HOUSE OF ASSEMBLY

Wednesday 18 October 1989

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

PETITION: NOARLUNGA AQUATIC LEISURE CENTRE

A petition signed by 8 275 residents of South Australia praying that the House urge the Government to assist in the construction of the Noarlunga Aquatic Leisure Centre was presented by the Hon. S.M. Lenehan.

Petition received.

PETITION: MOUNT GAMBIER COMMUNITY HEALTH SERVICES CENTRE

A petition signed by 986 residents of South Australia praying that the House urge the Government to proceed with the Mount Gambier Community Health Services Centre on the Crouch Street site was presented by the Hon. H. Allison.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 1, 11, 36, 57, 60, 71, 79, 80, 82, 102, 125, 150, 154, 155, 159 to 167, 169, 170, 179 to 181.

PORT ADELAIDE POLICE AND COURTS COMPLEX

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

Port Adelaide Police and Courts Complex.

Ordered that report be printed.

QUESTION TIME

WORKCOVER

Mr OLSEN (Leader of the Opposition): Will the Minister of Labour immediately investigate whether WorkCover has committed at least 16 breaches of the Government's worker health and safety laws and, if it has, will he give a guarantee that WorkCover will be treated no differently from any private sector company in the prosecution of those breaches? WorkCover employs about 340 people. I have in my possession a report completed a fortnight ago by an occupational health and safety inspector for the Public Service Association, following an inspection of five city buildings accommodating WorkCover staff, namely, buildings at 60 Waymouth Street; 41 Currie Street; 15 Franklin Street; 33 West Terrace; and the Reserve Bank Building. The report has identified 74 worker safety and health issues which require attention, including 16 which breach the Occupational Health, Safety and Welfare Act. The report concludes:

> There are problems of noise, dust, lighting, space, provision of amenities, housekeeping, and associated hazards. WorkCover is not complying with regulations nor with section 19 of the Occupational Health, Safety and Welfare Act.

Section 19 of the Act deals with the duties of employers to maintain a safe working environment and safe systems of work, and provides for maximum penalties of up to 15 years gaol and a $60 000 fine. Particular safety and health issues in the PSA report include: toilet smells emanating through lifts and into office areas; a report of carpet mites; exposed cables and wires; insufficient provision of fire extinguishers; and appalling air-conditioning. The Government introduced present worker safety laws into this House on 17 September 1986, and the Minister's predecessor made the following statement:

> This Bill is of critical importance to improved health and safety in the workplace. Together with the Government's proposed changes to the workers compensation system, the two reforms represent the most concerted attack on the problems of workplace accidents and disease that has ever been undertaken by any Government in the State.

Yesterday, the Minister of Labour tabled the 1988-89 annual report of the Department of Labour that stated that companies contravening this Act had been receiving far greater penalties. The information that I have put before the House this afternoon indicates that the Government is not applying the same standards to its own activities.

The SPEAKER: Order! The Chair's tolerance has expired. I believe the Chair's tolerance really should have run out a minute or two ago because the honourable member is clearly abusing the procedures of Question Time—

Mr Olsen: Rubbish!

The SPEAKER: Order!—to make a speech on a subject rather than ask a question. If the honourable Leader of the Opposition does not withdraw his remark, he will be named forthwith.

Mr OLSEN: I withdraw the remark 'rubbish!', Mr Speaker.

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: Well, you might not—

The SPEAKER: Order! I ask members not to interject from either side of the House.

The Hon. E.R. GOLDSWORTHY: Mr Speaker, is it appropriate for you to reflect on a judgment you should have made earlier during the Leader's explanation and a judgment you did not make in seeking to reprimand the Leader. The fact is that it is an intolerable situation when you seek—

The SPEAKER: Order! The honourable member is now making a speech, not a point of order. Traditionally, the Chair has always given a degree of tolerance to the Leader of the Opposition greater than that given to many other members in the Parliament, and I am not referring merely to the present Leader of the Opposition it has been a tradition in this Parliament for that to be so. That tolerance is not infinite. It is as simple as that.

The Hon. E.R. GOLDSWORTHY: On a further point of order, Mr Speaker, I submit to you that the Leader was quoting directly from a report until the last sentence of his explanation when you sought to make some reference to the Leader's earlier remarks as though for some reason or other you had chosen not to reprimand him—

The SPEAKER: Order! The Chair has given a ruling on that matter. The honourable Minister of Labour.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: I thank the member for Custance for his question and point out to him that the matters he raised are obviously the subject of a report prepared by

the PSA, and it is its opinion. It is a matter I will have investigated and I will report to the House the effectivness of those reports. I draw the Leader of the Opposition's attention to a couple of matters. First, it has been the habit of the department to prosecute employers where persons have been severely injured or killed at work. There have been very few prosecutions for breaches of the Act in respect of complying with the regulations. The process is that improvement orders are issued and the employer is given a certain amount of time to ensure that those defects are remedied. Further, if there is no attempt to remedy those defects, a stop work order can be placed by the inspector: rarely is that done because the employers comply with those recommendations.

CRIME STOPPERS

Mr DUIGAN (Adelaide): Will the Minister of Emergency Services provide the House with further information on the Victorian crime stoppers program which is demonstrating considerable success in that State's fight against serious crime in the community? I understand from recent media reports that this program is having considerable benefit in inner city areas and, further, that the Minister has asked the South Australian Police Department to examine the concept and to determine its effectiveness and its possible transference to this State.

The Hon. J.H.C. KLUNDER: I am pleased to advise the House that I have already had a brief discussion with the Deputy Police Commissioner, Pat Hurley, on crime stoppers, and have sent him details of the scheme I obtained last Monday from the Victoria Police. I have asked Mr Hurley to examine the crime stoppers concept, and to report to me on its suitability for adding to this State's armoury of measures to combat serious crime.

While the Victorian crime stoppers program is the only one of its kind operating in Australia, there are more than 650 such programs operating in the United States and Canada and, more recently, programs have been launched in Britain and Singapore. Crime stoppers is based on the principle that someone other than the criminal usually has information which will assist in solving the crime. Two elements often keep people from coming forward in such cases—a fear of identification or involvement, and apathy.

Crime stoppers tackles both; first, by guaranteeing the anonymity of persons reporting crimes and, secondly, by overcoming apathy through the payment of cash rewards. Basically, the concept works like this:

Public interest is attracted by the weekly media exposure of an unsolved serious crime through television, radio, and newspaper;

the public are asked to call a designated telephone number if they have information about this crime or any other serious crime;

callers are allocated a code number and asked to ring back, generally four weeks or so later, to check whether the information provided has produced results;

later, when investigations are completed, cash rewards are paid on the authorisation of the Community Board of Management.

The Community Board of Management has been established to administer Victoria's program, and includes such groups as the Supporters of Law and Order, the Victims of Crime Assistance League, Lions Club (International), the Ethnic Communities Council and the State Committee of Neighbourhood Watch.

The cash rewards are raised and paid for by the community and are set at a maximum of $1 000, while secretarial support for the board is provided by the Police Department. Since crime stoppers was launched in Victoria in November 1987, 411 arrests have been made as a result of people supplying information. Arrests have been made in relation to murder, serious assault, burglary, theft, handling stolen property, drug offences, sex offences, escapes from prison and firearms offences. Property valued at almost $1.5 million has been recovered, and drugs valued at more than $12 million have been seized.

One of the most promising aspects of the crime stoppers program from my point of view is that it once again enlists the aid of the community in working with the police to detect and prevent crime. This is a philosophy which this Government has embraced through its support for the Neighbourhood Watch Scheme and in other programs recently announced, including the formation of a Coalition Against Crime and the development of School Watch and other community initiatives.

WORKER HEALTH AND SAFETY REQUIREMENTS

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): Can the Minister of Labour say why the Government is failing to impose on its own operations worker health and safety requirements that it insists the private sector must follow? In addition to the facts revealed in the Leader's question on this issue, the annual report of the Department of Labour tabled yesterday reveals a further increase last year in the number of claims by Government workers for workers' compensation claims. The number of claims amounted to 6 127, a 6.7 per cent increase on the previous year. It means that the rate of claims in the public sector is about 25 each working day. The report makes particular reference to a 41 per cent increase in the number of claims for stress which it describes as 'a most disturbing trend'.

The Hon. R.J. GREGORY: I advise that the matter of stress is being investigated and examined in order to determine ways of ensuring that workers—

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order!

Mr D.S. Baker interjecting:

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

The Hon. R.J. GREGORY: As I said earlier, the matter of stress—

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. R.J. GREGORY: The matter of stress is being studied because we view its incidence with serious concern, as it indicates that perhaps the management of those people is not the best. Techniques are being used to ensure that the number of people suffering from stress is reduced and that they are offered alternative employment so that they can continue in their chosen profession. The general increase in workers' compensation is occurring throughout South Australia. As a result of a greater awareness of rights, people are claiming under the Workers Compensation Act for injuries—

Mr S.J. Baker interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The member for Mitcham is asking a supplementary question by way of interjection. I make clear to him that what has happened in the past, under schemes supported by him and his Party, is that

people who were injured and who suffered serious injury, were not compensated for long periods. They did not bother to report accidents, or to claim, because they knew that their claims would not be treated seriously and that they would be denied those rights. He knows that; everyone knows that, and everyone also knows that people who work in industry today are people who, when they are injured, can make claims, seek treatment, and know that they will be rehabilitated.

He also knows that, under the previous system, when a person was injured they could not get work. Under this scheme and system they will be able to get work, as the rehabilitation process will put them back to work. The honourable member knows that. He also knows that people are being paid and are making claims. I see nothing wrong with that, because this scheme was able to identify a metal manufacturing injury rate of 300 per cent. That rate of injury is greater than anyone had known previously. The old system would not have shown that, but the new system did show it. It allowed the people from WorkCover to visit the employer and point out the problems associated with his activities and to take the required measures to ensure that injury rates dropped. That is what the current scheme is doing and what members opposite have tried to stop occurring. They were prepared to put things under the carpet, to hide them away so that they did not come out into the open. Injured people are reporting the injuries, and something is being done about it.

