some advice to these councils. The announcement of the successful proposals by the Federal Minister for Transport was supposed to take place at the end of February 1989, and, although this has been delayed for some weeks, I can give the honourable member my best assurance that those announcements will be made very soon.

## TRUANCY

**Mr MEIER (Goyder):** Will the Minister of Education say what is the Government's policy regarding truancy in State schools and what action is being taken to reduce truancy? As the Minister knows, I have been concerned about this problem for several years. It appears to be particularly serious amongst Aboriginal students. At one school I have checked with, average attendance by Aborigines last year was 68 per cent over the whole school year. In one term, it was down to 59 per cent, with 23 per cent of the students attending less than half of the time.

In one family of three students, irregular attendance has been such that a nine year old still had not attended school at the beginning of this year. I believe that last week was his first appearance at school, attending on three out of the five days. The second student from the family was exempted from school attendance at the age of 14 by the Director-General against the wishes of the school.

At the last report, the oldest brother, who rarely attended school, was in gaol. Seeking to take proper legal action to enforce attendance, the school authorities were told by the Education Department that its attitude towards compulsion was reminiscent of the First Fleet. Another committee which sought to help overcome this truancy problem was branded by an officer of the Education Department as archaic in wanting to prosecute people for not attending school. It has been put to me that the critical years for compulsory attendance are the primary school years, yet little or nothing is being done by the Government to enforce compulsory attendance.

**The Hon. G.J. CRAFTER:** I thank the honourable member for his interest in this important issue. It is a little more complex than members may appreciate from the honourable member's question. To quote figures from a random survey may well mislead and belie the actual and often very sad circumstances faced by many young Aboriginal children in their attempt to attend school on a regular basis. Often that is as a result of circumstances well beyond the control of those young people.

I have obtained information from the attendance officers of the Education Department in the western area and I understand that they did a three-week survey of the Yorke Peninsula district (the area to which the honourable member refers) during term 4 of 1987. It revealed that 92 per cent of student absences were attributable to an illness or some other reason for which parental advice was received by the school and only 8 per cent of absences were for unknown reasons. Obviously reasons for these absences were pursued to the extent possible by the school authorities.

As I said, this is a complex issue. It is not simply a matter of prescribing solutions of law which will bring about compulsory attendance because, as I have said, we know that often the circumstances surrounding not only these young people but their families detract from regular attendance at school—sad as that is. We have to work our way through these problems very carefully.

The honourable member may say that the policies enunciated by the department resemble the First Fleet. We know that during the early stages of this nation many young people were denied an education. This has been one of the great struggles of this country, and now one of its great successes is that we have an advanced education system. Indeed, during the past decade we have seen many thousands of young people appreciating the opportunity to remain at school and complete the full secondary education which is offered in this country. As I have quoted on many occasions, the figures indicate that at one time little more than three out of 10 students remained at school until year 12, whereas we can now say that the figure is closer to seven out of 10 students who will complete the full five years of secondary education in South Australia.

Unfortunately, we know that many Aboriginal students have a lower participation rate than the average member of the community. Officers of the Education Department are assiduously working on this problem with other agencies to ensure that wherever possible the barriers will be eliminated and we will see young Aboriginal people being able to attend school and receive the support which is their right. I take on board the concern expressed by the honourable member and I assure him that it is receiving the attention of the Education Department.

## SPEECH THERAPISTS

**Mr RANN (Briggs):** Will the Minister of Health say whether any action will be taken to ease waiting lists for paediatric speech pathology assessment at the Lyell McEwin Health Service? Some months ago I was approached by Mrs Susan McCreight, an Elizabeth East mother of a four year old boy with speech problems. Mrs McCreight and other dedicated parents presented me with a report they had prepared about the shortage of speech therapists in the northern suburbs which was causing frustrating delays in having children professionally assessed. This report, which was supported by local members, was forwarded to the South Australian Health Commission for its evaluation.

**The Hon. FRANK BLEVINS:** I thank the honourable member for his question, and for the interest which he has shown in this area over a long period. I do have some good news for the member for Briggs that he can relay to his constituents. To give some background information, the Health Commission reviewed the employment of speech pathology services in the metropolitan area and it has given a high priority to improving these services in the northern suburbs.

For the information of the House, the number of speech pathologists in the northern and the north-eastern area is already 6.7 FTEs. They are distributed through the Lyell McEwin Health Service, the Child and Adolescent Mental Health Service, the Ingle Farm Community Health Centre at Ingle Farm and Salisbury West, the Intellectually Disabled Services Council, the Munno Para Community Health Centre and the Tea Tree Gully Community Health Centre, so at the moment the spread is rather wide. However, I am pleased to announce that, in addition to the above positions, funds have now become available, through the assistance of the Commonwealth Hospital Enhancement Program, for the appointment of a senior speech pathologist at Modbury Hospital and an additional speech pathologist at the Lyell McEwin Health Service. The speech pathologist at the Lyell McEwin Health Service will work specifically with children and will certainly be of considerable assistance in that specific area of need in the north.

## TAILEM BEND OVERPASS

**Mr LEWIS (Murray-Mallee):** I address my question to the Minister of Transport. What is the cost of the damage to the Tailem Bend overpass on the Dukes Highway? What attempts are being made by the Highways Department to recover from Australian National the cost of repairing that extensive structural damage which a derailed train caused to the overpass bridge just south of Tintinara?

**The Hon. G.F. KENEALLY:** Before answering the honourable member's very important question, I advise that I have just received confirmation from the STA that it has no knowledge of the allegations made earlier today in a question from the member for Bragg. However, I will obtain a report for the honourable member as to the cost of damage to the bridge. I can assure the honourable member that discussions are proceeding with Australian National as to liability for those damages.

## YEAR OF SCHOOL AND INDUSTRY

**Mr GROOM (Hartley):** Will the Minister of Education indicate the response from South Australian employers to the Education Department's establishment of the Year of School and Industry and to what extent does he consider there is support for the scheme? I understand that the Education Department has declared 1989 as the Year of School and Industry as a way of expanding existing work education and work experience programs in schools from the reception level to year 12.

During the year employers from all areas of industry and commerce will be asked to become more involved in these schemes to enable students and teachers to learn more about the changing needs of industry and, also, for employers to learn about the role of education in this technological age. As this special year was launched over a month ago by the Director-General of Education, what response has there been?

**The Hon. G.J. CRAFTER:** I thank the honourable member for his question and for his interest in this most important program in our schools this year. There are already many successful links between schools, on the one hand, and business, industry and commerce on the other; and there are many successful examples of how that partnership is helping young people to gain a knowledge of the world of work and acquire work-related skills. That is something which the community regards as being a very important component of our education system. For those reasons the State Government designated 1989 as the Year of School and Industry to foster and encourage a stronger partnership between schools and business and industry. The start of the Year of School and Industry was marked by the launch in February of the report School and Industry Links.

Copies of the report, which I commissioned last year, have been sent to the 710 primary and secondary schools in South Australia and to about 6 000 businesses, trade unions and other interested parties. The report was prepared by Mr Joe Laslett, who was formerly the Principal of Morialta High School, and Mr Paul Rosser, who is a senior executive with the South Australian Gas Company.

The recommendations in the report and the responses to it will be considered by the recently established School Industry Advisory Council, which includes representatives from the education field and of employers and trade unions. The Year of School and Industry aims to encourage teachers and principals to learn more about the world of industry and commerce; to help students gain relevant work experience which will enrich their studies; and to encourage business people to learn more about the education system and their local schools.

Since the Year of School and Industry was launched there has been a flood of inquiries from industry and from the public generally. I am advised that the Education Department is receiving about 20 telephone calls a day from companies and organisations seeking further information about the special year. As well, about 30 companies have asked for copies of the recommendations for the development of comprehensive work education and work experience programs involving children from reception right through to year 12.

Requests have been made for departmental officers to address companies and professional groups, and I understand that the ABC's education section is considering basing a series of programs on the Year of School and Industry. There have been requests from interstate and overseas for copies of the report, and a further 200 copies have had to be printed to meet the demand. A brochure is currently being prepared which outlines a planned 'twinning' program between schools and industry, and it will be distributed to industry, trade unions and other groups in the near future.

I hope that these moves will result in more South Australian businesses 'adopting' their local school. Indeed, it is our aim that every primary and secondary school in this State will this year develop a relationship with an industry—spanning all parts of South Australia. In other countries, businesses and industry have strong commitments to local schools. It is time that more businesses and industries made similar commitments in South Australia as an investment in the future of our young people, who will be the business, industry and community participants of the twenty-first century.

## PERSONAL EXPLANATION: MISREPRESENTATION

**The Hon. JENNIFER CASHMORE (Coles):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. JENNIFER CASHMORE:** Earlier today, in answer to a question from the member for Adelaide, the Minister of Employment and Further Education misrepresented my position: whether deliberately or otherwise he chose to interpret an interjection of mine as being a remark directed at Miss Judy Fuller, who is the Liberal Party candidate (and she will no doubt be the member) for the Federal seat of Kingston. In response to a request from the media for the attitude of the Small Business Association, of which Miss Fuller is President, to the concept of small business incubators, Miss Fuller, from my recollection, described the concept as 'absolute garbage'. In repeating her words, I was attributing those words to Miss Fuller and to her description of small business incubators—not as the Minister chose, and I will give him—

*Members interjecting:*

**The SPEAKER:** Order! I caution the honourable member for Coles: she can make a personal explanation only on the basis of having been misrepresented herself. She must be careful not to attempt to give a personal explanation claiming that Miss Fuller has been misrepresented.

**The Hon. JENNIFER CASHMORE:** No; I believe I was misrepresented when the Minister alleged that I had used Miss Fuller's description of 'absolute garbage'. I point out

to the House that I was repeating Miss Fuller's description and opinion of small business incubators—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. JENNIFER CASHMORE:** —a description, Mr Speaker, which I heartily endorse.

*Members interjecting:*

**The SPEAKER:** Order!

## SITTINGS AND BUSINESS

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

That the House at its rising adjourn until Tuesday 4 April at 2 p.m.

Motion carried.

## POLICE REGULATION ACT AMENDMENT BILL

The Hon. G.F. Keneally, for the **Hon. D.J. HOPGOOD (Minister of Emergency Services)**, obtained leave and introduced a Bill for an Act to amend the Police Regulation Act 1952. Read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

The Police Regulation Act 1952 was enacted to consolidate statute law relating to the management and internal administration of the police force. When introducing the legislation the then Premier, the Hon. Thomas Playford, observed that the law up until that point was based on English law dating back around 120 years and was inadequate or unsuited to conditions of the day. Although the Act has been amended from time to time there have been no fundamental changes to its framework.

The Bill before the House also leaves the framework of the legislation intact. However this to some extent belies the significance of the changes proposed, many of which are a direct result of changes to the Police Officers Award. The new Award provides a fundamental change to the nature of employment in the police force. Other changes have resulted from policy decisions taken in consultation with the Commissioner of Police and the Police Association of South Australia.

The changes to the Police Award were initiated by the Police Association in August 1985 when it sought a review of the existing rank based salary structure and increases in salaries for officers who performed specialist type functions.

By December 1986 the Police Association and the Department of Personnel and Industrial Relations on behalf of the Government reached substantial agreement on a new classification model. After further negotiation in relation to the details of the proposal an agreement was ratified in March 1988 by the full bench of the Industrial Commission of South Australia.

The new Award is based on the notion that members of the police force would be compensated for the skills and responsibilities required for the positions held and not simply on the basis of rank. In the words of the commission 'Rank will go with the job not the person'. Prior to the restructuring a member of the Police Force would, upon attaining a particular rank, be transferred to a position appropriate to that rank. Now, however, a rank together with a skill classification is assigned to each position covered by the Award. A person will hold a particular rank by virtue of attaining a position.

In large measure the changes consequential upon the Award restructuring will be achieved through changes to regulations. A number of changes are, however, required to the Act. Principally the ranks of First Class Constable and Senior Constable First Grade are to be abolished. Certain protections are provided under the Award for existing personnel holding the rank of Senior Constable First Grade.

In keeping with the changed concept of rank, the Bill modifies all references to appointment to rank in the principal Act. Appointments under the Act will now be to position rather than rank. As I have already indicated there are a number of changes to the Act other than those necessitated by the Award restructuring.

The issue of the powers and authorities of a police member seconded to a position outside the Police Force has been addressed. A person so seconded will not hold power as a police member unless specifically authorised by the Commissioner. This will ensure that seconded police members retain statutory and common law powers only where appropriate.

In the course of negotiations over the Bill, union representatives advocated a general right of review of decisions of the Commissioner to transfer members of the force. The Government was not persuaded to this point of view. Essentially the decision to transfer a member is a management decision which should be left to the Commissioner. However the Government has accepted that safeguards should exist so the power is not used, or perceived to be used for the improper purpose of unauthorised punishment.

Accordingly, the Bill provides for a specific appeal to the Police Disciplinary Tribunal against transfer decisions where the member believes that the transfer has been imposed as punishment although there have been no disciplinary charges laid.

Further protection of the interests of members to be transferred will be provided by proposed regulations under the Act. While the Commissioner will retain the power to transfer members in the interests of the efficiency of the Police Force the Commissioner will be precluded from transferring members to a lower rank unless the transfer to a lower rank if effected as a consequence of disciplinary action taken pursuant to the regulations, or at the request of the member or during a period of probation after promotion.

Agreement has been reached by all parties involved that promotion appeals should be extended to positions of the rank of Senior Constable and Inspector. The Bill establishes, for the first time, appeals against the selection of a person for commissioned rank. This will assist in cementing into legislation the existing policy of selection on the basis of merit for promotion to commissioned rank.

In relation to appeals for Senior Constable positions a transitional provision included in the Bill provides for the withholding of appeal rights pending the expiry of the transitional provision. Appeals against the appointment of Senior Constables will be suspended pending the filling of all senior constable positions created as a result of the restructured Award. This will facilitate the orderly and efficient filling of a significant number of positions created as a result of the restructuring by avoiding the inevitable rush

of contingent appeals which occurs when multiple vacancies arise.

The promotion appeals process itself has been altered. This jurisdiction has been removed from the Police Appeal Board to a Promotions Appeal Board established by the Bill. The Promotions Appeal Board will, in format and procedures, closely resemble the board established under the Government Management and Employment Act to hear appeals. Parties appearing before the Promotions Appeal Board will be entitled to representation other than legal representation.

The Police Appeal Board will continue to determine appeals against decisions of the Commissioner with respect to termination of employment during a term of probation or on account of physical or mental incapacity. Parties before the Police Appeal Board will be entitled to representation by a legal practitioner.

There are a number of amendments included under the schedule to this Bill. These are, in the main, the upgrading penalty provisions and the adoption of plain language and gender neutral terms.

Interestingly, the schedule also provides for the deletion of all references to the Chief Secretary and substituting the Minister where such references occurred. The administration of the Act has for some time been committed to the Minister of Emergency Services who exercises all powers ascribed to the Chief Secretary under the Act. It is seen as sensible therefore to change the Act to reflect the withdrawal of the Chief Secretary from this area of administration. Of course this change will not preclude the administration of the Act being committed to the Chief Secretary at some time in the future without further amendment to the Act.

Finally, honourable members would note that the Bill amends the short title of the Act from 'Police Regulation Act' to simply 'Police Act'. The change will assist in avoiding confusion between the Act and regulations under the Act. With the change of title of the Police Offences Act to the Summary Offences Act the possibility of confusion in this area has been eliminated. I commend the Bill to members.

Clause 1 is formal. Clause 2 provides for the commencement of the measure.

Clause 3 alters the title of the principal Act to the 'Police Act 1952'.

Clause 4 inserts definitions of the Police Appeal Board (which is to be reconstituted) and the Promotion Appeal Board (which is to be a new Board).

Clause 5 revamps section 10 of the principal Act so that it will be consistent with new section 11.

Clause 6 provides for a new section 11 of the principal Act. The significant change is to remove reference to appointments to positions on an acting basis.

Clause 7 repeals section 14 of the principal Act. Proposed new section 41 will require notice to be given when a person has been selected for appointment to a particular position in the Police Force (being a position that attracts a non-commissioned rank).

Clause 8 recasts section 16 of the principal Act. The section will specifically provide that a person appointed to the Police Force may take an oath or affirmation on appointment (a provision of general application in the Evidence Act 1929, allows an affirmation to be taken whenever an oath is prescribed).

Clause 9 revamps section 17 of the principal Act so that it is consistent with the concept of a position being more significant than the rank.

Clause 10 revamps section 18 of the principal Act so that it is consistent with the language of section 17.

Clause 11 amends section 19 of the principal Act to change the passage 'infirmity of mind or body' to 'physical or mental disability or illness'. The present wording is outdated and the new wording provides consistency with the Government Management and Employment Act 1985.

Clause 12 amends section 19a of the principal Act to change the passage 'physical or mental infirmity' to 'physical or mental disability or illness'.

Clause 13 provides for a new section 19b. In particular, subsection (3) provides that unless the Commissioner otherwise authorises in writing, where a member of the Police Force is seconded to a position outside the Police Force, he or she is divested of his or her powers as a member of the police during the period of secondment.

Clause 14 amends section 22 of the principal Act to remove reference to classes or grades of rank (as classes or grades no longer exist), and to refer to the fact that a person who is demoted will be demoted to a position that attracts a lower rank (not simply demoted to a lower rank).

Clause 15 enacts a new section 24a to allow a member of the police to appeal to the Police Disciplinary Tribunal where he or she believes that he or she is being transferred to another position as punishment for particular conduct, although no charge for breach of discipline has been laid. The applicant will have to prove his or her case on the balance of probabilities. It is intended that this be a simple, expeditious way for a member of the Police Force to test a belief that he or she is being wrongly disciplined for no explicit reason.

Clause 16 provides that a special constable may take an oath or affirmation on appointment.

Clause 17 enacts a new Part V relating to appeals. The Police Appeal Board is to be reconstituted and will hear appeals relating to any proposal to terminate the services of a member of the Police Force during a period of probation, or on the ground of physical or mental disability or illness. This board will no longer hear appeals against promotions. The provisions relating to appeals to this board otherwise remain unchanged in substance. It is also proposed to constitute a Promotion Appeal Board. This board will hear appeals against proposals to appoint particular members of the Police Force to positions that attract non-commissioned ranks above the rank of constable, and proposals to nominate particular members of the Police Force for appointment to the rank of inspector.

Clause 18 inserts a new section 54 of the principal Act to clarify the Commissioner's powers of delegation. The provision is similar to the corresponding provision under the Government Management and Employment Act 1985.

Clause 19 inserts a schedule into the principal Act relating to the constitution, practices and procedures of the Police Appeal Board and the Promotion Appeal Board. The Police Appeal Board will, in relation to particular proceedings, consist of a District Court Judge, a person appointed by the Commissioner, and a member of the Police Force chosen from a panel of five nominated by the Police Association. The Promotion Appeal Board will, in relation to particular proceedings, consist of a presiding officer appointed by the Minister, a person appointed by the Commissioner, and a member of the Police Force chosen from a panel of five nominated by the Police Association. Legal representation will be allowed in proceedings before the Police Appeal Board.

Clause 20 sets out transitional provisions relating to appeals against the selection of persons for appointment to positions that attract the rank of Senior Constable.

Clause 21 and the schedule to the Bill provide for various statute law revision amendments. In particular, the oppor-

tunity has been taken to remove references to the 'Chief Secretary' and to replace them with references to 'the Minister'. The penalties under the Act have been revised. Other amendments have been made to bring the Act into conformity with modern standards of drafting. It is proposed to consolidate and reprint the Act in due course.

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

## CLEAN AIR ACT AMENDMENT BILL

The Hon. G.F. Keneally, for the **Hon. D.J. HOPGOOD (Minister for Environment and Planning)**, obtained leave and introduced a Bill for an Act to amend the Clean Air Act 1984. Read a first time.

**The Hon. G.F. KENEALLY:** 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 introduces amendments to the Clean Air Act 1984 which will give the Minister for Environment and Planning responsibility for managing the release of ozone depleting substances to the atmosphere.

Members will be aware of the global concern for the layer of ozone gas in the upper atmosphere which is a shield for living things on earth from the harmful effects of ultraviolet radiation present in the sunlight. The scientific community has established that certain synthetic chemicals in the broad chemical grouping of chlorofluorocarbons (CFCs) and halons break down this shield, with serious implications for human health and the environment.

To a significant extent this Bill will also address another problem of global concern, that of the earth's warming due to the influence of the so-called greenhouse gases. CFCs are powerful greenhouse gases and it has been estimated (Victorian Draft Options Paper and Policy Statement on Ozone Depleting Substances (issued: 28 February 1989)) that by the year 2030, CFCs will provide 20 per cent of the warming potential of the total greenhouse gases. Therefore CFCs are worthy of control even if there were no concern about their ozone depleting potential.

This Bill is intended to complement and supplement the Commonwealth Ozone Protection Act 1988.

The objectives of the Comonwealth Act are:

*(a)* to institute a system of controls on the manufacture, import and export of substances that deplete ozone in the atmosphere, for the purpose of:

(i) giving effect to Australia's obligation under the convention and the protocol and

(ii) further reducing Australia's export of such substances; and

*(b)* to institute, and to provide for the installation of, specific controls on the manufacture, import, distribution and use of products that contain such substances and use of such substances in their operations.

The convention referred to is the Vienna Convention for the Protection of the Ozone Layer to which Australia became a party in 1987. The protocol referred to is the Montreal Protocol on Substances that Deplete the Ozone Layer, which Australia signed in 1988.

The protocol establishes a requirement to limit the domestic supply of specified CFCs to a tightening program which will freeze supply at the 1986 level with effect from mid-1989. The supply will then be reduced by 20 per cent from 1993 and a further 30 per cent from 1998.

The protocol also requires the supply of halon gases to be frozen at the 1986 level with effect from 1990. Periodic review of the protocol's control requirements will take place, with the first review scheduled for completion by 1990.

Almost immediately following the signing of the Montreal Protocol, new scientific evidence suggested the need to significantly strengthen its control requirement. The Bill currently before this House provides sufficient flexibility to accommodate any changes that may be needed to more rapidly phase out these substances.

The Commonwealth Act provides for a system of licences and tradeable quotas for the production, import and export of scheduled substances and controls on the application of scheduled substances so as to limit, so far as is practicable, the emissions of these substances to the air.

Clearly, it is the Commonwealth Government's role to control the import and export of these substances. Similarly, it is acknowledged that the Commonwealth Government is best positioned to apply quota provisions; although there may be some dispute that these quotas should be traded when the initial recipient of a quota has no need for its share.

The protocol generally has no controls on exports and in fact allows production to be increased by up to 15 per cent under certain circumstances. The Federal Government proposes to freeze exports, then gradually reduce exports of these substances by 5 per cent each year.

The Commonwealth Act prohibits the importation or manufacture of do-it-yourself kits for recharging automotive air-conditioning systems after 31 January 1989 and disposable containers of five kilograms or less of scheduled substances for recharging air-conditioning and refrigeration systems after 30 June 1989.

The manufacture and import of extruded polystyrene packaging and extruded polystyrene insulation produced with a scheduled substance will be banned after 31 December 1989, as will the manufacture or importation of dry cleaning equipment whih uses a scheduled substance.

Aerosols are generally recognised to be a major user of CFCs. From 31 December 1989, the manufacture or import of aerosol sprays containing a prescribed substance will be prohibited. There will be some exemptions for essential uses, but these will require a minimal amount of CFC compared with the massive 30 per cent of the total usage of CFCs currently placed in aerosol cans. The protocol requires members to reduce CFC usage by 2 per cent by 1993. The Commonwealth action in its requirement for aerosols alone, appears to meet the protocol by 1990—two years earlier than required. The Commonwealth Act is not, as has been suggested, a weak Act, it more than meets Australia's international commitment.

Clearly, the intent of the protocol is to reduce the release to atmosphere of ozone depleting substances. The Commonwealth Act gives effect to that intent by limiting the availability of those substances. As I have said, this Bill supplements the Commonwealth initiatives, as it will permit the minimisation of the release of these substances to the atmosphere; by encouraging the use of alternative substances; placing controls on the emissions of the substances; adoption of correct disposal procedures; encouraging collection and recycling of the substances; and by ensuring the public are informed which products they purchase are manufactured using, or contain, ozone depleting substances.

As I said previously, this Bill is of global significance and hence should transcend political and State differences. The Government shares the concern of Mr Roper, the Victorian Minister for Environment, that some States have adopted a unilateral approach by introducing legislation in advance of the Commonwealth Act. I support his initiative in preparing a policy paper on ozone protection and his wish for the States to adopt a coordinated approach to the reduction of ozone depleting substances. Such an approach can only benefit Australia, and there is nothing in this Bill that inhibits South Australia from following such a path. In support of this stand, the Department of Environment and Planning is co-sponsoring a national Halon Conference in Melbourne with the Victorian and New South Wales environment agencies.

The department is also participating in the preparation of a national policy statement on ozone protection, which will be presented to the Environment Ministers' Conference in July of this year.

In presenting this Bill, I am acutely aware of our current dependence on these important chemicals and their use in such diverse products as aerosols, refrigeration, air-conditioning, plastic foams, fire-fighting equipment and cleaning and degreasing products. Members should be aware that although Australia uses less than 2 per cent of the known consumption of these substances, on a *per capita* basis Australians are leading consumers and arguably the world's leading consumers, hence we do have the opportunity to make a significant contribution. When preparing its Bill, the Commonwealth Government was provided with advice through a working group of the Association of Fluorocarbon Consumers and Manufacturers on which the Department of Environment and Planning was represented. The information provided by this association will assist the Government in arriving at any future decisions, however, being conscious that associations do not tend to be supported by all interests in a particular field, the Government invites representation from local users of these ozone depleting substances.

While it is the Government's wish that the transition away from these substances be as painless as possible for both industry and the consumer, it is clear that this cannot be achieved without commitment, and at a cost. This cost must be borne by those who benefit from the use of these substances.

The current objective of fluorocarbon consumers and manufacturers is to find alternatives that are 'ozone friendly', that is, substances that have a markedly lower ozone depleting potential. Already we have been made aware that ICI and Dupont have some alternatives and I understand these products will be commercially available in Australia by 1991. I would however caution members against unqualified acceptance of new 'quick-fix' chemicals which may not have been adequately tested.