RECYCLING SCHEME

Mr ROBERTSON (Bright): Will the Minister for Environment and Planning reveal details of a recycling scheme launched earlier this week to collect recyclable office paper from Parliament House and various State Government departments? Some six months ago I attempted to establish a local recycling depot at my electorate office at South Brighton and the response from local business people suggested a high level of interest in recycling. I understand that the scheme launched earlier this week will provide a practical and economic means of recycling large volumes of office paper from State Government departments, thereby forming the model which could be—

The SPEAKER: Order! The honourable member is out of order. He is clearly canvassing the issue. The honourable Minister.

The Hon. S.M. LENEHAN: I thank the honourable member, albeit that in indicating his enthusiasm for the whole question of recycling he possibly got a little carried away with his question. There has been support for the project that I launched—the Kesab paper bank project. That support has come from Parliament House and a number of Government departments, including those located in the State Administration Centre as well as my three departments—the Department of Environment and Planning, the Department of Lands and the Engineering and Water Supply Department.

Mr Lewis interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: It is interesting and important to have on the public record that the Opposition obviously is totally opposed to the whole concept of recycling, particularly the recycling of clean, high quality office paper—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: —otherwise members opposite would not be interjecting and making frivolous and trivial comments. The system is complete and Kesab provides recycler bins and desk-top recyclers for office staff. When the clean, high quality office paper is collected in the offices in cardboard bins, the recycler bins, it is collected by Pace Messenger Service and taken to a guaranteed market provided by Australian Paper Manufacturers. Kesab should be congratulated for initiating such a system, which will save huge amounts of good quality paper from ending up in the dump. Indeed, at present low grade paper such as newsprint is difficult to recycle, but high grade paper is in very high demand, particularly as offices are turning more and more to using recycled paper. The Government has shown the way in terms of the number of Government departments now, daily and consistently, using recycled paper.

The Hon. Jennifer Cashmore: When will you remove the sales tax on it?

The Hon. S.M. LENEHAN: That matter has been addressed, so it is an issue of the past. The new system is a positive step towards redressing the situation. The State Government is committed to encouraging recycling as an important move in tackling this major waste problem. I think it is important to note that the recycling bins—and I congratulate you, Mr Speaker, and the President in the other place in being so enthusiastic in welcoming the fact that we would trial the system in Parliament House—are being sponsored by the Department of Environment and Planning, the Waste Management Commission and Pace Messenger Service. The bins cost $3 and the desk top recyclers cost $1, so we are not talking about a huge expense.

These bins can be used over and over again, so they are environmentally sound in terms of the way that they can be recycled. The Department of Environment and Planning and the Waste Management Commission have each provided $750 to sponsor this Kesab piggy-bank project. I believe that it will be a most successful project and I thank the honourable member for raising the matter.

HEALTH AND LIFE CARE LTD

The Hon. JENNIFER CASHMORE (Coles): My question is directed to the Premier. Why is the State Bank pursuing a course of action which will almost certainly force some 40 former employees of Health and Life Care Ltd into personal bankruptcy when they were simply innocent victims of Health and Life Care Ltd, financed by the State Bank, going into receivership?

In 1987, 1 417 500 staff shares paid to 10c were issued by Health and Life Care Ltd, a company which operated hospitals and nursing homes in South Australia, the Northern Territory and Victoria. The shares were issued upon assurances by the directors that taking up the shares was as good as money in the bank. There was a glowing report on the company by a leading merchant banker. Understandably, the employees were persuaded to take up their shares because there was a bonus involved which would provide incentives.

The company, which was financed by the State Bank, went bad; now, Westpac and Partnership Pacific Ltd control the company, but the State Bank is still the lead financier even after selling a number of hospitals to SGIC. The State Bank appointed a receiver of Health and Life Care Ltd and now refuses to amend the employee shareholders scheme to write off the outstanding liability.

The liability appears to be nearly $1.5 million. A lawyer for five employees says his clients stand to pay out $500 000,

but the employees have had no say in the sale of substantial assets to SGIC: they were the innocent victims. Westpac and Partnership Pacific Ltd will approve the variation of the employees share scheme and so will the Stock Exchange. However, the threat has been made through the receiver that, if this occurs, the State Bank will liquidate the company immediately and pursue the employees for what is owing on their employee shares.

The Hon. J.C. BANNON: I am not aware of this matter, and I will seek a report for the honourable member. From the description she has given so far, it sounds as if certain commercial arrangements are involved. Of course, the State Bank, like any other organisation, has a commercial charter, and I suppose that this is an example of the harsh face of capitalism which finds victims like this on occasion. My Party actually believes in attempting—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —to modify those effects where appropriate, but I will certainly ask the State Bank for a report.

CHLOROFLUOROCARBONS

Ms GAYLER (Newland): My question is to the Minister for Environment and Planning. Will the State Government make it compulsory to recover chlorofluorocarbons from car air-conditioners? An article in the *Advertiser* of Monday 9 October reported that the Victorian Government will make it compulsory to recover the ozone damaging CFCs from car air-conditioners by the end of next year. Scientific evidence suggests that the continued use and escape of CFCs is damaging the earth's ozone layer.

The Hon. S.M. LENEHAN: I congratulate the honourable member for her ongoing commitment to this matter. Members of this House will know that for some time she has raised this matter in a number of forums in this Parliament. South Australia will certainly make it compulsory to recover CFCs from car air-conditioners. In fact, South Australia will go even further than that: we have developed a training course for employees working with CFCs to ensure that they know how to handle them properly. I understand that other States will adapt this particular training course and use it in their own operations.

As agreed in the national strategy for ozone protection, all States have adopted the objectives of recovering CFCs from vehicle air-conditioners. Industries now produce the necessary degassing equipment for use by motor garages to collect and transport recovered CFCs back to the main distribution point. South Australia will make it compulsory for all people who service vehicle air-conditioners to recover CFCs and not let them escape into the atmosphere. The regulations requiring this will be brought into effect early in the new year.

I do not agree with the comment in a letter from the Association of Fluorocarbon Consumers and Manufacturers that the real solution in the CFC issue can come only from industry. However, I agree with the latter comment that a balanced perspective needs the cooperation of Government, environmental groups and industry; it is not for industry alone to address this very serious issue.

I also add another group which I think is vitally important—that is, the public. The public as consumers are a most effective group in preventing pollution by changing their buying habits to exclude items, including cars, that use CFCs. The threat to our atmosphere posed by the discharge of pollutants, whether they cause global warming or thinning of the ozone layer, has been one of the driving forces in the upsurge of environmental awareness throughout the world in the past few years. I again congratulate the honourable member on raising this most important issue.

MODBURY HOSPITAL

Mr D.S. BAKER (Victoria): I direct my question to the Minister of Health. What steps are being taken to replace the valuable medical staff who have resigned from Modbury Hospital's casualty section during the past month due to dissatisfaction with conditions at the hospital? During the past month, four of the nine staff working at Modbury Hospital's casualty section have resigned, and a further staff member is considering leaving.

I have been told that the hospital is having extreme difficulty in providing a casualty service, and some nights there have been severe problems in filling the roster. On occasions there has been no doctor to fill the duty and the hospital has had to draft a registrar to casualty from elsewhere on an 'as needed' basis. The Opposition has been told that the hospital came close to losing three patients in casualty last week simply due to staff shortages. The problems at Modbury are reflected in frequent complaints to the Opposition, recent media reports on delays in the casualty section, and replies to questions raised in budget estimates.

On Monday, a report on Channel 7 detailed how a man involved in a car accident at Gilles Plains waited for more than 90 minutes without receiving any attention from a doctor, and in the end had to go to the Royal Adelaide for treatment. At the same time replies obtained by the Opposition from Estimates Committees show that the time patients have to wait in Modbury's accident and emergency section before being assigned a bed has increased from an average of 45 minutes in April-June 1988 to 2½ hours during the same period this year. It has been put to me that part of the problem with poor staff morale and subsequent resignations at Modbury relates to poor management practices. I understand that among issues concerning doctors is the cancelling of overtime claims by the hospital management. The Health Commission is understood to be aware of this practice and appears to give it tacit approval.

The Hon. D.J. HOPGOOD: The honourable member really needs to check his sources before he comes in and gives us all that sort of thing. Let us talk about the Channel 7 report. It is not for me to canvass medical information about particular individuals. I am not sure whether the particular individual was named in the Channel 7 report, so I will say no more than that there was far more to that incident than meets the eye. The individual concerned was removed from Modbury Hospital by the police and the board of Modbury Hospital has written to the management of Channel 7 asking for an apology and a retraction concerning many of the allegations made on that program.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I do not know whether the honourable member has any information about whether or not it is forthcoming, but certainly the initiative for that approach to Channel 7 did not come from me or my office; indeed, I only saw the text of the letter requesting the retraction yesterday afternoon, so it is even possible that it is still in the post. Needless to say, it is being sent to Channel 7, not by me, not by the Government but by the board of Modbury Hospital which is utterly appalled at the way in which the television channel treated that matter. This is the

time of the year for medical personnel to resign, because contracts end at about this time. This is the time when people go off to get positions in general practice and the like, and it is by no means unusual for many of the hospitals to be advertising for recruitment. It is no secret that the northern hospitals have a greater difficulty in recruiting than have the hospitals either in Adelaide or in the south. That has little to do with the hospitals in question, which are excellent institutions and extremely well run. It has something to do with the medical profession, where it lives, and its concept of itself as a medical profession.