Not all ozone depleting substances will be viewed equally, some prescribed substances have an ozone depleting potential far greater than others, to an extent of 10:1. It is evident that to achieve the greatest benefit, both the quantity of substance used and its ozone depleting potential must be considered.

I would draw members' attention to the opportunity that this Bill provides for South Australian industry. It has been evident in the past that Australia refers to Sweden for guidance on a variety of issues. In dealing with ozone depleting substances, Sweden has in place a time scale for the replacement of these substances that is considerably shorter than other countries. I draw this to your attention because in meeting its obligations, Swedish industry will undoubtedly develop alternative substances, control technologies and new procedures which will be in demand and exportable. A similar opportunity exists for South Australian industry.

Government will provide an incentive to industry through its Public Service purchasing programs. Government agencies will be instructed to give preference to products which contain no ozone depleting substances, those that are manufactured without the use of ozone depleting substances and those that do not use these substances in their operation. Where the choice is between two or more ozone depleting substances, preference will be given to the substance with less ozone depleting potential.

Disposal of unwanted ozone depleting substances will be addressed. A disposal facility will be needed in Australia to destroy the unwanted substances so as to prevent their release to the atmosphere. This is a matter that is of concern to all States and the AEC Standing Committee has approved the expenditure of $15 000 to investigate the disposal of used CFCs and halons. I believe it is a matter best addressed nationally through the Australian Environment Council.

A public education program will be undertaken so that the Government's intentions are clear and to ensure that the public is aware of the facts and the need for care and cooperation in ensuring an orderly and rapid phase out of these substances.

I would draw members' attention to the fact that the phenomenon we are addressing did not occur overnight; the possibility was recognised in 1972—it is just that the evidence supplied by the hole in the ozone layer took time to find. The multi-national manufacturers of chlorofluorocarbons were therefore not caught entirely unaware by the discovery, hence the development of an 'ozone friendly' alternative by ICI.

Finally, it is proposed that the proclamation of section 30b, which prohibits the manufacture and use of the prescribed substances be delayed for some months. A delay will allow industry time to identify those activities for which an exemption may be needed, to review their future use of the substances and to apply to the Department of Environment and Planning for the appropriate exemptions.

These amendments also rely on regulations for their effectiveness and preparation of these regulations will need careful consideration and discussion with appropriate bodies. To this end, Department of Environment and Planning officers will be attending a national forum of Government agencies and industrial representatives to consider a uniform national policy for the rapid phase out of ozone depleting substances. I commend the Bill to honourable members.

Clause 1 is formal. Clause 2 provides for the operation of the Act to be by proclamation.

Clause 3 amends the long title of the Act so that it reflects the provisions to be inserted in the Act for the protection of the ozone layer.

Clause 4 inserts new Part IIIA.

New section 30 provides the necessary definitions. 'Prescribed substance' is any substance that is covered by the Commonwealth Act and any further substance that may be prescribed by the regulations under this Act.

New section 30b prohibits the manufacture, use, storage, sale or disposal of a prescribed substance, or a product containing such a substance, except in accordance with an exemption. The offence carries a division 4 fine ($15 000) for a natural person or a division 1 fine ($60 000) for a body corporate. The section does not apply to the use, storage, retail sale or disposal of certain products (to be prescribed) if purchased before the commencement of the section.

New section 30c provides for the granting of exemptions by the Minister. The holders of Commonwealth licences or exemptions will be granted an exemption to the extent provided by those licences or exemptions. Persons currently conducting an enterprise in which a prescribed substance is manufactured, used, stored, sold or disposed of will also be granted an exemption. Any exemption (including one granted to the holder of a Commonwealth licence or exemption) may be granted for such period, and on such conditions, as the Minister thinks fit. Conditions may be varied, revoked or added to. Reasons must be given in writing for any refusal to grant an exemption. All exemptions (and variations, revocations, etc., thereto) must be published in the *Gazette*. The offence of contravening a condition of an exemption carries the same maximum fines as the principal offence under section 30b.

New section 30d requires the Minister to keep a register of exemptions that may be inspected.

New section 30e gives the Minister the power to revoke an exemption if the holder breaches the Act or a condition of the exemption.

New section 30f gives the Minister the power to remove and dispose of prescribed substances, or products containing prescribed substances, if stored on any premises in contravention of this Act and the occupier of the premises refuses or fails to comply with a notice requiring the removal and disposal of the substance or product in question.

New section 30g empowers the Minister to prohibit the sale or use in this State of products manufactured outside of this State if they are manufactured using a process involving the use of a prescribed substance. Such a prohibition will be by notice in the *Gazette* and may be revoked or varied in the same manner. The offence of contravening such a prohibition also carries a division 4 fine for a natural person and a division 1 fine for a body corporate.

New section 30h provides that products containing prescribed substances must be labelled in accordance with the regulations. No specific penalty is provided, and so the general penalty under the Act will apply.

Clause 5 makes consequential amendments ensuring that the powers of entry and inspection will apply to premises on which an activity to which an exemption under Part IIIA relates is being conducted.

Clause 6 inserts a power for the Supreme Court to grant injunctions for the purpose of preventing breaches of the Act. This provision follows a similar provision in the Commonwealth Act, but has been made of general application to the whole of this Act.

Clause 7 makes necessary consequential amendments to the evidentiary provision in the Act.

The schedule converts all penalties in the Act to divisional penalties, taking any penalty, where necessary, up to the nearest division.

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

## COUNTRY FIRES BILL 1989

The Hon. G.F. Keneally, for the **Hon. D.J. HOPGOOD (Minister of Emergency Services)**, obtained leave and introduced a Bill for an Act to provide for the prevention, control and suppression of fires; to provide for the protection of life and property in fire and other emergencies; to repeal the Country Fires Act 1976; and for other purposes. Read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

The Country Fires Act 1976-1986 has been operative since September 1979. It empowers the Country Fire Services Board to regulate and supervise measures to prevent fire, and to organise fire-fighting resources and the training of personnel throughout the State.

The Country Fire Services itself is the largest volunteer organisation in the State with a current membership in excess of 19 000. These men and women provide an incalculable contribution to the protection of South Australia not only from bushfire and fires generally but, increasingly, in the areas of road rescue and dangerous substance incidents.

The service has been involved in major incidents and events which have impacted significantly on this State and its people. The effects of such incidents on the CFS itself is profound. The impact on the CFS of the Ash Wednesday fires in particular went beyond the immediate physical effects.

Inquiries including a coronial inquiry following Ash Wednesday II identified major organisational and operational deficiencies. The 1988 Mount Remarkable fire and subsequent Coroner's report also identified some organisational weaknesses.

The Public Accounts Committee has also had cause to examine the finances and operations of the CFS and as a result has made a number of findings critical of the CFS and put forward recommendations for improvement.

Fire prevention has also been subjected to detailed scrutiny. In 1985 the Working Party Report on Bushfire Prevention and Electricity Distribution, known as the Lewis Report, recommended the adoption of stronger fire prevention measures. The CFS Board has implemented the recommendations of these reports within the confines of existing legislation. Some changes have been adopted by local communities in an effort to improve their fire suppression and prevention capabilities.

A major step in overcoming the identified problems was the decision of the former Minister the Hon. J.D. Wright to restructure and reduce the size of the board. By doing so he brought to the board direct volunteer and local government representation together with persons with financial and administrative expertise.

I take this opportunity to commend the work of the Country Fire Services Board since its restructuring in late 1984. The board's commitment to revitalising and strengthening the service does it great credit. The South Australian community can feel well served by the board and the service generally.

The Country Fire Services Board, in its restructured form, has effectively established a framework on which the CFS in South Australia can proceed. The board is hampered in its efforts by the restrictions placed on it by the outdated existing CFS Act. When these problems were identified, a working party consisting of members from the CFS Board, the Local Government Association and the South Australian Volunteer Fire Brigades Association was established to provide a forum to discuss proposed changes to the legislation.

The working party agreed that the changes proposed would improve the efficiency of the CFS organisation. The Bill

now before the Parliament has its basis in the work of the working party as well as the findings and recommendations of the various reports referred to earlier.

During the development of the Bill, each stage of drafting has been referred to the representatives of the South Australian Volunteer Fire Brigades Association and the Local Government Association on the CFS Board. Minor changes which reflect the view of these two bodies have been made and included in the Bill. In addition, this Bill, in its draft form, was circulated to all of the parties with a principal interest in the provisions of the Bill.

A number of submissions were received and carefully considered. As a consequence, some alterations were made to the Bill which reflect the views of these organisations. Input has been sought from Government departments likely to be effected by the provisions incorporated in this Bill.

The Bill as it has emerged from the process of consultation provides an appropriate level of central responsibility for coordination and planning while maintaining a sufficient degree of local decision making. I am not, of course, suggesting that the Bill in its entirety has the universal support of interested parties. Certainly, however, the board, the volunteer association and other emergency services are anxious that the Bill be passed in its present form.

I turn now to a general discussion of the Bill, its objectives and major provisions. The size and composition of the board has altered to include an additional volunteer representative and an additional local government representative. While the Government is anxious to minimise the size of the board the Government has accepted representations from the volunteer and local government organisations that, as principal participants in rural fire prevention and protection, increased representation on the board is justified.

The Bill also requires that one of the Government appointed members of the board have expertise in land management. I point out that one of the existing members appointed by Government has such expertise. The Bill also requires that membership of the board include at least one person of each gender. The Bill overcomes major deficiencies and streamlines the command structure of the operations of the Country Fire Services.

The present Act does not provide for a chain of command. The Bill, before the House, establishes a sound command system from the chief officer through the ranks in a similar manner to that enjoyed by all other fire services. It simply means that those persons who the community relies upon to attend incidents have the ability to make the necessary operational decisions. In concert with the above, the Bill strengthens the brigade group system to ensure a proper forum for the coordination of fire suppression activities in an area.

The Bill gives formal recognition to the South Australian Volunteer Fire Brigades Association as the body which represents the view of the volunteers. The Bill clarifies the functions of the board which were broadly stated in the 1980 amending Act. These provisions include the regulation and control of measures necessary for the prevention and suppression of fire and the protection of life and property in case of fire or other emergencies.

The board requires appropriate legislative backing to ensure that all areas of the State under its jurisdiction are provided with the necessary equipment to perform the tasks required. The same powers are required to ensure that the equipment is maintained to a satisfactory level in all areas. Similarly, the responsibility of adequate training programs will be the responsibility of the board. The board has actively pursued the formation of CFS groups to provide efficient, cost effective delivery of service to the country areas of South Australia.

The current provisions relating to the lighting and maintaining of fires during the fire danger season have, to say the least, been confusing to the general public. The board has addressed these problems as best it can within the confines of the present legislation; however, many anomalies still remain. This Bill clearly establishes the parameters within which the board will be able to regulate the use of fires during the fire danger season.

Considerable public confusion has existed over the terminology used to publicise days of 'Total Fire Ban'—or days of extreme fire danger and thus the import of such days can be lost. In future, the broadcast of such warning will use the words, 'Total Fire Ban Day', thereby increasing its impact on the public.

The Bill does not alter the existing method of funding the service through a combination of a State Government contribution and an insurance industry contribution. It is proposed however to strengthen this system of funding by providing some disincentives for those who fail to insure, under-insure or insure with companies which fail to make a contribution to the CFS.

The Bill provides for a major restructuring of fire prevention responsibilities throughout the State. The bushfire prevention council which currently operates on a non-legislative basis will be formally established by statute. To support the work of the council, Regional and District Fire Prevention Committees are provided for under the Bill. These bodies will ensure the coordination of fire prevention activities.

These provisions, with the cooperation of all participants, will go a long way to reducing the danger to life and property from wild fire. Membership of such committees will be representative of local land users who will formulate fire protection plans at district and regional level. The powers of local government will be strengthened to ensure that local communities have improved fire protection as recommended by such committees.

In conclusion, the Bill represents a blueprint for the efficient and effective delivery of fire protection and prevention services in South Australia's country areas. The adoption of the Bill will require local government to relinquish a modest amount of control in the interests of a clear chain of command and the better coordination of resources. I believe such a small sacrifice is warranted in the interests of the community's protection. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 deals with various preliminary matters. Subsection (1) sets out the various definitions required for the purposes of the Act. Subsection (2) relates to bushfire prevention. Subsection (3) provides that the CFS and bushfire prevention organisations must have due regard to the impact of their actions on the environment.

Clause 4 empowers the board to declare any specified part of the State to be a CFS region. A CFS region cannot comprise any part of a metropolitan fire service district.

Clause 5 provides that the Act will not derogate from the Native Vegetation Management Act, or other Acts relating to fire prevention or safety.

Clause 6 establishes the Country Fire Services. The CFS is to be a body corporate.

Clause 7 provides that the CFS consists of the board, all CFS organisations, and all officers, employees and voluntary workers of the CFS.

Clause 8 provides that the CFS is responsible for the prevention, control and suppression of fires in the country and the protection of life and property in other emergencies in the country.

Clause 9 establishes the Country Fire Services Board. The board will have seven members, six members being appointed by the Governor and the other being the Chief Executive Officer of the board. The Chief Executive Officer will be appointed by the Minister on a full-time basis. One of the members of the board will be appointed by the Governor as the presiding member of the board.

Clause 10 provides that the board has the administration and control of the CFS. Various specific responsibilities are also set out. The board will be required to ensure that the CFS carries out its responsibilities effectively and efficiently. It will promote the formation of CFS organisations. The board will be responsible to the Minister for the administration of the Act.

Clause 11 allows the board and the Chief Executive Officer to delegate powers and functions under the Act.

Clause 12 relates to the establishment of CFS organisations. The board will be able to constitute CFS regional associations, CFS groups (made up of two or more brigades) and CFS brigades. Each CFS organisation is to have a constitution. The board will be able to dissolve a CFS brigade by notice in the *Gazette*.

Clause 13 provides that the mutual relationship of CFS organisations and their obligations to each other will, subject to the Act, be defined by the board.

Clause 14 provides for the recognition of the South Australian Volunteer Fire Brigades Association. The association will represent the interests of members of CFS organisations.

Clause 15 relates to the offices of Chief Officer of the Country Fire Services, Deputy Chief Officer and Assistant Chief Officer. The Chief Officer will have the ultimate responsibility for CFS operations and will be able to assume supreme operational command at any time.

Clause 16 provides for the creation of other ranks of the CFS. Persons will be appointed to certain ranks by the board, or elected in accordance with prescribed procedures. The board will establish an appropriate command structure. The board will be able to demote a person in appropriate cases.

Clause 17 establishes the Country Fire Services Fund. The fund will be applied by the board in the administration of the Act.

Clause 18 will enable the board to determine, on an annual basis, an amount to be contributed by insurers towards the cost of the administration of the Act. A prescribed association of insurers may apply to the Treasurer for a review of the amount.

Clause 19 sets out the method by which an insurer's contribution is to be calculated. The amount of a contribution will depend on the extent to which the insurer receives premium income in respect of the insurance of property in the country.

Clause 20 will allow the board to require an insurer to provide the board with such information as it may require to assess the insurer's contribution. An authorised officer will be entitled to visit an insurer's premises and obtain information relevant to the assessment.

Clause 21 provides that the board must keep proper accounts of the financial affairs of the CFS.

Clause 22 provides that a rural council (as defined) is responsible for providing adequate equipment for fire-fighting within its area.

Clause 23 provides that a council may extend any portion of its revenue in defraying its costs under this Act, contributing to CFS activities in its area, and purchasing equipment by land owners for use by the CFS.

Clause 24 will allow the board to make grants to any council or CFS organisation for the purpose of defraying the cost of equipment reasonably required for the purposes of the CFS, or to purchase any such equipment.

Clause 25 provides that a council or CFS organisation must not sell or dispose of any building or equipment constructed or purchased with the assistance of a grant from the board, or sell or dispose of any equipment provided by the board, without the consent of the board.

Clause 26 grants CFS organisations exemptions from local government rates, water and sewerage rates, and land tax.

Clause 27 will enable the CFS to recover costs from an owner of property in the country if the person is not insured (or is not adequately insured) against loss or damage caused by a fire at which a CFS brigade attends.

Clause 28 is designed to enable the board to recover amounts from persons who insure with an insurer located outside the State where the insurer does not pay the appropriate contribution to the fund.

Clause 29 establishes the South Australian Bushfire Prevention Council.

Clause 30 sets out the functions of the council, which include to advise the Minister on bushfire prevention in the country and to provide a forum for discussion of issues relating to bushfire prevention.

Clause 31 provides that the board may establish a regional bushfire prevention committee in relation to a CFS region.

Clause 32 provides that the functions of such a committee include assessing the extent of fire hazards within its region, preparing plans, and making recommendations, in relation to major bushfire prevention work, and coordinating fire prevention planning in its region.

Clause 33 provides that the board may establish a district bushfire prevention committee in relation to the area or areas of one or more rural councils.

Clause 34 provides that the functions of such a committee include assessing the extent of fire hazards in its area, preparing bushfire preparation plans, and providing advice to the board, the council, and any relevant regional committee.

Clause 35 will require each rural council to appoint a suitably qualified fire prevention officer. The board will be able to exempt a council from this requirement in appropriate cases.

Clause 36 authorises the board to fix a fire danger season in relation to the whole, or any part, of the State.

Clause 37 regulates the lighting and maintaining of fires in the open air during the fire danger season.

Clause 38 authorises the board to impose a total fire ban for any purpose on a specified day or days, or during a specified part or parts of a day or days, in the State or a part of the State. The ban must be broadcast from a broadcasting station in the State.

Clause 39 relates to permits authorising persons to light or maintain a fire in circumstances that would otherwise constitute a breach of the Act.

Clause 40 empowers a CFS officer to control a fire that has been lit contrary to the Act, or that is burning out of control or is likely to burn out of control. The CFS officer will also be able to prohibit the lighting of a fire in conditions where the fire could get out of control.

Clause 41 provides that it is the duty of the owner of private land in the country to take reasonable steps to protect his or her property from fire and to prevent the

outbreak of fire on the land, or the spread of fire through the land. An owner who fails to do so may, by notice in writing, be required to take action to comply with the section. The provision sets out a right of appeal against such a notice.

Clause 42 places a responsibility on a rural council to protect land in its care or control from fire.

Clause 43 places a responsibility on a Minister, agency or instrumentality of the Crown to protect land in its care or control from fire.

Clause 44 will empower an authorised officer, in relation to premises of a prescribed kind, to require the owner of the premises to protect them from fire.

Clause 45 will allow the board or a council to control the removal of debris from any work left on or in the vicinity of a road.

Clause 46 will make it an offence to use a caravan unless an appropriate fire extinguisher is carried in the caravan.

Clause 47 will allow the regulation of the use of certain prescribed engines, vehicles, appliances or materials during the fire danger season.

Clause 48 creates various offences relating to the release of burning objects and material in the country.

Clause 49 requires a person who finds an unattended fire on land in the country to take reasonable steps to report the fire to an appropriate authority.

Clause 50 will allow a council to delegate any power or function in relation to fire prevention to its fire prevention officer.

Clause 51 empowers the board to take action if it considers that a council has failed to exercise or discharge its powers or functions under the Act in relation to fire prevention. The board will (if necessary) be able to recommend to the Minister that the relevant powers or functions be withdrawn from the council and vested in an officer of the CFS.

Clause 52 will allow a CFS brigade to enter into an agreement to clear flammable material from land. Money received under such an agreement will, after deducting expenses, be used by the brigade for the purpose of providing fire-fighting services in its area.

Clause 53 will make it an offence to light a fire in circumstances where the fire endangers, or is likely to endanger, the life or property of another. It will be a defence to a charge of an offence against this section to prove that the fire was lit on land owned or occupied by the defendant, or at the direction of such a person, or that the danger was caused by unforeseen weather conditions, and that the defendant took all reasonable precautions to prevent the spread of the fire.

Clause 54 will empower a member of the CFS to take control of a fire or other emergency in the metropolitan area until a metropolitan fire brigade arrives. It will also provide that all persons at the scene of a fire or other emergency in the country will be subject to the control of the most senior member of the CFS in attendance.

Clause 55 sets out powers of a CFS officer in relation to fire-fighting or for the purpose of protecting life or property in any other emergency. A CFS officer will be required to consult (where practicable) with the owner or occupier of any land in relation to which a power is to be exercised. If a fire or other emergency is on land in, or in the vicinity of, a government reserve, or is likely to threaten a government reserve, the CFS officer must consult with the person who is in charge of the reserve. The powers of a CFS officer under this provision will be able to be exercised, in the absence of any such officer, by any other member of the CFS.

Clause 56 relates to the powers of appropriate officers to enter and inspect land for the purpose of determining the cause of a fire or other emergency and to remove and retain any object or material that may tend to prove the cause of a fire or other emergency.

Clause 57 will allow appropriate officers to enter land or premises at any reasonable time to inspect the measures taken in relation to fire prevention or the control of dangerous substances.

Clause 58 will allow appropriate officers who have reasonable cause to believe that a person has committed an offence against the Act to ask the person to state his or her name and address.

Clause 59 will make it an offence to hinder a person in the exercise of a power or function under the Act.

Clause 60 relates to the provision of sirens by a council or CFS organisation.

Clause 61 will make it an offence to interfere with a fire plug or hydrant.

Clause 62 will make it an offence to destroy, damage or interfere with a fire alarm, or to give a false alarm. The CFS will be able to recover the cost of attending at any place in response to a false alarm.

Clause 63 empowers the board to appoint fire control officers for designated areas of the State. These officers will assist in the preparation of fire prevention plans for their particular areas and fight fires or act in other emergencies until a CFS brigade arrives. A fire control officer will, pending the arrival of a CFS brigade, be able to exercise the powers of a CFS officer under the Act.

Clause 64 authorises a member of a recognised interstate fire-fighting organisation fighting a fire in the vicinity of a border of the State to exercise the powers of a CFS officer under the Act.

Clause 65 relates to the liability of officers performing functions under the Act.

Clause 66 will ensure that the board, the South Australian Bushfire Prevention Council, the regional and district committees, and local government councils will not be liable by virtue only of the fact that they have not prepared or implemented bushfire prevention plans under the Act.

Clause 67 prevents the establishment of unauthorised fire brigades in the country.

Clause 68 relates to offences by bodies corporate.

Clause 69 relates to the onus of proof in certain proceedings.

Clause 70 is an evidentiary provision.

Clause 71 provides that an offence against the Act is a summary offence.

Clause 72 relates to minimum penalties.

Clause 73 will allow any fine recovered from a defendant to a charge laid by a council to be paid into the general revenue of the council.

Clause 74 will require an officer of the Engineering and Water Supply Department to attend at the scene of a fire or other emergency and assist in the provision of water.

Clause 75 will empower a CFS officer to direct a competent person to take action to control, remove or shut off any dangerous substance in the vicinity of a fire or other emergency.

Clause 76 relates to regulations under the Act.

Clause 77 provides for the repeal of the Country Fires Act 1976.

Schedule 1 sets out supplementary provisions relating to the board and the South Australian Bushfire Prevention Council.

Schedule 2 sets out supplementary provisions relating to Regional and District Bushfire Prevention Committees.

Schedule 3 sets out various transitional provisions.

**Mr GUNN** secured the adjournment of the debate.

## MOTOR VEHICLES ACT AMENDMENT BILL

**The Hon. G.F. KENEALLY (Minister of Transport)** obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959. Read a first time.

**The Hon. G.F. KENEALLY:** 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

South Australian accident statistics indicate that young drivers, 16-19 years of age, are involved in nearly four times as many accidents as drivers aged 25 years and above when distance travelled is taken into account.

To address these high accident rates, this Bill proposes changes to the circumstances in which learner's permits and probationary licences will be issued.

Specifically, the Bill retains the existing minimum age of 16 years for issue of a learner's permit but sets a minimum age for issue of a probationary licence at 17 years and requires drivers to attain the age of 19 years and to have a probationary licence for at least one year prior to issue of an unrestricted licence.

The Bill also proposes that the speed limit for holders of probationary licences be increased from 80 km/h to 100 km/h in line with other initiatives to reduce the differential of vehicle speeds on the roads. Other existing conditions for learner's permits and probationary licences, such as supervision by an experienced driver and display of appropriate L and P plates, remain unchanged. The amendments proposed by this Bill for the issue of graduated licences will bring South Australia more closely into line with the rules applying in other States and Territories.

The Government is aware of arguments that raising the age at which a probationary licence can be issued to 17 years may cause difficulties for those people who live in areas without public transport. However, it believes that such problems will be of short duration and can generally be overcome quite easily. These minor disadvantages are considered to be far outweighed by the community benefits of the anticipated reduction in the road toll of young persons. I commend the Bill to members.

Clause 1 is formal.

Clause 2 provides that the Act will come into operation on a day to be fixed by proclamation.

Clause 3 amends section 74 of the principal Act by increasing the level of fines from $200 to $1 000 for the offence of driving without a licence.

Clause 4 repeals section 78 of the principal Act and substitutes a new provision. The new section provides that a driver's licence cannot be issued to a person under the age of 17 years.

Clause 5 amends section 81a of the principal Act. The amendment is designed to ensure that an applicant for a South Australian driver's licence who is under the age of 19 years and who holds an interstate driver's licence will be required to hold a probationary licence until he or she turns 19 years of age, or for a period of one year. The amendment also ensures that all applicants for driver's licences in South Australia must hold probationary licences until they attain the age of 19 years, or if they are aged 18 years and above, for a period of one year. The amendment also increases the permitted maximum speed limit of the holder of a probationary licence from 80 km/h to 100 km/h.

Clause 6 amends section 81b of the principal Act. The amendment provision provides that where an appeal against the disqualification of a probationary licence is successful then the appellant must be subject to probationary conditions for an additional period of six months (if under the age of 19) or one year in any other case.

Clause 7 is a transitional provision and provides that persons who hold learner's permits or probationary licences immediately prior to the commencement of the new Act will not be subject to the new conditions imposed.

**Mr INGERSON** secured the adjournment of the debate.

## ROAD TRAFFIC ACT AMENDMENT BILL

**The Hon. G.F. KENEALLY (Minister of Transport)** obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961; and to repeal the Road Traffic Act Amendment Act 1982. Read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

The mass limits applicable in South Australia have been in force for many years and have become outdated due to developments in vehicle design and configuration. For overall efficiency, the mass limits and configuration of road vehicles should be matched to the structural capacity of the road system. The effect of a given vehicle mass is dependent on the distribution of the load, and the axle spacing for which there is no control in current South Australian legislation. Modern vehicles therefore may produce effects on pavements and road structures which were never anticipated when the existing limits were established.