Why is no orthopaedic surgery being performed at Lyell McEwin Hospital at present? It has nothing to do with lack of funds or resources from this Government. It has nothing to do with the excellence of the way in which that hospital is run: it has something to do with the fact that orthopaedic surgeons are not prepared to go out there and work. It has something to do with their lifestyles, their concepts of themselves, where they live and such things. Modbury Hospital is not the only hospital actively recruiting at this stage. I am aware that it is slightly down on medical staff as a result of this situation. I am also aware that everything is being done to ensure that people are properly treated. The honourable member will have to come up with harder evidence than what he has put before the House before he convinces me that there is anything seriously—

Members interjecting:

The SPEAKER: Order! I remind the member for Victoria—

The Hon. J.C. Bannon interjecting:

The SPEAKER: Order! The Premier is completely out of order.

Members interjecting:

The SPEAKER: Order! I ask the Premier for his assistance. The honourable member for Victoria has already been warned for repeated interjections. This is the last time today that I will warn anyone and then not name them on the next occasion that they breach Standing Orders. The honourable Minister.

The Hon. D.J. HOPGOOD: I had a meeting with the board of Modbury Hospital about a week ago to review progress in the last month or so since the budget was brought down, and we discussed a number of matters. The honourable member is going to have to do more than provide a media beat-up for this House before he can convince me that anything is seriously wrong out there.

FINANCIAL INSTITUTIONS DUTY

Mr M.J. EVANS (Elizabeth): When does the Premier expect that the Defence Force home loans will be exempt from financial institutions duty, and will the exemption be retrospective to the transfer of the loan scheme from the Commonwealth to Westpac? When the Commonwealth Government commercialised the Defence Force home loan scheme, a commitment was given that the change would be at no cost to the people concerned. However, once the scheme was transferred to Westpac the loan payments immediately and automatically became subject to State financial institutions duty.

While the amounts are not substantial, the service personnel with Defence Force loans feel that this is a matter of principle and honour. In July this year the Premier gave a public commitment to exempt these transactions from FID, but the legal arrangements are not yet in place and therefore Westpac is obliged to continue to debit the accounts with the duty.

The Hon. J.C. BANNON: As members will recall, this issue arose as a result of decisions taken by the Commonwealth Government when it transferred the Defence Force home loans to Westpac, as the member for Elizabeth has outlined. At the time of that transfer an undertaking was given that no additional charge would apply to those loans. However, it was discovered subsequently that, by definition, the regulations had been drawn in such a way that payment of FID was required in relation to those transactions. I stress, of course, that this was not by any conscious act of this Government or intention on our part. It was, if you like, an unintended consequence of the way in which the Federal regulations had been drawn.

This situation was drawn to my attention, and I know a number of members have raised this matter, including the members for Newland and Bright. On behalf of its membership, the RSL also raised the matter with us. I therefore gave the undertaking referred to by the member for Elizabeth that we would consider what amendments were necessary to ensure that the application of FID was removed from those transactions.

An amendment has now been prepared. I advise the honourable member that we expect it to be approved by Executive Council on Thursday week—that is, by the beginning of November. It means that, in the interim, certain FID payments have been made. These payments are, of course, very small in amount. It is not intended to make the provision retrospective, because I think it would cost far more to go back and try to recoup what amounts to a very few cents in that interim period. I know of one person who took the line (and I fully support it) that in principle this application of FID was inappropriate; he made a number of telephone calls on the matter, and I suspect that the phone calls cost about three times more than the amount of FID he is paying.

I take the point made by the honourable member that it is a question of principle as much as the actual monetary amount involved. All I can say is that, once alerted to the matter, we set out to amend the regulations, and they will be put into effect.

The SPEAKER: I want to clarify a remark that I made immediately before calling the member for Elizabeth. The Chair has endeavoured to try to conduct proceedings with a degree of tolerance, as a result of which members who in other circumstances might have been named have been given a warning, then given a second warning and told it was their last warning, and then given yet another warning. It is obvious that that tolerance is not being accepted in an appropriate spirit. I will therefore be following the policy that I outlined immediately before the member for Elizabeth asked his question: a warning will mean that a member stands on the very precipice of being named.

STATE CLOTHING CORPORATION

Mr S.J. BAKER (Mitcham): Will the Minister of Health, as the Minister responsible for the State Clothing Corporation, review Government policy which effectively forces departments and agencies to order their clothing requirements through the corporation, because of the additional cost this will impose on taxpayers and because it will deny private sector manufacturers the opportunity to compete for this business? I have a letter signed by the Chairman of the State Supply Board, Mr Dundon, which refers to all Ministers with specific responsibilities for major garment purchasing agencies agreeing to support a restructuring plan

for the corporation. The effect of this is that most of the Government's clothing supplies will be provided by the corporation rather than through competitive tendering involving private clothing manufacturers as well. Despite this, the corporation is still budgeting to make a further operating loss of $300 000 this financial year, according to information obtained by the Opposition through the Estimates Committees.

Since 1984, $1 million in Government grants has been contributed to the corporation to keep it afloat, while this latest policy decision of the Government will mean the corporation will remain protected from the sort of competition which would force productivity, efficiency and improvements, and cut its losses.

The Hon. D.J. HOPGOOD: The answer is 'No', because the question is based on a false premise bolstered, as it is, by selective quoting from a document. There is no direction, and many Government agencies obtain their clothing requirements from sources other than the State Clothing Corporation.

ELECTRICITY DEMAND PROJECTIONS

Mr RANN (Briggs): Can the Minister of Mines and Energy say what are the projections for growth in electricity demand in this State, and what impact will such projections have on the requirement for new generating plant in South Australia?

The Hon. J.H.C. KLUNDER: I thank the honourable member for the opportunity to put a few things straight. The comments of the Hon. Legh Davis, a member in another place, as reported in this morning's *Advertiser*, once again demonstrate the negativism that is characteristic of the Opposition. The honourable member is reported as saying, 'The environmental problems associated with the Lochiel and Sedan deposits had been ignored by the Government.'

The fact is that while no significant environmental impacts were identified with either project during the stage of technical assessment, there has never been any doubt that before Lochiel and Sedan or, for that matter, any other coal project such as Bowmans or Meekatharra can proceed, a full environmental impact statement will be required. The community can also equally rely on the fact that a separate EIS will be required for any new coal-fired power station, wherever it is situated.

Indeed, if an EIS were carried out now, I wonder if that would be satisfactory for people in 10 years time to be told that an EIS was done 10 years ago, so they did not need to worry. Clearly, that would not be satisfactory and, in any case, Lochiel is merely the front runner at this stage, something that I have told every person from industry who has come to me about it. It is the front runner at this stage. If we can obtain cheaper coal or energy supplies from anywhere else, I will be delighted to look at such a situation.

The Hon. Mr Davis is or should be fully aware of these requirements, and his attempt to drum up hysteria this morning was nothing short of deplorable. An attempt at hysteria is one thing, but the honourable member did not even get his facts right. The Hon. Mr Davis asserts that, in the past decade, 'electricity demand has increased by an average of 3.6 per cent per year.' The fact is that the average increase is of the order of 3.1 per cent, and this figure is only above the projected 2.5 per cent average because of a one-off condition that applied to electricity demand in the past 12 months, including the unseasonal weather over that period. If that one-off effect of last year is removed, the average, about 2.6 per cent, closely approximates the electricity demand projections. Demand projections are made and scrutinised each year.

Under this Bannon Government, necessary work has begun and will be continued to ensure that power stations, wherever they may be sited, will be constructed in time to meet future electricity requirements of all South Australians. This approach will ensure that the effect of the cost of new power stations and electricity tariffs will be minimised, probably a novel concept for the Opposition if we consider its performance while in Government. I stress again: during the Liberal's last term in Government, South Australians experienced record electricity tariff increases of 12.5 per cent, 19.8 per cent, and 16 per cent for 1980, 1981, and 1982 respectively—a massive real increase of nearly 30 per cent.

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: If we compare that performance with that of the Bannon Government over the past three years—and I indicated the figures yesterday—we see a real decrease of about 15 per cent.

Members interjecting:

The SPEAKER: Order! I warn the Deputy Leader.

The Hon. J.H.C. KLUNDER: South Australians have enjoyed the lowest increase in electricity tariffs of any of the Australian States with the price of electricity declining in real terms, as I said, by 15 per cent over the past four years of this Government. Once again, the Opposition has demonstrated its inability to match rhetoric with action.

MARINELAND

Mr BECKER (Hanson): In view of a statutory declaration I have, will the Minister of Environment and Planning reconsider an answer she gave to the House last Thursday about the Government's involvement in the decision to scrap the Marineland redevelopment and, if not, is she calling Mrs Julie Greig, a constituent of the Minister's, a liar? Last Thursday, the Minister denied that she had admitted to Mrs Greig, a representative of the Friends of the Dolphins, that it was Cabinet which scrapped this project. Following the Minister's answer, Mrs Greig has provided a statutory declaration dated 13 October which states as follows:

> On 23 June 1989 at approximately 10.30 a.m. I had an appointment with the Minister for Environment and Planning, Ms Susan Lenehan, at her electorate office at 230 South Road, Morphett Vale, to discuss my concern at the welfare of the dolphins and other animals currently at Marineland. I discussed with the Minister the Government's action in handling the project, the proposed redevelopment of Marineland, the cancellation of the proposal, and the prospect of the dolphins being sent interstate. During the discussions about the Marineland redevelopment, the Minister said: 'You know very well it was a Cabinet decision not to go ahead.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: It is really amazing that the member for Hanson continues in this particular vein. I have made clear that I most certainly did not give Mrs Greig this information in my office, because it just is not correct information. It is absolutely incorrect. Anyone in this House with one shred of intelligence would understand that. The Minister for State Development and Technology has already delineated, chapter and verse, exactly what happened. He has gone over it again and again. I was in Cabinet and everything that the Minister has said is absolutely correct. I stand by the answer that I have given to the honourable member in writing. I can only say that I am not

calling my constituents, or anyone else, liars. People may well have—

Members interjecting:

The SPEAKER: Order! I ask the House to come to order. The honourable Minister.

The Hon. S.M. LENEHAN: My constituent may well be, as my colleague the Minister of Transport has said, quite mistaken. I did not, at any point, say that Cabinet had made a decision to scrap the project in terms of its economic viability. Cabinet was never asked to do that; it has never done that as the honourable Minister of State Development has said several times in this House.

CERTIFICATE OF EDUCATION

Mr HAMILTON (Albert Park): What effect will the introduction of the two year senior secondary South Australian Certificate of Education have on the public examination and assessment system? Many students in my electorate are just about to sit for their Matriculation exams, and many others are finalising their work for school-assessed subjects. The Opposition has made claims that the new year 11 and 12 course that will start in 1992 will somehow undermine public examinations. Will the Minister clarify what this new course will mean for the assessment of students' work?

The Hon. G.J. CRAFTER: I thank the honourable member for this most important question. The Opposition simply has either not read the report or, has misunderstood it for one reason or another. Their comments are simply factually incorrect. They have got it wrong again. There is absolutely no intent to diminish the importance of public examinations as a means of assessing students' work. As all members know, we have now doubled the number of students undertaking year 12 studies in this State since we came to office at the end of 1982. South Australia leads the nation in the retention rate to year 12. However, this new course will spread secondary studies over two years to give all senior secondary students a greater breadth of educational opportunity. The Guilding report has been very well received in the community. Students entering year 11 will begin an integrated course over two years, leading to a new South Australian Certificate of Education.

So, more than double the current number of students will be facing the public examination system in this State. To qualify for this certificate, every student will take 22 units, each one being half a year. There are stage 1 units, and more advanced stage 2 units. These may be taken over a number of years, as is the current year 12 examination. A student must study at least six units at the advanced level. This means that this part of their course is equivalent to three full year subjects, similar in standard to present year 12 studies. The proposals for the new course were worked out only after the most extensive and exhaustive consultation process.

With regard to assessing these subjects, it is likely that the current SSABSA arrangements will continue, that is, there will still be subjects which have an external examination component (up to 50 per cent as is the case presently) and there will also be subjects which will be 100 per cent school assessed and moderated by SSABSA. SSABSA has explored a wide variety of ways of assessing students and their work to make sure that reliable and valid assessments are conducted at year 12 level. Under the new SACE conditions, SSABSA will continue this professional role to ensure that accurate, rigorous and appropriate assessment procedures continue.

With regard to entrance requirements for higher education, some stage 2 subjects will be identified as higher education selection subjects. It is likely that fewer HESS will be required for tertiary entrance purposes. However, this will allow students to study a broader range of subjects at stage 2 but at the same time will maintain the depth and rigor needed for higher education purposes. Negotiation on the higher education selection procedures is continuing. I point out to members that that matter is ultimately the province of the tertiary sector. I assure members that the State Government is committed to the rigorous assessment of school work.

The South Australian Senior Secondary Assessment Board, an independent statutory authority, is responsible for public examinations. The board includes representatives from employers, trade unions, parents and tertiary educators. It has an excellent reputation for rigorous and objective examinations. One can only fear for the future of that statutory board if there is a change of Government in this State. I note that SSABSA was listed as one of the Government organisations that the Opposition would abolish if it came to government.

Mr S.J. Baker interjecting:

The Hon. G.J. CRAFTER: Well, it was on the list.

Members interjecting:

The SPEAKER: Order!

The Hon. G.J. CRAFTER: One can only surmise that the Opposition's comments on this matter and the previous criticisms of SSABSA by the Opposition spokesperson on education with regard to cheating, which were proven to be unfounded, are attempts to discredit SSABSA in this State—and it is a fine body—and return to a situation as we see in New South Wales, where the conduct of examinations is under direct ministerial control.

MARINO ROCKS MARINA

The Hon. D.C. WOTTON (Heysen): Will the Minister for Environment and Planning clarify whether or not the member for Bright has actually asked for an environmental impact statement for the proposed marina at Marino Rocks? I seek this information from the Minister in view of an article in this week's Messenger *Guardian* which, referring to the member for Bright, states:

> I have said to Environment and Planning Minister (Susan Lenehan) that I felt a project of that size deserves an environmental impact statement.

He went on to say that he did not mean that he supported an EIS for the area. He finally said:

> I thought there would be, not should be.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. Obviously members of the Opposition, in their usual manner, have decided that they will try to make something out of this story in the *Guardian.*

Members interjecting:

The Hon. S.M. LENEHAN: If they were interested in finding out the true facts, I would be delighted to share that information with them. I have had discussions with the member for Bright, who raised the matter with me because he was quite concerned about the way in which he has been—

Members interjecting:

The SPEAKER: Order! It is not appropriate for any honourable member to be drowned out. The honourable Minister.

The Hon. S.M. LENEHAN: I suppose, Mr Speaker, they do not want the facts to get in the way of a good story. The facts of the matter are that the honourable member has been completely misquoted in that article and I am very happy to share—

Members interjecting:

The Hon. S.M. LENEHAN: It is interesting to note that, if members opposite are misquoted, it is a different story. They run around taking out libel suits and all kinds of things if they perceive that they might have been misquoted, but the usual double standards apply in this place: there is one standard for Government members and one for the Opposition. I would be delighted to share with the House what the honourable member did tell the *Guardian* newspaper. What he said was—

Members interjecting:

The SPEAKER: Order! I ask the member for Bragg and the member for Mount Gambier for their cooperation.

The Hon. S.M. LENEHAN: I am afraid, Mr Speaker, I will continue with my answer whether or not members opposite want to hear it and, if it takes the rest of Question Time, that is their problem. What the honourable member has said quite consistently over a number of years is that a large project such as that development, if it were placed along the coast, would require an EIS. However, the honourable member was referring to a project before the release of the marina site suitability study, which quite clearly identified environmentally sound sites along the metropolitan coast.

I remind the House again what the site at Marino Rocks is. The site does not have a sandy beach. Any problems that might be associated with a marina in places such as Sellicks Beach or at the Jubilee Point site do not exist at Marino Rocks: first, as there is no sandy beach, no problems of sand movement would be involved; secondly, there would not be the problem of the cutting of the beach, which was one of the issues we addressed in relation to Sellicks Beach; and, thirdly, because of the deep water in that area, there were not the same problems in terms of having to blast out cliff faces, et cetera. That has been made very clear.

The honourable member has also said we now have the Marina Advisory Committee's report on the marina site suitability study. He believes, as do I as Minister for Environment and Planning, that with the full canvassing of public opinion through the SDP process, as I have announced in this place on a number of occasions, the statement of environmental factors will be a public document and will be canvassed publicly. I think I have already read out—but, for the edification of the honourable member asking the question, I will do so again—what exactly will be covered in terms of this two stage process of the full assessment of all environmental factors. The issues to be addressed under an SDP will include (and I quote) the suitability of the site in relation to coastal processes, the Aboriginal heritage question, the geological significance, the non Aboriginal heritage areas, access to the site and foreshore, use of hills face zone land, and infrastructure requirements.

The documentation is also being prepared as part of a section 63 scheme. This will cover, if you like, the remaining range of environmental factors, and again I will share them with Opposition members, despite the fact that the member for Heysen does not want to hear this, because it does not suit his purpose.

Members interjecting:

The Hon. S.M. LENEHAN: I am indeed answering the question.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: The section 63 scheme will cover the following matters: breakwater design; the adequacy of design; maintenance requirements; and navigational safety. It will look at construction impact—such things as dredging, blasting and transportation of breakwater material—and at management and maintenance—

Members interjecting:

The SPEAKER: Order! I call the member for Murray-Mallee to order for the second time and warn him that continued interjection will lead to his being named. The honourable Minister.

The Hon. S.M. LENEHAN: It will also cover detailed access and infrastructure provision, traffic and parking, landscaping and visual impact, detailed heritage implications, mitigation measures, implications for noise, air quality, erosion, hydrology, flora and fauna. In answering the question it was important to ensure that these factors were clearly recorded in *Hansard*. In fact, in my discussions with the member for Bright he has clearly indicated that he is happy with the two-stage process because it covers everything that would have been covered in an EIS, and the fact that we have the site suitability study means that we do not need to proceed along that path.

This question underlines a basic philosophical position that the Opposition has adopted: members opposite want to undermine and destroy every environmentally sound project that this Government supports. Yesterday in this place the member for Heysen tried to destroy and undermine the environmentally sound and high quality project being proposed for Mount Lofty. He will not undermine that project. Despite the scurrilous gutter tactics that it has applied in this House, the Opposition will not undermine environmentally sound projects that the Government proposes.

I place on the record that South Australians will judge accordingly when we go to the polls. South Australians are as sick as we on this side of the Chamber are of the Opposition's negativeness, knocking and undermining in its attempt to destroy business confidence and investment in this State. In raising this issue, the member for Bright certainly is doing nothing to cause me any embarrassment.

The SPEAKER: The honourable member for Price.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Unfortunately, because I had to call the House to order, time had expired before I could again call the honourable member for Price. Call on the business of the day.

WATER RESOURCES BILL

The Hon. S.M. LENEHAN (Minister of Water Resources) obtained leave and introduced a Bill for an Act to provide for the management of the water resources of the State; to preserve water quality and to ensure the distribution of available water on a fair basis; to repeal the Water Resources Act 1976; and for other purposes. Read a first time.