The existing limits do not necessarily allow for the operation of vehicles which are the most efficient configuration or are built to suit the Australian market generally. The present Act has the following deficiencies:

allows the same loading for single axles regardless of whether they are fitted with two or four tyres;

does not explicitly provide for axle groups;

does not provide for vehicle configuration or the relationship between vehicle length and load.

In effect, the existing provisions make no allowance for vehicles having more than five axles. Australia's most important road freight carrying vehicle which operates in six axle configuration is therefore disadvantaged under South Australia's present laws.

The National Association of Australian State Road Authorities (NAASRA), which is an association comprising the South Australian Highways Department and similar interstate authorities, undertook a study to determine the most appropriate mass and dimension limits for commercial motor vehicles which should apply nationally or in particular regions of Australia. The study known as the Economics of Road Vehicles Limits (ERVL) Study, brought

down its report in November 1975. Act No. 63 of 1982 which was assented to on 1 July 1982 made provision for the mass limits recommended in the ERVL report but was not proclaimed as a review of the study was then underway.

This review, again undertaken by NAASRA, was called the Review of Road Vehicle Limits (RORVL) and was completed in 1985. The RORVL recommendations, which were endorsed by the Australian Transport Advisory Council (ATAC), included a range of options for vehicle limits which generally represented an increase above the levels of the ERVL Study.

The other Australian States and Territories have moved towards the highest RORVL mass option and the Commonwealth Government's Interstate Road Transport Act also provides for vehicles engaged in interstate trade to operate at the highest RORVL option mass limits.

The major purpose of this Bill is to provide the legislative framework under which regulations detailing the new mass limits can be implemented. The opportunity has been taken to amend certain definitions and evidentiary provisions of the Act. In formulating the proposals contained in this legislation, there has been extensive consultation with the transport industry, principally through the State's Commercial Transport Advisory Committee (CTAC).

Clauses 1 and 2 are formal.

Clause 3 adds definitions of terms used in the new provisions and removes some definitions that are no longer required.

Clause 4 repeals section 34 of the principal Act. The substance of this provision is incorporated in new section 148.

Clause 5 makes a consequential amendment to section 53 of the principal Act.

Clause 6 replaces a heading.

Clause 7 makes a consequential amendment.

Clause 8 introduces a provision relating to the disposition of axles and axle groups. The Minister can exempt any vehicles which do not comply with these requirements under section 163aa and can impose mass limits in relation to those vehicles by way of conditions.

Clause 9 replaces a heading.

Clause 10 replaces the provisions of the principal Act dealing with vehicle mass limits. Section 146 creates the offence of driving a vehicle that exceeds mass limits prescribed by regulation and penalties for the offence. Section 147 limits the mass of a vehicle towed by a vehicle of a prescribed kind. It is intended to prescribe larger vehicles used generally in industry and for business purposes. Section 148 replaces section 34. Section 149 is an evidentiary provision. Section 150 provides for vehicles with metal tyres.

Clause 11 amends section 156 of the principal Act. New paragraph *(a)* replaces the substance of existing paragraph *(a)* and *(b)* with some modification. New paragraph *(b)* extends the ambit of the section to situations where the mass of the vehicle or the mass of a combination of vehicles is excessive.

Clause 12 amends section 175 of the principal Act by expanding the operation of subsection (3) *(a)*.

Clause 13 inserts new regulation-making powers.

Clause 14 repeals the Road Traffic Act Amendment Act 1982.

**Mr INGERSON** secured the adjournment of the debate.

## STAMP DUTIES ACT AMENDMENT BILL (No. 2)

**The Hon. G.J. CRAFTER (Minister of Education)** obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

This Bill implements a recommendation of the Law Reform Committee Report on Delivery of Deeds. The main recommendations of the report have been incorporated into the Law of Property Act Amendment Bill which was introduced into Parliament last year and is under considertaion this session.

This Bill provides that an instrument is liable to duty according to its term notwithstanding the existence of any conditions affecting its execution. However, if any such condition is not fulfilled provision is made for the Commissioner, on being satisfied that the instrument will never come into force, to cancel the stamp and refund any duty paid.

Clause 1 is formal.

Clause 2 inserts section 17 into the principal Act to make an instrument that is executed conditionally liable to stamp duty as if it had been executed unconditionally.

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

## EDUCATION ACT AMENDMENT BILL

**The Hon. G.J. CRAFTER (Minister of Education)** obtained leave and introduced a Bill for an Act to amend the Education Act 1972. Read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

The purpose of the Bill is to effect amendments to the Education Act 1972, in four discrete areas: the constitution of the Teachers Appeal Board; appointments to promotional appointments within the teaching service; the enrolment of full fee paying overseas students; and the Governor's regulation making powers concerning school councils.

1. Division VIII of Part III of the Education Act 1972 provides for the appointment of members of the Teachers Appeal Board for a term of up to three years. The presiding member, who must be a judge appointed under the Local and District Criminal Courts Act 1926, or a special magistrate, must officiate at every appeal which of necessity must be arranged around his or her judicial duties. This can result in lengthy delays in scheduling hearings which is of concern to the board, the appellant and the Education Department. The amendment provides for the appointment of presiding members from the ranks of Industrial Court judges or magistrates. It is considered that because of the nature of the majority of cases that now arise through the Appeal Board the appointment of the presiding member should be from

the panel of judges or magistrates attached to the Industrial Court. The amendment will permit flexibility in the appointment of the particular presiding member according to his or her judicial work load and allow the board to sit simultaneously for the purpose of hearing and determining separate appeals.

2. The Education Act 1972 provides for promotional vacancies within the teaching service to be filled from either promotion eligibility lists or in accordance with section 53 of the Act which operates in association with certain Education Regulations. The Education Department has modified its personnel selection processes to ensure strict compliance with the merit provisions of the Government Management and Employment Act 1985, and, as a consequence, promotion eligibility lists have been discontinued. This makes promotional appointments subject to section 53.

Recent advice from the Crown Solicitor indicates that the provisions of section 53 must extend to the filling of temporary vacancies, such as those arranged in accordance with regulation 61 'Acting appointments' of the Education Regulations. Since vacancies in this category often occur with little or no notice it is impracticable to observe the terms of section 53. The amendment aims to exclude short term acting appointments from the requirements of section 53. Since personnel appointments of this nature are made by assistant directors of personnel, as delegates of the Minister, appeal rights will be preserved in terms of regulation 111 'Complaint against a departmental officer' of the Education Regulations.

3. Since 1985, the Commonwealth Government has undertaken a policy to encourage the export of educational products overseas, which includes the admission of full fee paying overseas students into tertiary and secondary study in Australia. The Commonwealth Department of Employment, Education and Training has since registered a number of non-government schools in South Australia as institutions in the secondary full fee paying student scheme. The Commonwealth will devolve, by 30 June 1989, the responsibility for registering institutions which can participate in the full fee paying student scheme to each State or Territory. The Commonwealth will not issue visas to students unless the institutions and courses they wish to participate in are registered by the State. There have since been concerns raised about the quality of services offered by some registered non-government schools within the scheme in the other States. The Australian Education Council (AEC), to ensure the continued high international standing of Australian education, has now proposed that all exporters of educational services comply with a code of conduct in the areas of meeting national objectives, educational standards, the marketing of services and the provision of information to potential users.

The Non-government Schools Registration Board registers non-government schools in South Australia. It is considered that the board will be the appropriate agency for registering non-government schools for full fee paying students. Procedures have to be in place to widen the powers of the board for assessment of such applications and to assess the proposed schools' ability to meet an appropriate code of conduct. It is proposed, therefore, that amendments be made to section 72 of the Education Act 1972, which deals with the registration of non-government schools. The amendments are to give the Non-government Schools Registration Board powers to assess the suitability of schools to participate in the scheme, to place conditions on the approval of schools for that purpose and to ensure continuous assessment of the suitability of schools to remain in the scheme.

4. The Government wishes to introduce amendments to the regulations on school councils contained in Part 6 of the Education Regulations. The changes stem from wide consultation with parent, teacher and principals' organisations in recent years. It is proposed to extend the Governor's regulation making powers in the Act to specifically provide for school councils. I commend the Bill to members.

Clauses 1 and 2 are formal.

Clause 3 amends section 45 of the Act which relates to the Teachers Appeal Board. At present the board has a permanent Chairman, being a person holding judicial office under the Local and District Criminal Courts Act 1926, or a special magistrate appointed on the nomination of the Minister. The amendment provides, instead, for presiding members to be nominated from time to time by the President of the Industrial Court of South Australia from amongst the members of the Industrial Court (i.e., the President, Deputy Presidents and Industrial Magistrates). For the purposes of hearing and determining any matter, the President is to nominate one of those members to be the presiding member of the Appeal Board in relation to the matter.

Clause 4 amends section 46 of the Act which sets out the terms and conditions of appointment of members of the Teachers Appeal Board. The amendment makes it clear that the section does not apply to presiding members of the Appeal Board.

Clause 5 amends section 53 of the Act which provides for the manner of appointment to certain positions in primary and secondary Government schools. Currently the section applies where the position is to be filled otherwise than in accordance with a promotion list compiled under the regulations. The amendment replaces this provision and provides instead that the section applies to all positions in such schools except where the position is to be filled by an appointment in an acting capacity for a period not exceeding 12 months.

Clause 6 amends section 54 of the Act and is consequential to the amendment to section 53. Clause 7 amends section 72g (2) *(b)* of the Act which currently sets the fee for an application to the Non-government Schools Registration Board for registration of a non-government school at $100. The amendment enables the fee to be set by regulation.

Clause 8 inserts a new Division IIA in Part V of the Act which deals with non-government schools. The new division enables the registration of a non-government school to be endorsed with an approval to enrol full fee paying overseas students. New section 72i provides that a student falls within the category of full fee paying overseas student if the student holds a temporary Commonwealth permit to enter Australia and the Commonwealth and the State do not take that student into account in calculating the amount of any assistance to the school attended by the student.

New section 72ia provides for application for the approval to be made to the Non-government Schools Registration Board. The board must approve the school if satisfied that it has sufficient financial resources to provide satisfactory services to such students and it has made suitable arrangements to comply with the code of conduct approved by the Minister for the purpose. Conditions can be imposed on the registration of an approved school to ensure that the school continues to meet the criteria for approval or to ensure that adequate records are kept by the school. The appeal provisions already in force in respect of registration of a school are worded in such a way that they will apply in respect of a refusal to approve a school under Division

IIA or an approval subject to conditions or for a limited period. New section 72ib provides for the Minister to approve a code of conduct for the purposes of Division IIA by notice in the *Gazette*.

Clause 9 amends section 72j of the Act to incorporate procedures for the review of an approval of a school under Division IIA in the procedures for review of the registration of the school. In addition to the board's other powers on a review, the amendment enables the board to withdraw the approval of a school under Division IIA or to limit the period of such an approval.

Clause 10 inserts a new section 73 into the miscellaneous division of Part V of the Act. The new section enables the Non-government Schools Registration Board to require applicants for registration of a school or approval under Division IIA to provide further information. It also makes it an offence to furnish information for the purposes of Part V that is false or misleading in a material particular.

Clause 11 amends section 107 of the Act by adding a regulation making power to make provision with respect to the constitution, powers, functions, authorities, duties or obligations of school councils or any other matter relating to school councils or their operations. The clause also adds a power to make regulations, conferring on the Minister power to determine any specified matter relating to the constitution of school councils, power to enlarge the functions of school councils or power to resolve disputes between head teachers and school councils.

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

## RACING ACT AMENDMENT BILL

**The Hon. M.K. MAYES (Minister of Recreation and Sport)** obtained leave and introduced a Bill for an Act to amend the Racing Act 1976. Read a first time.

**The Hon. M.K. MAYES:** 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

It proposes amendments to the Racing Act 1976, to enable the South Australian Totalizator Agency Board to implement an off-course computerised win and each way fixed odds betting system. The amendments proposed are as follows:

First, that the Act be amended to change the functions and powers of the TAB to enable it to conduct fixed odds betting on races held within or outside Australia. The implementation strategy of the fixed odds betting system will be to firstly provide the service at cash selling outlets only. The next step would be to provide the service to telephone betting customers, some 8 to 12 weeks after the system is introduced.

It is not considered sound to provide a service on all meetings/all races from the implementation date. To acquire experience in operating the system, it is proposed that the service be phased in over a 12 month period, based on a schedule commencing with metropolitan galloping meetings and including only selected races. This schedule will gradually be extended to cover all races of all codes, at the end of the 12 month period. One of the recommendations of the working party established to examine the TAB proposal to introduce a computerised fixed odds betting system, was that the system be thoroughly tested in the off-course environment, before any further consideration is given to its introduction on-course.

Secondly, the allocation of profits from fixed odds betting be shared equally between the Government and racing industry for a period of 12 months from the date of implementation. The codes will continue to receive the same fixed percentage from fixed odds betting as currently exists with *pari mutuel* betting. After that 12 month period and prior to 1 January 1991, a committee of three persons will be established to consider the profitability and financial arrangements between the Government and the codes in relation to fixed odds betting.