The Hon. S.M. LENEHAN: 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 proper management of our water resources is as essential to the State as the resource is to survival. It is widely recognised that such management will face many and diverse challenges in the 1990s and beyond. Indeed, with a resource which is so vital to the State's welfare it is essential to cast one's mind forward for several decades in considering arrangements for proper water resource management. The integration of the management of land, water and the environment must progress to more practical implementation. Careful consideration must be given to the most appropriate supplies of water for domestic, irrigation, industrial and commercial purposes. The protection of water quality, particularly as regards diffuse source pollution, but also with point source discharges, is a problem both of detection and proof. The need to protect our wetlands and the ecosystems which depend upon them is not only evident but is also demanded by a more informed community.

These factors combined with the fiscal pressures to achieve more with less dictate the need for a comprehensive review of all water related legislation to provide a legislative framework capable of dealing with today's problems and yet have the flexibility to cope with the needs of the future.

This Bill is the first step in the review process. It is the management component forming the umbrella for legislation governing water, sewerage and irrigation activities which are more business oriented and are to follow later. It builds on the significant legislative reform which took place in 1976. The Water Resources Act was then the most advanced of its kind and many of its provisions have been adopted by other Governments.

The administration of this Act over the past 13 years has identified a number of areas where improvements can be made. While flexibility, clarity and proactivity are all elements of these changes, the fundamental objective is to make it easier for the genuine, conscientious and fair water user and as tough as possible for those who through indifference, negligence or self-interest are putting our water resources at risk.

The review of this Act has involved public consultation. A Green Paper was released last October and 46 submissions were received from a broad cross-section of the community. Reaction to the proposals was generally favourable. This Bill takes account of all these submissions. Many of the concepts of the existing Water Resources Act have been retained in this Bill. I now proceed to explain those areas where the reasons for change are not self-evident.

In keeping with recent trends in legislation, the objects of the Bill are stated to provide focus and direction in its administration. The key elements include the sustainable use of water, its protection from pollution, its equitable distribution as well as the protection of wetlands and ecosystems.

The functions of the Minister are also clearly identified. I draw attention particularly to the responsibility to endeavour to integrate the policies relating to the management of land, water and the environment. Members will be aware that there has been much talk about integrated catchment management over the past few years. This is the first time in this State that this concept has received legislative expression by incorporating it as part of the Minister's functions.

The need for increased interaction with the community has two facets. The Minister is required to undertake public awareness programs as well as to involve the community in the preparation of regional management plans. Another important aspect of the Minister's functions is to adopt policies which encourage the attainment of the objects of the legislation. This will ensure that there is not the need for constant recourse to the punitive measures provided.

The establishment of the advisory network has been one of the most innovative aspects of the current Act. At present, in addition to the Water Resources Council there are nine Regional Advisory Committees widely dispersed throughout the State as well as the Well Drillers Examination Committee.

While there may have been some criticism from time to time about the composition of some committees or their method of operation, it is generally accepted that the network has been useful in ensuring that the local and regional concerns have been properly addressed.

In considering the future of the council and the role of committees, it is important to recognise that:

(a) over the past thirteen years, most of the policies required to assist the management of water usage for irrigated agriculture have been formulated;

(b) there is acceptance that local people with practical experience can make a more significant contribution in water resource management. There is merit in introducing some level of self-management and hence more responsibility to committees;

(c) greater efficiencies will be achieved if recommendations or decisions made by committees within approved policies did not have to be submitted to council;

(d) the broad-based expertise of council should be available to assist in the development of policies in all aspects of water management rather than limited to issues arising under the Water Resources Act only.

The responsibilities of council will evolve over the next few years. The type of policies in which it could become involved could include matters such as domestic water usage, pricing policies, standards for water services, strategies for water conservation and wastewater reduction.

A degree of flexibility is required in the composition of council. This is achieved in the Bill by, first, diversifying membership and by providing scope to appoint up to four members with unspecified qualification. The council itself will have the opportunity to periodically assess the type of skills required for it to discharge its responsibilities.

This will assist the Minister in deciding whether to recommend the appointment of additional members and, if so, will identify the attributes they should have. As a general rule, selection will be either by inviting appropriate organisations to submit a panel of names or by inviting applications publicly. Two of the most important changes relating to committees are:

(a) a stipulation that they should, as part of their function, have a closer liaison with the community;

(b) the capacity to delegate to them some executive functions.

It is important to recognise that such delegation of powers will occur after full consultation with the committee concerned; executive powers will not be forced on unwilling committees. Quite a lot has happened in the regulation of the quantity of water taken particularly for irrigation purposes. Currently there are three water-courses and 12 regions covering the most critical underground water basins which have been proclaimed for water quantity control. This aspect of the legislation has worked quite well.

At the administrative level, the Bill removes the artificial separation of provisions between surface and underground water in the water quantity section in the current Act. The new provisions recognise that even in proclaimed regions, there are some activities such as domestic, holiday homes or stock watering where the use of water is small and where it is unreasonable to require that a licence be obtained. The Minister is empowered to exempt water taken for certain purposes by gazettal.

The Bill also provides some power even in unproclaimed areas for the Minister to act in cases where there are blatant abuses in the taking of water by any individual. This provides a much quicker remedy for those affected and obviates the delays and costs of having recourse to the common law. A person aggrieved by an action of the Minister has a right of appeal to the tribunal.

Members will note that the current flood management measures have not been retained, because in their current form they are of little effect. In addition, flood forecasting and warning in some areas is to be undertaken by the Bureau of Meteorology. While acknowledging the important role of local government authorities in planning land use which takes into account flood risk, nevertheless regulation making powers have been retained in case legal status must be given to some flood maps, or for other contingencies.

Finally, members will note that the range of matters which can be appealed against have been expanded. Ministerial decisions which impact on individuals are all now open to appeal. This is considered necessary to balance the greater powers sought.

This Bill, in providing a wider and more flexible range of powers and in clearly enunciating its objectives as well as the Minister's powers, provides a legislative framework which will enable sound water resource management to continue in the future, building on the excellent foundation established with the Water Resources Act 1976. The provisions relating to water quality have been significantly modified. Underpinning this reform are some fundamental concepts:

(a) It is unrealistic to expect that the same level of stringent restrictions should apply throughout the State; although the minimum requirement should ensure that material should not be released into our waters if this would endanger plant, animal or fish life or the environment.

(b) There will inevitably be some sensitive locations such as the public water supply catchment area of the Mount Lofty Ranges where more stringent controls will be essential. This might include controls on the type of material which can be released and could extend to acts or activities on land (similar to those applying currently under the Waterworks regulations).

(c) It is important that any system of management should have the flexibility to exempt certain types of wastes where beneficial uses of water resources are not jeopardised and to grant licences for the discharge of other pollutants subject to appropriate conditions.

(d) more proactivity is required. Taking action after pollution has occurred is not the answer. It is important that action commence as soon as the potential for problems has been identified.

(e) The level of maximum penalties must be commensurate with the worst offence which can be committed. What penalty for instance would be appropriate if someone released material which rendered a domestic water supply source unusable? Courts can be relied upon to impose fines which are not excessive for the offence committed. Where blatant pollution occurs, persons who offend should be required to pay for any damage done.

The Bill incorporates these concepts.

Clauses 1 and 2 are formal. Clause 3 repeals the Water Resources Act 1976. Clause 4 defines terms used in the Bill. Clause 5 provides that the Bill will bind the Crown. Clause 6 makes the Bill subject to the Acts and agreements set out in schedule 1. Clause 7 sets out the objects of the Bill. Clause 8 requires that the Act be administered in accordance with its objects. Clause 9 enumerates the functions of the Minister. Clause 10 sets out the Minister's powers. Clause 11 is a power of delegation. Clause 12 provides for the establishment of the South Australian Water Resources Council. Clauses 13 to 16 are machinery provisions. Clause 17 sets out the function of the council. Clause 18 excludes a member of the council with a personal or pecuniary interest from participating in the council's deliberations.

Clause 19 provides for the establishment of water resources committees. Subclauses (1) to (3) deal with committees established in relation to a watercourse or lake or proclaimed part of the State. Subclauses (4) and (5) deal with committees established for any other purpose and subclauses (6) and (7) provide for both categories of committees. Subclause (9) provides for the establishment of the Water Well Drilling Committee. Clause 20 provides for payment of allowances and expenses. Clause 21 continues the Water Resources Appeal Tribunal in existence and sets out its composition. Clause 22 makes provisions in relation to permanent members of the tribunal. Clause 23 provides for payment of allowances and expenses.

Clause 24 provides for the determination of questions by the tribunal. Clause 25 provides for a Registrar. Clause 26 excludes a member of the tribunal from participation in the hearing of a matter in which the member has a personal or pecuniary interest. The deputy of a permanent member can act if his or her member is disqualified under this clause. The other members are not a problem because they are selected from a pool of judges or magistrates or from the panel appointed under clause 21 (4). Clause 27 sets out the powers of the tribunal. Clause 28 provides for the appointment of authorised officers. Clause 29 sets out their powers. Clause 30 makes it an offence to hinder or obstruct an authorised officer. Clause 31 sets out the Minister's right to take water and also preserves riparian rights subject to the overriding provisions of the Bill.

Clause 32 provides for the proclamation of watercourses, lakes and wells. Clause 33 restricts the right to take water from proclaimed watercourses, lakes or wells. Clause 34 provides for the granting of licences to take water. Clause 35 provides for renewal of licences. Clause 36 provides for the variation and surrender of licences. Clause 37 makes it an offence to contravene or fail to comply with a condition of a licence and empowers the Minister to vary, suspend or cancel the licence. Clause 38 enables the Minister to authorise the taking of water for particular purposes specified by the Minister.

Clause 39 enables the Minister to act if water is being used at an unsustainable rate (39 (1)) or if one person is taking more than his or her fair share (39 (4)). Clause 40 is an interpretive provision. Clause 41 deals with the concept

of degradation of water. Subclauses (1) and (2) set out different meanings, subclause (1) applying throughout the State and subclause (2) only applying in more sensitive areas proclaimed as water protection areas. To prove degradation of water outside these restricted areas the prosecution must prove that another user or an animal, plant or organism was detrimentally affected. In the more sensitive areas it is only necessary to prove that the quality of the water was detrimentally affected during its dispersion. This will usually occur in the initial stages of dispersion and may only last for a few seconds. It is not necessary to prove that any person was prevented from using the water during this initial stage or that any person or animal, plant or organism has suffered. This provision will catch people who release small quantities of polluting material which taken in isolation would not be a problem but may well be a problem if released by more than one or two individuals.

Clauses 42 and 43 create offences of polluting water directly (42) or by releasing material onto or from land and polluting water indirectly (43). Subclause (2) of both clauses creates strict liability for landowners but a landowner who can prove that there was nothing that he or she could reasonably have been expected to have done to prevent the offence has a defence under clause 47 (2). Clause 44 provides an offence in relation to the storage of material. Clause 45 provides for regulations prohibiting certain acts or activities that have a pollution potential. Clause 46 is an evidentiary provision. Clause 47 sets out certain defences. Clause 48 provides for the granting of licences. Clause 49 provides for the renewal of licences.

Clause 50 makes it an offence to contravene a licence. Clause 51 provides for the variation of licences. Clause 52 provides for the disposal, escape or storage of material pursuant to regulations. Clause 53 enables the Minister to take action in the case of unauthorised release of material. The Minister may by notice require prevention of further release and may require clean up of the material already released. Clause 54 enables the Minister to act if in his or her opinion there is a risk that material will escape into water. Clause 55 is an interpretive provision. Clause 56 limits the application of Part VI. Clause 57 regulates certain activities in relation to watercourses or lakes to which Part VI applies.

Clause 58 provides for the issue of permits. Clause 59 makes it an offence to contravene a permit. Clause 60 enables the relevant authority to order a landowner to take remedial action in relation to unauthorised obstructions, maintenance of a watercourse or lake in good condition or in relation to a contravention of clause 57. Clause 61 is an interpretive provision. Clause 62 requires that well drilling and associated work must be carried out by or under the supervision of a well driller licensed under Part VII. Subclause (2) provides a defence in the case of an emergency. Clause 63 provides for the granting of well driller's licences. Clause 64 provides for renewal of licences. Clause 65 provides for the issue of a permit to drill a well or carry out other associated work. Clause 66 provides for contravention of a licence or permit.

Clause 67 enables the Minister to require remedial work to be done if there is a defect in a well or a well is in need of repair or maintenance. Clause 68 requires the owner of land to ensure the maintenance of wells on his or her land. Clause 69 provides for a right of appeal to the tribunal. Clause 70 allows for a decision that is the subject of an appeal to be suspended pending the appeal. Clause 71 makes it an offence to make a false or misleading statement in or in relation to an application for a licence or permit. Clause 72 makes it an offence to interfere with property of the Crown. Clause 73 provides for vicarious liability of employers or principals for offences committed by their employees or agents. Clause 74 provides that members of the governing body of a body corporate that commits an offence are also guilty of an offence and liable to an equivalent penalty.

Clause 75 is an evidentiary provision. Clause 76 provides a general defence. Clause 77 makes the more serious offences under the Bill minor indicatable offences and provides that proceedings may be taken within five years after the commission of an offence. Clause 78 provides that where money is due under this Bill to the Minister or a public authority the money is a first charge on the land in relation to which the money is due. Clause 79 provides for immunity from liability. Clause 80 provides for exemption from the Act by regulation. Clause 81 provides for the service of notices. Clause 82 provides for the making of regulations. Schedule 1 enumerates the Acts and agreements to which this Act will be subject (see clause 6). Schedule 2 sets out transitional provisions.

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

MARINE ENVIRONMENT PROTECTION BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to provide for the protection of the marine environment; to make consequential amendments to the Fisheries Act 1982; and for other purposes. Read a first time.

The Hon. S.M. LENEHAN: 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 Government has been concerned about the coastal waters since 1984. Investigations instigated by this Government have identified environmental problems and possible solutions. Some of these problems were found to require solutions different to those applied in other States, because the South Australian coastal waters include the large gulfs but receive few major rivers.

The Government now proposes the Marine Environment Protection Bill 1989 which will give the Minister for Environment and Planning responsibility for protecting and enhancing the quality of the coastal waters of this State.

This is not to say that South Australia is a marine disaster. The coastal waters, for the most part, provide for the widest range of public uses. However, there is a danger in complacency, as other States have found, and this Government intends to ensure that the coastal waters of South Australia continue to provide all the possible benefits that future generations have a right to expect.

This proposal closes an existing gap in the protection offered to South Australian coastal waters by providing a means to control private, State, and local government-run industries and utilities which discharge their wastes into the sea.

There are about 80 examples of discharges which go directly to sea, and which require control. Unless these and other discharges can be effectively controlled, marine pollution could reach unacceptable levels. Examples of substantial discharges are treated sewage off metropolitan

Adelaide, and those from metal processing in Spencer Gulf. The problems with these discharges are known to include:

— excessive growth of algae or loss of seagrasses around effluent or sludge outfalls off the metropolitan coast
— ecological changes and fish contamination.

It is proposed that the Marine Environment Protection Act would be administered by the Environment Management Division of the Department of Environment and Planning. This division specialises in pollution control in respect of air, noise, chemical and marine issues. These proposals have been developed with wide public consultation, including a white paper, which was released in June of this year.

The white paper was circulated to the 46 coastal councils, all members of Parliament, the Conservation Centre, the Coast Protection Board, the South Australian Fishing Council and the Recreational Fishing Advisory Council, major firms likely to be affected and to all persons/organisations that expressed an interest. It was publicised in the press, and a public meeting was organised through the S.A. Coastal Protection Group.

Further, 27 submissions were received in response to the white paper, up to 18 August and 15 subsequently. As might be expected, there has been broad support for the intent of this legislation from both conservation and industry groups. The support from industry is not surprising and reflects a commitment to environmentally responsible actions. The Chief Executive Officer of the Australian Chemical Industry Council, Mr Frank Phillips, in a letter to the press in June of this year, said that most industry is determined to weed out irresponsible operators and has consistently supported statements of effective laws and tough enforcement of environmental standards.

Although the white paper indicated that the Coast Protection Act would be the vehicle affording control of what was termed 'point-source' pollution, public response to this white paper strengthened the view that it would be sensible to anticipate the need to manage more diffuse sources of pollution from such things as stormwater runoff. Therefore, rather than restricting powers only to what was needed for the more obvious problems, the Government has prepared a Bill capable of encompassing a broader range of problems.

The Bill has been drafted to act in addition to other legislation controlling waste, water resources, coastal management, oil spills, sea dumping and marine operations. It complements that legislation. It does not displace any of the action plans or other controls which have been found quite effective in dealing with such emergencies as oil spills, but it does cover gaps in existing legislation. It will not override indentures which previous Governments have entered into with specific industries. However, the Government has been heartened by evidence of a high order of environmental responsibility in major industries in South Australia, as shown, for example, by the action plan developed by BHAS at Port Pirie. This involves planned expenditure of several million dollars.

This draft legislation fulfils a Government commitment to introduce protective legislation for the marine environment. In addition the Government will ensure that the complementary provisions of the Environment Protection (Sea Dumping) Act commence at the same time so as to ensure the optimum protection of our coastal waters.

The legislation as drafted provides that all discharges not covered by other legislation will be licensed annually. Any licence would be subject to conditions that would accord with South Australian marine policy statements, developed with wide public consultation, and consistent with national goals. Existing discharges can be assured of a licence, but deadlines will be set for reductions of discharges to bring them to levels that are in line with international water quality objectives. In practice, reductions in levels will require industry to introduce the best of proven control technology.

The Bill is based on the 'polluter pays' principle. In addition to equipment costs, licensees would monitor and report on waste output, subject to independent audit. The cost of monitoring discharges, and of collecting and analysing samples for audit, would be borne by the licensee. While there is a necessary power to exempt the unforeseen, this would not extend to any regular industrial process in the public or private sectors. In fact, the South Australian Engineering and Water Supply Department will lead the way with its now well-publicised Statewide program for further sewage treatment to reduce contaminant load to the sea.

Support for this legislation also reflects an awareness by some industries—for example, fishing and fish farming—that their particular interests will be afforded greater protection by the introduction of this legislation.

Clauses 1 and 2 are formal.

Clause 3 is an interpretation provision. The following definitions are central to the measure:

'prescribed matter' means any wastes or other matter, whether in solid, liquid or gaseous form:.

Provision is made for the Minister to exclude specified kinds of matter from the definition by notice in the *Gazette*.

'coastal waters' means the coastal waters of the State within the meaning of the Commonwealth Coastal Waters (State Powers) Act 1980 and includes any estuary or other tidal waters:

'declared inland waters' means waters constituting the whole or part of a watercourse or lake, underground waters or waste waters or other waters, and declared by the Minister (with the concurrence of the Minister of Water Resources), by notice in the *Gazette*, to be inland waters to which the measure applies:

'land that constitutes part of the coast' is land that is—

(a) within the mean high water mark and the mean low water mark on the seashore at spring tides;

(b) beneath the coastal waters of the State;

(c) beneath or within any estuary, watercourse or lake or section of watercourse or lake and subject to the ebb and flow of the tide;

or

(d) declared by the Minister, by notice in the *Gazette*, to be coastal land to which the measure applies.

Clause 4 provides that the measure binds the Crown.

Clause 5 provides that the measure is in addition to and does not take away from any other Act. It expressly provides that the measure does not apply in relation to any activity. controlled by the Environment Protection (Sea Dumping) Act 1984 or the Pollution of Waters by Oil and Noxious Substances Act 1987.