Thirdly, the Racecourses Development Board and Government each be allocated 0.2 per cent of fixed odds betting turnover to compensate for the loss of fractions income as a result of the anticipated transfer of money from the *pari mutuel* pools to the fixed odds betting pools. Fourthly, unclaimed dividends will be shared as is the current practice for *pari mutuel* betting. Fifthly, a new section has been inserted to replace sections 80 and 84*l* which deals with the acceptance of investments by employees or agents of the TAB and authorised racing clubs.

Clauses 1 and 2 are formal.

Clause 3 inserts new definitions into section 3 of the principal Act in relation to fixed odds betting.

Clause 4 amends section 51 of the principal Act to give the Totalizator Agency Board the added function of conducting off-course fixed odds betting.

Clauses 5, 6 and 7 make consequential changes.

Clauses 8 and 9 repeal sections 79, 80, 84k and 84*l* of the principal Act. Sections 79 and 84k make it an offence to conduct totalizator betting except as authorised by the principal Act. Section 64 of the Lottery and Gaming Act 1936, provides for a similar offence but with higher penalties. It is convenient to remove the provisions from the Racing Act to avoid confusion. The substance of sections 80 and 84*l* is contained in new section 148a inserted by clause 13.

Clause 10 inserts new Part IIIA dealing with off-course fixed odds betting. New sections 84*l* and 84m correspond to sections 67 and 69. Section 84n provides for the establishment of a committee to make recommendations for the sharing of profits from fixed odds betting. Section 84o corresponds to section 71 (1) and section 84p corresponds to section 78.

Clauses 11 and 12 make consequential amendments.

Clause 13 inserts new section 148a into the principal Act. This section incorporates the substance of sections 80 and 84*l*.

**Mr INGERSON** secured the adjournment of the debate.

## SUPERANNUATION ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 13 (clause 2)—Leave out 'This' and insert 'Subject to subsection (2), this'.

No. 2. Page 1, (clause 2)—After line 13 insert subclause as follows:

'(2) Paragraph *(b)* of section 9 and section 13a will be taken to have come into operation when the principal Act came into operation'.

No. 3. Page 3, line 10 (clause 9)—Insert after 'amended' '—*(a)*'.

No. 4. Page 3 (clause 9)—After line 13 insert word and paragraph as follows:

'and

*(b)* by inserting after subsection (8) the following subsection:

(9) The right to preserve accrued superannuation benefits under this section does not apply for the benefit of a contributor who was, when he or she resigned, an employee—

*(a)* of the Australian National Railways Commission;

or

*(b)* of a prescribed employer.'

No. 5. Page 4—After line 30 insert new clause as follows:

'Continuity of contributor status

13a. Clause 1 of schedule 1 is amended by inserting after subclause (2) the following subclause:

(2a) A person who, immediately before the commencement of this Act, was an employee of the Australian National Railways Commission and was also a contributor to the Fund or the Provident Account will be taken to be an employee for the purposes of this Act until he or she ceases to be an employee of the Australian National Railways Commission'.

**The Hon. FRANK BLEVINS:** I move:

That the Legislative Council's amendments be agreed to.

During debate on the Bill, the Government moved several amendments dealing with employees of Australian National Railways. These amendments were necessary to exclude Australian National employees from being entitled to elect for preserved benefits on resignation. This was because the unions would not agree to pay for the preservation of benefits option. I therefore urge the Committee to accept the amendment from the other place.

**The Hon. JENNIFER CASHMORE:** The Opposition is pleased that the other place has seen the merit of the amendments, and endorses what is being now agreed to by all parties.

Motion carried.

## OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 March. Page 2249.)

**Mr S.J. BAKER (Mitcham):** The Bill before us does two things. First, it extends the membership of the Occupational, Health and Safety Commission from 10 to 12 members. It contains transistional provisions to allow the current office bearers of the commission to continue in employment. This Bill receives very lukewarm support from the Opposition and the Minister will see that we have placed amendments on file. The proposition is quite clearly understood if people refer to the second reading explanation. In his second reading explanation, concerning the expanded membership, the Minister stated:

These changes have been proposed as a result of representations from the major parties represented on the commission and are seen as necessary in order to achieve a greater degree of effectiveness in the commission's operations.

It is quite clear to every person who has had to deal with the Occupational, Health and Safety Commission that the commission is not working effectively, and that is because it is being used for political purposes from within the employment ranks of the commission.

Earlier this year I made two observations in the House, one in relation to the appointment of a person by the name of Jan Powning, the wife of the Assistant Secretary of the United Trades and Labor Council. At the time I said that the appointment was inappropriate not only in terms of the relationship that existed but also because of the inability of the commission to justify the appointment. I will not repeat my comments except to say that it was recognised by anyone who has any knowledge of occupational health and safety that the appointment of Deputy Chairman Powning was totally and utterly inappropriate. Since that time, those words have come to fruition. In particular, in September last year the minutes of the meetings were rigged and the lady concerned was right in the middle of it.

Now we see that the employers, I believe, have asked for the commission to be extended, because not only do they want to canvass further representation but they really do not believe they are getting a fair go on that commission. Members would recall the passage of the original legislation and the former Minister of Labour pulling the guillotine. At that stage I think I was ejected from the House—and under quite incredible circumstances. Given the debate on the very complex and lengthy Bill and the debate on on-the-spot fines for possession of marijuana, there was insufficient time to debate completely all the issues involved in the Occupational Health, Safety and Welfare Bill.

Fortunately, in the Upper House, there was some pulling back from the original propositions which should have been debated fully in this place, but the Minister, for political reasons, was willing to pull the guillotine, even though he knew at the time that the debating time allocated was insufficient in which to canvass properly the issues concerned. Ever since that time, we have seen the commission, which was set up under rather dubious circumstances, wander from crisis to crisis. No-one, but no-one, has confidence in the commission. If anyone could point out an organisation other than the union movement that has confidence in the commission, I would be interested to hear it. It is a commission that is supposed to have bipartisan support.

The Minister may well recall that I said that the issue of safety and health was, in many ways, an article of faith. It could be prescribed in legislation, but the most important thing was a positive attitude by both employers and employees. No positive attitude has been displayed in the political manipulations of the commission—none whatsoever. There is manoeuvring for positions and some quite scurrilous things are occurring in the commission. Now, the Minister has admitted in his second reading explanation that the thing is not working, so we will fiddle around with it—to use that often-used statement—like shuffling deckchairs on the Titanic. Unless we change the composition of the commission and the working arrangements, and change them quite radically (which part of this Bill does), we will have the same old problems that we have had for the past year. It is a commission that is going nowhere except indulging itself in petty issues and not really attacking the global issues that I believe have to be embraced by the commission.

The Minister would well remember that I supported the proposition that a commission should deal with health, safety and welfare in this State. However, I can see no reason why its membership should be extended to 12 persons. I know that employers are keen for it to be extended, but a commission of 10 members seems to be more than viable. A commission of fewer members could be adequate, because it is supposed to be an overseeing body which looks at the broader issues as they arise in the workplace. Perhaps 10 members are not necessary. It depends on the quality of the personnel, and there have been problems in that regard in the past.

I wish to point out some of the difficulties facing employers. The Minister would be well aware that it took the Employers Federation 14 months to get approval from the commission to run safety courses, despite the fact that it met the guidelines. The Minister suggests that we should have a bipartisan point of view on this matter, but there is

nothing bipartisan about the way in which the commission operates. On another matter that has been canvassed around town, I point out that the Deputy Chairperson of the commission found fit to indulge herself in a witch-hunt on an industrial matter. Her intervention was found by the court to be out of order.

Little people are shuffling for position. Because of the appointments made by the Minister from the union side, that side of the fence has not produced people of the highest quality with a genuine interest in safety. Those people are interested in power and the exercise of power. It is a sensitive, difficult area and, unless we get some sanity back into the system, it will not receive any accolades because the commission will not be able to perform its given task.

The Opposition recognises the difficulties that have been experienced. On achieving government, we would review the operations of the commission and make substantial changes to it. The Opposition will join with the Government in approving the extension of membership, because it has been sought on the basis that the commission is not performing. The Opposition is also very pleased that the position of Chief Executive Officer is to be removed. Given the relationship with the board, that means that there will not be some of the conflicts that have arisen in the past, particularly when the Deputy Chairperson took the chair.

The Opposition has two areas of concern. One involves deliberative and casting votes (clause 6) and the other relates to the fact that existing members will retain their positions, and I refer particularly to the Chief Executive Officer and the Deputy Chief Executive Officer (clause 9).

I also bring to the attention of the House an issue that concerns me deeply. Last year I wrote to the Minister of Education on a safety matter. I received a letter from one of the high schools in my electorate about some maintenance problems and three safety items that needed immediate attention. I wrote to the Minister and passed on the list of maintenance items, asking that the safety matters be fixed immediately. They were only small matters of little cost involving a handrail, broken linoleum and fire tiles.

People fall over the broken linoleum almost every day of the week. Three weeks ago, someone broke an arm and, prior to my writing to the Minister, another person also broke an arm on falling over the linoleum. I did not ask the Minister to spend a million dollars; only a very small sum of money was needed to fix the problems at the school.

Under the Occupational Health, Safety and Welfare Act the Minister has a duty of care to the students and the teachers. Could he be prosecuted under this Act? Does he have to live up to his responsibilities? If it is good enough for private employers to have to face the full brunt of the penalties under this legislation, it should be good enough for a Minister of the Crown who has ignored a request to fix up a safety item. I believe that the Government has decided to bring in legislation to make private employers comply with it but not Government officials. That is not good enough. It would be appropriate, as a test case, to prosecute the Minister of Education for failing to show a duty of care. A number of aspects in the administration of safety concern me. Within the building industry, safety representatives and others on building sites have used safety as an industrial issue.

*Mr Becker interjecting:*

**Mr S.J. BAKER:** As the member for Hanson said, it is blackmail. I do not believe that this legislation has had any impact where it should have impact.

*An honourable member interjecting:*

**Mr S.J. BAKER:** The long trend line indicates that they were going down, anyway. That does not mean a thing. If we extrapolated the trend to 1970 with respect to traffic accidents, we would find that three times the number of deaths would be occurring on our roads today than actually occur. All I am saying is that the trend line on industrial accidents was on the way down, anyway. If there is a 50 per cent drop in workplace accidents, I will say that the legislation has been very successful. At this stage that information is not available, so we cannot debate the issue. Safety is a crucial issue in the workplace, whether in the Government or private sector. It cannot be played around with or used for political purposes. It must be addressed properly in a constructive fashion. With those comments, I indicate that, although the Opposition will oppose part of clause 9, it generally supports the thrust of the Bill.

**The Hon. R.J. GREGORY (Minister of Labour):** Again this afternoon the member for Mitcham has paraded his prejudices and paranoia. He engaged in a personal denigration of the people who work on the commission and referred particularly to the Deputy Chairperson (Janet Powning). For the benefit of the honourable member, I will read out her qualifications. She trained in health and safety at the highly regarded Aston University in Birmingham.

She received a fellowship for overseas study in occupational health and safety. Further, she has had post-graduate training and eight years experience in public administration. For five years she was a lecturer in public health at a foundation attached to the South Australian Institute of Technology and the Adelaide University. She has had considerable experience in policy development, including 2½ years as an executive officer for occupational health and safety at the South Australian Health Commission and worked for 10 years in shop floor occupations in the private sector. So, through hard work this woman has been able to educate herself and has gained considerable experience.

Let me now refer to the qualifications of other people working in the commission whose skills the member for Mitcham so gratuitously denigrated. One has a B.Sc. degree with first-class honours from the University of Adelaide and a graduate diploma in occupational hazard management from the Ballarat College of Advanced Education in Victoria. That officer also has the Safety Institute of Australia award for the best dissertation on the occupational hazard management course (1986-87 intake).

Another person working in the commission has a B.A. degree from the Flinders University in South Australia, as well as having majored in politics and drama and having obtained a safety certificate.

*Mr Becker interjecting:*

**The Hon. R.J. GREGORY:** I suppose that we can get failed bank managers at a halfpenny a dozen. The point is that we have been there and we have got the runs on the board, whereas the member for Hanson has not. The officer to whom I was referring has a safety certificate from the Panorama Community College, in South Australia, and was dux of a two-year course, besides being awarded the graduate diploma in occupational hazard management by the Ballarat College of Advanced Education, in Victoria.

Another officer, apart from completing a theological degree to become a chaplain, has completed a substantial part of the Bachelor of Education degree course at the South Australian College of Advanced Education, before transferring to study for an arts degree in the School of Social Sciences and completing that degree with first-class honours with a major in psychology and science. The officer's thesis topic was 'Workers health and safety in Broken Hill'. Another officer also has a diploma in accounting, a commercial certificate from the Kensington TAFE College, and a B.A. degree. I know that the member for Mitcham has a degree

in economics, and I thought that he would not have been so gratuitous in his insults towards the people who are working for the commission and who know what they are doing.