The clause enables regulations to be made excluding activities of a specified kind from the application of the measure or part of the measure.

Part II (clauses 6-20) contains provisions for the purposes of controlling discharges into the marine environment.

Clause 6 makes it an offence to discharge prescribed matter into declared inland waters or coastal waters or on land that constitutes part of the coast except as authorised by a licence under the measure. The clause expressly provides that lawful discharge into a sewer will not result in the commission of an offence.

Clause 7 makes it an offence to carry on an activity of a kind prescribed by regulation in the course of which prescribed matter is produced in declared inland waters or coastal waters, or prescribed matter that is already in such waters is disturbed, except as authorised by a licence under the measure.

Clause 8 makes it an offence to install or commence construction of any equipment, structure or works designed or intended for discharging matter pursuant to a licence or carrying out a prescribed activity pursuant to a licence.

The clause also contains an administrative provision facilitating the issuing of licences for more than one purpose.

The maximum penalty provided for any offence against clause 6, 7 or 8 is, in the case of a natural person, a division 1 fine ($60 000) and, in the case of a body corporate, a $100 000 fine.

Clauses 9 to 18 are general licensing provisions.

Clause 9 provides that an application for a licence must be made to the Minister and enables the Minister to require further information from the applicant.

Clause 10 gives the Minister discretion as to the granting of licences but requires the Minister to make a decision within 90 days of an application for a licence.

Clause 11 provides that a licence is subject to any conditions prescribed by regulation and any conditions imposed by the Minister. The clause empowers the Minister to impose, vary or revoke conditions during the period of the licence.

Clause 12 sets the term of a licence at one year and makes provision for all licences to expire on a common day.

Clause 13 is a machinery provision relating to applications for renewal of a licence.

Clause 14 gives the Minister discretion as to the renewal of licences but requires the Minister to make a decision before the date of expiry of the licence.

Clause 15 requires the Minister, in determining whether to grant or refuse a licence or renewal of a licence and what conditions should attach to a licence, to consider official policies, standards and criteria that are applicable. Before granting a licence the Minister must be satisfied that the applicant is a fit and proper person to hold the licence.

A licence cannot be granted authorising the discharge of any matter of a kind prescribed by regulation.

Clause 16 makes provision for the continuance of a licensee's business for a limited period after the death of the licensee.

Clause 17 enables the Minister to suspend or cancel a licence if satisfied that—

(a) the licence was obtained improperly;

(b) the licensee has contravened a condition of the licence;

(c) the licensee has otherwise contravened the Act;

(d) the licensee has, in carrying on an activity to which the measure relates, been guilty of negligence or improper conduct;

or

(e) the activity authorised by the licence is having a significantly greater adverse effect on the environment than that anticipated.

Clause 18 makes provision for the Minister to conditionally exempt persons from the requirement to hold a licence under the measure, where the activity for which the exemption is sought is not of a continuing or recurring nature.

Clause 19 requires the Minister to give public notice of any application for a licence or exemption, the granting of a licence or exemption, the variation or revocation of a condition of a licence or exemption or the imposition of a further condition of a licence or exemption.

Clause 20 provides for a public register of information relating to licences and exemptions.

Part III (clauses 21 to 24) contains enforcement provisions.

Clause 21 provides for the appointment of inspectors by the Minister. The instrument of appointment may provide that an inspector may only exercise powers within a limited area. An inspector is required to produce his or her identity card on request.

Clause 22 sets out inspectors' powers. An inspector may, on the authority of a warrant, enter and inspect any land, premises, vehicle, vessel or place in order to determine whether the Act is being complied with and may, where reasonably necessary for that purpose, break into the land, premises, vehicle, vessel or place. An inspector may exercise such powers without the authority of a warrant if the inspector believes, on reasonable grounds, that the circumstances require immediate action to be taken.

Among the other powers given to inspectors are the following:

(a) to direct the driver of a vehicle or vessel to dispose of prescribed matter in or on the vehicle or vessel at a specified place or to store or treat the matter in a specified manner;

(b) to take samples for analysis and to test equipment;

(c) to require a person who the inspector reasonably suspects has knowledge concerning any matter relating to the administration of the measure to answer questions in relation to those matters (although the privilege against self-incrimination is preserved).

The clause makes it an offence to hinder or obstruct an inspector or to do other like acts. Special provisions are included for dealing with anything seized by an inspector under the clause and for court orders for forfeiture in certain circumstances.

Clause 23 empowers the Minister to require a licensee to test or monitor the effects of the activities carried on pursuant to the licence and to report the results or to require any person to furnish specified information relating to such activities.

Clause 24 enables the Minister to take certain action to mitigate the effects of any breach of the Act. The Minister may direct an offender to refrain from specified activity or to take specified action to ameliorate conditions resulting from the breach. The Minister may take any urgent action required and may recover costs and expenses incurred in doing so from the offender. The clause makes it an offence to contravene or fail to comply with a direction under the clause with a maximum penalty of, in the case of a natural person, a division 1 fine ($60 000) and, in the case of a body corporate, $100 000 fine.

Part IV provides for review of decisions of the Minister under the measure.

Clause 25 provides for a review by the District Court of a decision of the Minister made in relation to a licence or exemption or an application for a licence or exemption or of a requirement or direction of the Minister made in the enforcement of the measure. Any person aggrieved may apply for review. The application must usually be made within three months of the making of the decision, requirement or direction or, where the effect of the decision is recorded in the public register, within three months of that entry being made.

Part V (clauses 26 to 38) contains miscellaneous provisions.

Clause 26 makes it an offence to furnish false or misleading information. The maximum penalty provided is a division 5 fine ($8 000).

Clause 27 enables the Minister to delegate powers or functions to a Public Service employee.

Clause 28 makes it an offence to divulge confidential information obtained in the administration of the measure except in limited circumstances. The maximum penalty provided is a division 5 fine ($8 000).

Clause 29 provides immunity from liability to persons engaged in the administration of the measure.

Clause 30 sets out the manner in which notices or documents may be given or served under the measure.

Clause 31 is an evidentiary provision.

Clause 32 makes an employer or principal responsible for his or her employee's or agent's acts or omissions unless it is proved that the employee or agent was not acting in the ordinary course of his or her employment or agency.

Clause 33 provides that, where a body corporate is guilty of an offence against the measure, the manager and members of the governing body are each guilty of an offence.

Clause 34 imposes penalties for an offence committed by reason of a continuing act or omission. The offender is liable to an additional penalty of not more than one-fifth of the maximum penalty for the offence and a similar amount for each day that the offence continues after conviction.

Clause 35 provides that offences against the measure for which the maximum fine prescribed equals or exceeds a division 1 fine ($60 000) are minor indictable offences and that all other offences against the measure are summary offences. A prosecution may be commenced by an inspector or by any other person authorised by the Minister. The time limit for instituting a prosecution is five years after the date on which the offence is alleged to have been committed. Where a prosecution is taken by an inspector who is an officer or employee of a council, any fine imposed is payable to the council.

Clause 36 enables a court, in addition to imposing any penalty, to order an offender to take specified action to ameliorate conditions resulting from the breach of the measure, to reimburse any public authority for expenses incurred in taking action to ameliorate such conditions or to pay an amount by way of compensation to any person who has suffered loss or damage to property as a result of the breach or who has incurred expenses in preventing or mitigating such loss or damage. The maximum penalty for non-compliance with such an order is, in the case of a natural person, a division 1 fine ($60 000) and, in the case of a body corporate, a $100 000 fine.

Clause 37 provides a general defence to any offence against the measure if the defendant proves that the offence did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence and that, in the case of an offence involving the discharge, emission, depositing, production or disturbance of prescribed matter, the defendant reported the matter to the Minister in accordance with the regulations. Such a person can still be required to take action to ameliorate the situation or can be required to pay compensation.

Clause 38 provides general regulation making power. In particular, the regulations may provide for different classes of licences and may authorise the release or publication of information of a specified kind obtained in the administration of the measure.

Schedule 1 contains transitional provisions. The Minister is required to grant a licence in respect of an activity that was lawfully carried on by the applicant on a continuous or regular basis during any period up to the passing of the measure. The Minister may impose conditions on the licence requiring the licensee to modify or discontinue the activity within a specified time.

Schedule 2 makes consequential amendments to the Fisheries Act 1982.

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

REAL PROPERTY ACT AMENDMENT BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Real Property Act 1886, and to make consequential amendments to the Lands for Public Purposes Acquisition Act 1914, the Local Government Act 1934, the Real Property (Registration of Titles) Act 1945 and the Renmark Irrigation Trust Act 1936. Read a first time.

The Hon. S.M. LENEHAN: 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 this Bill is to amend the Real Property Act 1886 and other associated statutes to enable the computerisation of the Torrens Register. The Torrens system provides for the issue of a certificate of title to the owner of a land parcel. The certificate guarantees certainty of title. This Bill does not set out to change the system but simply to record and register land in digital form.

Land in South Australia has been registered pursuant to the Real Property Act 1886 and its precursor, the Real Property Act 1858, for more than 131 years and in that time more than one million certificates of title have been issued. The original Act was enacted through the perserverance of Robert Richard Torrens (later Sir). The Torrens system as it has become known quickly spread to all other colonies of Australia and more recently to other countries of the world. This State can be justifiably proud that the system was developed in South Australia.