The honourable member also referred to the way in which the commission works. The commission's performance was reported on after 12 months operation and I believed that a change in direction was needed and that an additional employer representative should be appointed to be drawn from the myriad employer organisations so that at least the principal employers would be adequately represented on the commission. In the building industry there are more employer organisations than union organisations and trying to get uniformity of thought among that lot is difficult because, although on the surface they appear to be all light and reasonableness, when one gets down to tin tacks there is much divergence in their points of view.

To get the best out of any industrial relations situation, we need to ensure that we consult the widest possible group of people. The member for Mitcham worked for a previous Minister of Labour (Hon. Dean Brown) and they did not consult any employee group. That is how we came to power. Last evening, Opposition members lambasted the Government for consulting with employer groups. I believe that we need have reasons for expanding the commission and changing its structure, and I see nothing wrong in providing security of employment for those who serve the Crown well and ensuring that the role of the commission is continued. It has done invaluable work and it will continue to do invaluable work.

Indeed, over the next six or nine months we will see coming from the commission a considerable number of reports prepared by the highly qualified people to whom I have referred. Their reports will be adopted as codes of practice in this State. In fact, some of their reports have already been adopted as codes of practice nationally. That is something about which we in South Australia can hold our heads high, and we should not denigrate these people as the member for Mitcham is so fond of doing, especially when he has done so little himself.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Membership of the commission.'

**Mr S.J. BAKER:** I believe that, in referring to how the commission is operating, I should respond to the Minister's remarks in his second reading reply. I targeted one person in the commission. That person is well known in this House and to many people operating in the field. I suppose that 'infamy' would probably be the best description. I did not say anything about the officers working in the commission. I am not aware of their competence or otherwise. I have not heard any bad reports about the way in which they operate, and for the Minister to use the broad brush approach and say that I had denigrated everyone associated with the commission was stretching the truth a little too far.

The commission has not operated properly because of the political manipulation at commission level and with the Deputy Chairperson. If the Minister wishes to talk to employers about that aspect, he may do so, but I am sure that he has already received submissions. He must have received something to make him wish to change the Act in this way.

If the legislation was working perfectly well, why should he wish to change the way in which the commission operates? The proof of the pudding is in the eating as regards this legislation. The Minister should not hide his failings and those of the commission on the basis that everything is working well and that only the member for Mitcham is denigrating the employees involved. That is far from the truth. I am trying to centre the blame where I believe it should be centred. I am well aware that the current employer and union representation on the commission canvasses certain industrial areas. Will the Minister seek to get representation on a broader front and, if he will, can he say which areas will be canvassed?

**The Hon. R.J. GREGORY:** I know that the Liberal Party depends on people having short-term memories, but I did not realise that they depended on memories being so short term as in this case. The member for Mitcham said that the commission was used for political purposes, and he then had a go at the qualifications of the secretariat.

**Mr S.J. Baker:** You haven't got the quote right.

**The Hon. R.J. GREGORY:** We will wait and see the *Hansard* pulls.

*Members interjecting:*

**The CHAIRMAN:** Order! I ask the honourable Minister to be seated. I call the honourable member for Mitcham to order and, when I call him to order, I expect him to obey. I warn him. This is the first warning and, if he continues to talk over the Chairman, I shall name him.

**Mr S.J. BAKER:** Will the Chairman please clarify his comments? I made no comment, Sir, when you were calling me to order—none whatsoever.

**The CHAIRMAN:** When the Chair called 'Order', the member for Mitcham continued to talk both above the Minister and above the Chairman. I am issuing the honourable member with a warning. If it happens again he will be named. The honourable Minister.

**The Hon. R.J. GREGORY:** I advise the member for Mitcham that when the employer organisations are asked to nominate people for consideration for appointment to the commission as employer representatives, we will endeavour to write to all the employer organisations that we are aware of seeking nominations. As I pointed out to the honourable member, there is a myriad of employer organisatons in this State. There are more employer organisations in the building industry than there are unions, and I am of the opinion that there are too many unions in the industry. We will endeavour to write to all employer organisations.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—'Proceedings of the commission.'

**Mr S.J. BAKER:** I refer to new subclause (3), which proposes that the Chairman of the commission be given a deliberative and casting vote. Difficulties always arise when there is an even number of members on a committee where, quite often, the Chairman does not have a casting and deliberative vote. In fact, quite often the Chairman does not have a vote at all. Irrespective of what the Minister says, there has been an imbalance between votes cast and the proposition that someone can have an equalising vote and then a vote to either approve or disapprove a measure. This raises some questions about the way in which a bipartisan—or so-called bipartisan—committee should operate.

The Opposition does not know who will be made the part-time Chairperson of the commission. We believe that it is a step in the right direction to have someone of some standing in that position. We do not know the quality of that person, because that will be up to the Minister by reference to the commission. We would hope that the person appointed to that position will have strong qualifications and, indeed, an even-handed approach, which has been quite lacking in the past. Concern has been raised about the casting and deliberative vote. Will the Minister clarify that

issue because it raises some problems in relation to the balance of composition of the committee?

**The Hon. R.J. GREGORY:** My advice from counsel is that this is the normal method of providing for the deliberative and casting vote of a chairman. It is particularly important in this case because we could have even numbers. I remind the member for Mitcham that this is the method that applies to the WorkCover Board. I know that the honourable member constantly criticises and denigrates WorkCover, but he has not done so lately because recently we had a report which demonstrated how well WorkCover was working—much to the annoyance of the member, who predicted that it would not work. However, it is working reasonably well and, I suppose, nothing succeeds like success. If it is working well there, it will work well here.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Transitional provisions.'

**Mr S.J. BAKER:** I move:

Page 3, lines 9 to 20—Leave out subclauses (2) and (3).

This amendment expresses the Liberal Party's opposition to subclauses (2) and (3). I have outlined the reasons why I am unhappy about the appointment of one individual within the commission. The Opposition believes that appointments should be thrown open. We believe, too, that the best people possible should be able to apply for that position and that people should be appointed on their merits.

We are changing the roles of people involved in the commission. Effectively, it is a new position and, as such, under the Public Service rules, it should be subject to the normal advertising procedure. Indeed, people who believe they have a right, or would like to undertake that position, should be able to apply. This transitional provision states that the Chairperson and the Deputy Chairperson shall take up their full-time positions as Chief Executive Officer and Deputy Chief Executive Officer. They are two new positions and, as such, they should run the gamut of the normal Public Service procedure. For a number of reasons that have already been expressed, the Opposition does not believe that it is appropriate to rubber stamp the two current incumbents into the new positions.

The two positions involved are very highly paid, and we believe that they should be subject to the scrutiny that would normally occur when a position is reclassified. In these circumstances, the positions have been renamed. They are new positions because the roles and purposes of the jobs have been changed. It is appropriate that the positions be thrown open to competition. Therefore, with those few words, I ask the Minister to accept the deletion of subclauses (2) and (3), because it will achieve what everyone desires, that is, a reopening of the positions. They are new positions, and the best people available should have the opportunity to apply.

**The Hon. R.J. GREGORY:** I would not expect anything less. This shows the limitations in the thinking of the member for Mitcham. The Deputy Chairperson was appointed to this position in the past 12 months. She is expected to carry out all the work that she was appointed to perform, with the exception of chairing the commission. The Deputy Chairperson, who will become the new Deputy Chairperson of the commission, will be appointed from within the commission itself. Consequently, two tasks from the job specification have been taken away from her. At the time of her appointment the Chairperson was eminently qualified to perform the tasks required and I am advised by the selection committee that she beat all the other applicants hands down. I informed this House of her qualifications and said that she was suitably qualified for the position. The same applies to the person who was appointed as Executive Officer.

Knowing the form of the member for Mitcham and how vindictive he is, and knowing, too, how he comes into this House and denigrates people without, at times, even thinking of the consequences of his actions, I would expect nothing less from him. We will not agree to the Opposition's request in relation to this matter because it is vindictive and a waste of time. Over the past 12 months the commission has settled into its operations. The current Chairperson and Deputy Chairperson will become Chief Executive Officer and Deputy Chief Executive Officer of the commission and they will ensure that the work of the commission is continued. It will continue to encourage safe working and material handling practices in this State.

**Mr S.J. BAKER:** The Opposition does not accept, for obvious reasons, the propositions of the Minister. As the Minister is well aware, in choosing a commissioner certain matters must be taken into consideration. He is also well aware that, because of the sensitivity of the role of that person, the appointment is made with that understanding. I saw nothing wrong with that proposition, but now the role has changed considerably. Instead of merely heading the commission, which is supposed to be the policy making wing of the organisation, this person will now be an administrator.

The Minister says that I have denigrated people in this place, but I believe that when wrongs occur they should be brought to the attention of members. I do not resile from the fact that I have spoken about a particular person when I believe a matter needs airing. I remember from 1979 to 1982 the vitriolic condemnation which emanated from the other side of the House. When reading *Hansard* I could not believe the way in which the sharp knife was taken out on the innocents of this world by members who now occupy the Government benches. So, do not play the holier than thou attitude with me. I know that the Labor Party has never in one instance resiled from chopping down any tall poppy in sight. It has never resiled from the fact that if it wants a political target it will use whatever means at its disposal to get at that target.

So, do not talk to me about the sudden integrity of the Government and the lack of integrity of the member for Mitcham simply because he has raised a matter of concern which affects a person appointed to a position by the Government—a person who will be very close to the seat of power in the United Trades and Labor Council. I would have thought, given the ideals expressed in the Bill, that person should not be appointed to the commission because of that association.

Even if we set that issue aside—because there are many situations where spouses have conflicting interests—I would have thought that the reputation of the person concerned before and since she has taken over that job bears scrutiny. The original appointment was made because of the sensitivity of the commission and the need for bipartisanship. The second appointment was purely political. For those reasons both appointments require scrutiny.

**The Hon. R.J. GREGORY:** Once again we have seen the prejudices and the paranoia of the Opposition paraded in this place. Just because the Deputy Chairperson has the fortune or misfortune to be married to the Assistant Secretary of the UTLC, suddenly she has become a non-person and cannot be employed. What the member for Mitcham is talking about would have the effect of creating a new class of people in South Australia. He is saying that those people associated with the trade union movement should not be employed anywhere. He has finally put it on the

line. I think that that it is a load of nonsense. The Government will employ the best people for the job irrespective of to whom they are married, who they live with or what they do. We will employ the best people—not people based on the prejudices of the member for Mitcham.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

## ADJOURNMENT

**The Hon. T. H. HEMMINGS (Minister of Housing and Construction):** I move:

That the House do now adjourn.

**The Hon. D.C. WOTTON (Heysen):** I take this opportunity during the grievance debate tonight to refer to a couple of matters, the first of which relates to an advertisement in the *Advertiser* some weeks ago. I have not seen it since that time, but I understand that it has been used on other occasions. I refer to this advertisement because it has brought considerable representations from people within my electorate, most of whom are elderly or live by themselves.

I raise this matter in the hope that the Government will consider this advertisement and its impact on people and look at the need to do something about it. The advertisement is headed 'Last year 1.5 million people were attacked by man's best friend'. Next to that is a sketch of a dog. The advertisement continues:

> New 'Dazer' stops attacking dogs, sends them away! The simple, hand held Dazer uses ultrasonic sound to stop savage growling dogs from attacking. Effective range is six metres. Includes a belt clip, low battery indicator and a long life nine volt Energiser battery. Causes no harm or injury to dogs. Now in use with Federal, State and local government authorities throughout Australia. The Dazer makes a great gift idea.

It gives some telephone numbers to obtain further information. I know that a number of people—and I guess a fair few in this place—have had pretty nasty experiences with dogs when doorknocking and making contact with people in their electorates. Some people who have contacted me have expressed concern about the effect that this instrument might have on dogs, but my concern is for those people who live by themselves, particularly elderly people, who see a dog as their main form of protection. A number of these people live in the Hills where the availability of police is not as well recognised as in some metropolitan areas.

A number of people have contacted me because they recognise that people who may have devious plans in mind could use this sort of equipment to put their dog—their only form of protection—out of action. I understand that, and it concerns me. As the House would realise, to install proper equipment for protective purposes can be very expensive. People have purchased and trained dogs to protect them and their property.

Just by telephoning a couple of numbers and sending $59.95, that protection can be removed. I share the concerns of some of these people and I ask the Minister of Consumer Affairs, in particular, to look at this issue and to recognise the concerns that are being expressed by those people who have contacted me. It is a very real concern and I understand the seriousness of the situation.

I will now change the subject entirely and talk about heritage issues. First, I refer to an announcement made recently by the Minister for Environment and Planning in the *Advertiser* of 9 February in an article headed 'Local councils given more power over fate of heritage buildings'. It is incredible that this action, if that is what we can call it, is as a result of a discussion paper which was distributed to local government throughout South Australia in 1986. It has taken three years for the Government to come up with any sort of plan which could help local government in the very difficult circumstances in which it finds itself regarding the need to preserve buildings within council areas.

I do not know how many members have seen the discussion paper which was prepared by the Department of Environment and Planning. I expressed some concerns about that document when it was first released and I still have those concerns, but now, according to the Deputy Premier, the Government will give local councils more power over what happens to heritage buildings in their areas. The article states:

> The Environment and Planning Minister, Dr Hopgood, said that from today [9 February] councils could prepare supplementary development plans showing which areas they wanted proclaimed as special Historic (Conservation) Zones.
>
> He said each council could compile a list of buildings it wanted to be put on the Register of State Heritage Items, but the list would have to be referred to the South Australian Heritage Commission. There would continue to be only one statutory heritage list.

One of the councils in my electorate stated that that was a load of rubbish, and I share that description of this so-called new initiative.

As has been pointed out by councils in my area, under the new law councils would be denied the power they have already, because the Government wants them to prepare a list of heritage areas and not of individual historic buildings. The SDP proposed by the Government is not a list of buildings but, rather, a set of principles and criteria about an area as opposed to individual items.

I would suggest that the decision to have only one list will jeopardise the future of buildings which are not in an historic zone or on the State Heritage list. As an example, I refer to a building which in recent times has received much publicity and that is the Raywood site, which is the old Downer homestead in the Hills. Just days before the auction of that property, it was placed on the interim list of the State Register. Under this plan that could not happen, because it is an isolated building—according to the Government's criteria, it is not part of a heritage area—and, assuming that it is not on the Heritage list (and there would be no way of specifying that in the SDP), there would be less control over what would eventually happen to that building.

There are presently two lists—a State Heritage list and a council list. Some of the councils have gone to a considerable amount of trouble to compile that list, and I commend some of them for their homework and for the work that they have put in generally, but under the new laws there will be only one State Register for individual buildings and an SDP for historic areas. I suggest that that is not a step in the right direction; it is a backward step on the part of the Government.

The final matter to which I refer is the sale of further land at Raywood. I understand that part of that property contains the Heysen Trail. The Government has said that it is prepared to sell some remaining land, but then a register would be necessary to protect the Heysen Trail. I remind the House that the Stirling council tried to do the same thing with the Mount Lofty Golf Course, which contains part of the Heysen Trail. The State Government severely criticised the council and now the State Government is doing exactly the same thing: it plans to sell some of the Heysen Trail as part of the remaining property at Raywood. That is extremely hypocritical and I suggest that the Min-

ister for Environment and Planning should look at that matter very closely indeed.

**The Hon. R.G. PAYNE (Mitchell):** I held the portfolio of mines and energy for nearly six years. I have thought about all the things that happened during that time that I regarded as perhaps important to South Australia's future. I refer to the announcement made just over a year ago of the first gas strike in the South-East at Katnook 1. The report was such that, after consultation with the principals concerned, I pointed out in a press release that it was early days and some care was needed before we became terribly excited about it. However, I think I said at the time that it was a welcome Christmas present for South Australia, because it happened in December. I had a lot of faith in the potential of the area (the Otway Basin) and I admired the principals concerned (Ultramar) who put their money into the area to back their judgment.

It was with extreme pleasure that I noted just over 12 months later a further gas find of a much larger magnitude at Katnook 2 and, because it was larger, it was of greater import to the future of South Australia. Some of the press clippings of the day refer to the size of the flow. One report states:

> Minora Resources NL reported yesterday that Katnook 2 in permit PEL-32 had flowed gas at a rate of 15.5 million cubic feet a day during retesting of the 2 864 m to . . . [level].

A further test gas flow of 16.4 million cubic feet was recorded and, even more importantly for the future of South Australia, it produced 140 barrels of condensate per day. Subsequent testing has demonstrated a condensate flow of about 350 barrels a day. I do not think I need stress to members what that can mean and its importance to the South Australian economy.

When people are willing to organise consortiums and capital to explore the State's mineral and hydrocarbon resources, I believe that they should be rewarded with success. We know that that does not always happen, but in this case I believe that the success has been well deserved. I congratulate the partners on their enterprise in this area and trust that they will continue their exploration.

The Otway Basin extends about 160 kilometres offshore and into Victoria where oil and gas have been found on an earlier occasion. If that area continues to be prosperous, one has only to look at the Cooper Basin to realise what such successful exploration can mean to South Australia.

Another aspect of my no longer being a Minister is that I am able to put in even more time in the electorate, and that allows more contact with the people in the electorate. Issues are raised with me which probably I would have missed out on. I hope the member for Mitcham is not about to leave the Chamber, because I propose to deal with a newsletter that the member for Mitcham puts out in his electorate, which is immediately adjacent to my electorate of Mitchell. Unless he fears being attacked or exposed in some way, I point out to him that my remarks are rather like the curate's egg—what I am about to say about him will be good in parts.

I want to congratulate him for his perspicacity, because he is clearly forecasting a win both for the State Labor Party in South Australia and also for the Federal Labor Party at the next elections. I will demonstrate that point by quoting from his newsletter. He commences, as one would expect for such an erudite member:

> Dear constituents,
> May I wish everyone a rewarding and healthy 1989. Would all those people who feel they are becoming mere observers of the process of government and the decisions affecting their lives please raise their right hands! There is a sense of frustration when Governments, both Federal and State, churn out endless reams of media releases which are designed to paper over the cracks rather than confront the important issues. People become tired of being treated as fools, and importantly, by making a habit of avoiding the truth, Governments in power start to believe in their own rhetoric.

**Mr Hamilton:** Who is this whacker?

**The Hon. R.G. PAYNE:** The member for Mitcham. He continues:

> Honesty in Governments, even when the news is not good, would do wonders for democracy and generate a new respect for politics. Having said that, 1989 is unlikely to produce this very desirable result, given the prospect of Federal and State elections.

What is the honourable member saying there? Is he saying that, if his own outfit, by some amazing action, were to win the election, in government it would not demonstrate honesty and provide the other services he talks about, or is he clearly admitting (as I believe he is) that his Party will run second once again, both at the State and Federal levels? Of course, he has gone back to his usual performance of having a shot at Labor generally. So his innate honesty—and I suggest that the honourable member has a good deal of that behind what he sometimes puts forward in the Chamber—has caused him unwittingly (I will be charitable) to put down that which he really believes will be the situation. I point out also that there is a touch of whimsy in the document, because the honourable member includes a joke, and the joke is good enough, I believe, to read to the House. He states:

> Two voters disagreed about the intellectual capabilities of a certain politician. One commented 'He may not be awfully smart, but he speaks his mind,' to which the other replied, 'That's true! He's a man of few words.'

That newsletter is given away freely, placed in everyone's letterbox, as a bit of homespun philosophy, perhaps. He continues, in reporting to his constituents:

> On matters industrial, the ongoing problems with WorkCover—

and a little throw-away line—

> (the State Government's workers compensation scheme) . . .

It is not that; it is the Parliament's scheme, since the legislation was passed by Parliament and the body—WorkCover—was set up. It continues:

> . . . the Government's compulsory unionism policy with respect to contracts, iniquitous draft industrial legislation—

according to the member for Mitcham—

> and lack of action by the Government against scurrilous elements within the building unions occupied much of my time.

All I can say is it must have been most unsuccessful, because his Leader has removed him from those responsibilities. He does not seem to have pointed out that to his constituents. The honourable member goes on to say in his newsletter:

> I wish to take a moment of your time to briefly analyse the emergence of 'Grey Power'. Whilst most families are feeling the economic pinch, not the least retired people on pensions and superannuation, there is little doubt that our elderly citizens are most concerned about their personal security.

How many times have I heard that in the electorate of Mitchell in all the elections we have faced! In fact, they do not even change the words—they print the same sentence each time it becomes necessary. The honourable member continues:

> It was but 20 years ago that houses and cars could be left unlocked and people could walk the streets in complete safety.

That is not totally true. There is an element of truth in it, but it is typical of the type of impression put out by members of the Liberal Party, particularly in election years, to create that climate in the minds of the electors. As I said at the beginning, good in parts—that is the member for Mitcham.

**Mr D.S. BAKER (Victoria):** I thank members for their support, not only from the other side but also from my colleagues.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr D.S. BAKER:** I wanted to speak to members opposite very briefly–

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I ask the House to come to order.

**Mr D.S. BAKER:** —on the laxity of the Department of Environment and Planning and the quite disgraceful attitude of the Minister responsible for that department who has failed to act on previous occasions when I have brought to his attention the problems faced by National Parks and Wildlife officers in national parks, especially in the South-East. One very disturbing case occurred in the Little Dip Conservation Park where children and adults are used to riding motor bikes and, in some cases, four-wheel drive vehicles on the tracks through that park.

**Mr Hamilton:** Where is that?

**Mr D.S. BAKER:** In the lower South-East of South Australia where all the money is generated for this State. These people noted that there was a bush across some of the tracks. They tried skirting around it but they could not. Not knowing why it was there, and thinking that it might have been blown by the wind, they stopped and pulled the bush away. Underneath the bush were steel stakes driven into the sand and pointing in the direction from which the vehicles were travelling. This would have caused grievous bodily harm not only to the riders of the motor bikes had they fallen off but also to the drivers of the four-wheel drive vehicles attempting to use those tracks. There was no notice displayed indicating why that obstruction was there.

It is despicable for officers of the National Parks and Wildlife Service to resort to putting sharpened steel stakes in the ground in a conservation park. It is not only despicable, it is very dangerous, because someone could get injured. It shows the lack of consultation and communication generally between the officers and users of the national parks in the South-East. I have brought this matter to the attention of the Minister and, when Parliament resumes after Easter, he will probably get up and try to denigrate the attitude that I am taking on behalf of my constituents.

*Mrs Appleby interjecting:*

**Mr D.S. BAKER:** Before the Government Whip tries to interject, I point out that I have proof. I have photographs and it is on tape. I received quite an aggro letter from one of the rangers in that national park advising me that a visit to the said park would help me understand the problems. Not only have I been to the said park, I have taken photographs, of which I have copies, and I have made sure that a television station has adequate footage of the methods that are being used, because it is about time that the Minister started to act on them.

The second problem to which I refer is one that we in the South-East have been fighting for some 12 months, namely, to keep the Coorong beach, from Kingston through to the Murray mouth, under the care, control and management of the Lacepede and Meningie councils, which can enact sensible rules and regulations so that people can use the area for recreation and fishing competitions. However, at a recent fishing competition—

**Mr Robertson:** What sort of recreation did you have in mind?

**Mr D.S. BAKER:** Fishing. In January 1989 an important annual fishing competition, which is run by the Lions Club, was held on Coorong beach. The District Clerk of the Lacepede council received many complaints from competitors that they were harassed by national parks officers while on the beach, which is nothing to do with them because it is under the care, control and management of the council. The District Clerk wrote to the National Parks and Wildlife Service, stating:

> I have received numerous reports relating to the actions of your staff while collecting camping fees from participants in the 1989 Lions fishing competition.

The Clerk stated that the officers' attitude had been heavy-handed and threatening. He went on to state:

> Camping fees were demanded when officers admitted they did not know where the boundary was . . . I would appreciate your constructive comments on the foregoing.

The high water mark is the boundary. I received a letter from one of the people who was prosecuted, stating:

> We have camped on virtually the same spot for the past four years and have had regular visits from National Parks and Wildlife Service officers who, in the past, have been reasonably amicable.

The writer went on to say that, at about midday on the holiday Monday of the fishing competition, he was under the canvas shelter washing dishes. An officer came along and was abrupt and aggressive in asking this person to stand and wait while he questioned a Mr Sneath.

When he asked why he had to stand over there the response was intimidating. The officer said, 'I told you before, stand over there while I am questioning Mr Sneath,' and he pointed to an area some distance away where he had asked him to stand. If that is a conciliatory attitude, I am afraid I do not understand it, and that is why the NPWS has lost community support in the South-East. This area is still under the care, control and management of the council and has nothing to do with National Parks officers at all.

The officer in question then stated that it was compulsory to give a name and address and said that, if this person did not give his name and address, that fact would be used in evidence against him when the matter went to court. The council wrote to the National Parks and Wildlife Service and received this very interesting reply:

> Dear Sir,
>
> I refer to your letter dated 1 February 1989 regarding concerns on the issue of camping permits in the Coorong National Park. Despite what appears to be a difficult boundary, National Parks staff have been consistent in their approach to the issuing of camping permits adjacent to the Ocean Beach . . . It is difficult for me to comment on accusations of 'threatening' or 'heavy-handed' approaches without the details of particular incidents. I would suggest, however, that some perceptions may be exaggerated by the emotion over the current public debate on beach management . . . I am willing to follow up any specific complaints that you are aware of.

Members will never guess who signed that letter—the very officer (Mr Tedder, the District Ranger) who was intimidating the people who were camping on the beach, and here he is trying to defend his actions. He replied to the council's letter and said that he did not know of any intimidating questions being asked or any intimidating actions of rangers—the very same gentleman who was doing it. Not only have there been intimidating actions, but the person who was intimidated has received a summons (of which I have a copy) and has been booked for camping on the beach.

There has been public outrage. Money has been collected to fight this case to ensure that justice is done. This type of behaviour by National Parks and Wildlife Service officers is outside the role that the service should play. The Minister has been advised to take some action, and once again he has done nothing. The number of trivial offences that people have been accused of, that have gone to court and tried to be proved, is outrageous. It is beholden on the Minister to tidy up this Act. Let us get back to what national parks

should be, that is, recreation areas for the people of this State where they should not be harassed by overzealous officers who claim that they are not using these methods when, in fact, we have ample proof that they are.

**HOLIDAYS ACT AMENDMENT BILL (No. 2)**

Returned from the Legislative Council without amendment.

Motion carried.

At 4.31 p.m. the House adjourned until Tuesday 4 April at 2 p.m.