The Lands Title Office, like its counterparts in the other States and Territories of Australia, is striving to increase its efficiency and service to the public by making use of the latest technology. In the late 1970s the Department of Lands developed the world acclaimed Land Ownership and Tenure System (LOTS). In 1985 further progress was made in this area with the advent of the Registrar-General's automated unregistered document system, Automated Registration, Indexing and Enquiry System (ARIES). Today, clients of the office can obtain a wealth of information concerning land and the transactions that affect the title to land from terminals in their own offices. The next logical step in this direction is the computerisation of the title register. At present both the original and duplicate certificates of title are maintained in a paper form; under a computerised system the original will be in a digital form on a computer while a duplicate will be issued on security paper and retained by the owner or lending institution. This task is being successfully achieved in New South Wales, and several other States are currently developing computerised title systems.

Three problems can be readily identified with a paper register. First, it is very labour intensive; secondly, access can only be provided directly from one location in the State;

and, thirdly, it causes some duplication of effort. Every component of the existing registration process is performed manually. These components include the retrieval of the titles and instruments from a file for endorsing, the actual endorsement on the titles and instruments, the sealing of these endorsements and the subsequent re-filing, etc., upon completion of the registration process within the Lands Title Office.

In addition to maintaining this paper register, the same information is required to be captured in an automated form for inclusion in the State's world renowned Land Information System LOTS. This can only be achieved by duplication of input in the present system. In February 1987 a study was carried out to assess the feasibility of computerising the South Australian Title Register. This study and subsequent development work has shown that the project is feasible and cost effective. The cost of maintaining the manual system is high and access is limited to inquirers attending the Lands Title Registration Office in Adelaide.

The need for a computer based Torrens system has been assessed with research and development being carried out over the past two years. The computerisation of the Torrens register will provide the following advantages in real terms:

Makes use of technology to reduce the manual effort required to operate and maintain the register whilst preserving its integrity.

The computerisation of the Torrens Register enhances the Land Information System (LIS).

Benefits will accrue incrementally as stated computerisation of the register occurs. Maximum benefits will be attainable from the system when the total register is computerised; it is anticipated that total conversion will take 10 years to achieve, as there are approximately 800 000 current titles to convert.

Remote access to title register:

Currently over 2 000 photocopies of titles are requested each day, necessitating clients to physically attend the Lands Title Office to collect these prints. Photocopies of titles are ordered by clients in all of the department's regional and metropolitan offices, these orders being filled in Adelaide and dispatched by courier for delivery to the client. The Department of Lands data communications network, which now encompasses over 600 terminals throughout the State, can in the future be utilised to deliver this title data. Computerisation of the title register will not only make title data immediately available from any terminal connected to the system, but it will negate the current problems of certificates of title not being available because they are 'out of file' for any reason. This will eliminate most of the handling and consequent deterioration of the manual register.

Simplification of titles:

One of the basic tenets of the Torrens Title System is to simplify title to land. For a variety of reasons titles are often complex and therefore require a relatively high level of expertise to interpret. It is intended to rectify this problem in the computerised environment by separating the current and historical elements of the data, standardising the format and by simplifying the wording of titles. Both current and historical information will be available on line to the user.

Title diagram:

A computerised title will be accompanied by a title diagram, if requested. The form that the diagram will take will vary with the category of title and the level of technology that can be economically provided. The department is currently investigating the latest developments in scanning and imaging in order to produce title diagrams more efficiently than at present.

Improve efficiency in the Lands Title Office:

The processes of issuing new titles and updating existing titles as regards changes of ownerships and encumbrances are very labour intensive. Significant savings in human resource requirements will be achieved by manipulating data currently input to ARIES to build new titles and to update existing titles. Some current duplication in effort will also be eliminated.

Records management:

The manner in which the automated title register will be stored will eventually stop the growth of the manual register. This will have the effect of containing accommodation and storage levels within the present capacity of the Lands Title Office.

Greater security of the Torrens Register will also be obtained.

The system has been designed to meet the requirements of South Australian real estate industries and to become an integral component of the successful Land Information System. The system designers have closely followed the development of similar programs in other States and have drawn from their experience to provide South Australia with a superior computer title.

Clauses 1 and 2 are formal. Clause 3 amends the definition of 'appropriate form'. Instead of forms being set out in regulations it is proposed that the Registrar-General should have a discretion to approve the form to be used. There are many references throughout the Act to 'appropriate form' and rather than change each of these it was considered more convenient to alter the definition. Clause 4 deletes words from section 21 that are superfluous. Clause 5 removes an anachronistic requirement that the address for service under section 29 must be within the City of Adelaide.

Clause 6 provides new headings to Part V. The Bill divides Part V into three divisions. Division I will deal with registration of title by the traditional folio bound in a register book. Division II will deal with registration by electronic and similar methods. Division III caters for general provisions that apply to both methods of registration. Conversion of the register to the computer system is expected to take about 10 years and during that period it will be necessary for the old and new systems to operate side by side.

Clause 7 replaces section 47 of the principal Act which is obsolete with a provision that confines Division I of Part V to the traditional method of registration. Clause 8 repeals section 50 of the principal Act. New section 56a inserted by a later provision provides the point in time at which registration of a certificate takes place. Clause 9 makes an amendment to section 51 of the principal Act. Clause 10 inserts an evidentiary provision which replaces the evidentiary component of section 80 as it applied to the traditional method of registration.

Clause 11 inserts new Division II into Part V. New section 51b provides for registration by different methods and also provides for interpretation of existing provisions of the Act in relation to the new system of registration. Upon registration of an estate or interest under the new system the Registrar-General will issue a certificate of title to the holder of the estate or interest. This title will be equivalent to a duplicate title under the present system. It must be produced for registration of a subsequent dealing and will be destroyed by the Registrar-General who will issue a new certificate in its place (section 51c). Section 51d is an evidentiary provision.

Clause 12 inserts the new heading for Division III of Part V. Clause 13 replaces section 52 of the principal Act. Clause 14 replaces section 53 of the principal Act. The new provision is a general requirement that information once recorded by the Registrar-General must be retained. Clause 15 makes an amendment as to forms; that has already been discussed. Clause 16 repeals section 54a. Clause 17 inserts new section 56a which pinpoints the time of registration.

Clause 18 simplifies section 66 of the principal Act. Clause 19 makes an amendment to section 74 that requires the shares in which tenants in common hold an estate or interest in land to be stated in the certificate of title. Clause 20 removes subsection (3) of section 79. Clause 21 replaces section 80 of the principal Act. Clause 22 strikes out the requirement for a plan of an easement in the certificate of title. Clause 23 provides for registration of Crown leases by computer. Clauses 24 and 25 make consequential amendments. Clause 26 replaces section 143 of the principal Act.

Clause 27 removes from section 156 of the principal Act a requirement that is considered to be unnecessary. Clause 28 makes a consequential amendment. Clause 29 replaces section 177 of the principal Act with a provision that gives

the Registrar-General a discretion as to the details that should be recorded when registering transmission to the personal representative of a deceased proprietor.

Clause 30 replaces section 184 of the principal Act. Clause 31 repeals section 189 which will serve no useful purpose in view of the proposed amendment to section 220. Clause 32 amends section 220 of the principal Act. The amendment expressly empowers the Registrar-General to keep the Register Book up to date. Paragraph *(d)* of the amendment gives the Registrar-General power to destroy duplicate certificates of title.

Clauses 33, 34 and 35 make consequential changes. Clause 36 tightens the wording of paragraph (III) of section 229. Clause 37 makes a consequential amendment to section 233 of the principal Act. Clauses 38 and 39 make consequential changes. Clause 40 removes an anachronistic provision from the Act. Clause 41 makes a consequential change. Clause 42 makes consequential changes to other Acts.

The Hon. B.C. EASTICK: Subject to getting a copy of the second reading speeches of all three Bills just introduced, I will secure the adjournment of this debate.

The SPEAKER: I am sure that if the honourable member has patience the information will be distributed to members, as is happening now.

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker, we are in the unhappy situation of moving the second reading of a Bill, yet the Bill is not before members. Is that in order?

Members interjecting:

The SPEAKER: Order! The Bill has just been introduced. It has not yet been printed. I will deal with this matter after dealing with messages from the Legislative Council.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the Judicial Administration (Auxiliary Appointments and Powers) Act 1988, and allows for a judicial officer to hold concurrent appointments to two or more judicial offices.

The provision will enable a person to be permanently appointed to two or more judicial offices, for example, the Industrial Court and the District Court. This will provide greater flexibility in the deployment of judicial resources. It provides for a more formal arrangement than is currently provided for in section 5 of the Act. The new provision will be utilised when it is clear that there is a long-term need for judicial resources to be shared between jurisdictions.

Clause 4 inserts the new section 6 which expressly provides that a person can hold concurrent appointments to more than one judicial office. Where a person is appointed to more than one judicial office, the Governor must designate one of the judicial offices as the primary judicial office. The remuneration and conditions of service will be the same as for a judicial officer who holds a single appointment to the primary office.

The Bill also inserts a new section 4, subsection (1a) to clarify the powers and jurisdiction of a person appointed to a judicial office on an auxiliary basis. The Chief Justice has expressed concern that the current wording of the Act may enable a judicial auxiliary to exercise jurisdiction at any time during the term of his or her appointment to the judicial pool, that is, including periods when the auxiliary is not required to hear cases. This matter has been clarified by the addition of a provision to restrict the exercise of power and jurisdiction to matters assigned to the person by the judicial head of the court in which the judicial office exists or the judicial head of some other court in which the judicial officer is undertaking judicial work. Finally, the Bill makes it clear that a person appointed to a judicial office on an auxiliary basis would not normally be entitled to a judicial pension.

Clause 1 is formal. Clause 2 amends section 3 of the principal Act to ensure that judicial service on an auxiliary basis does not give rise to rights under the Judges' Pensions Act 1971, unless the person concurrently holds an appointment on a permanent basis to some other judicial office that attracts such rights. In such a case the judicial service on an auxiliary basis will be treated as service in that other office.

Clause 3 amends section 4 of the principal Act to limit the exercise of jurisdiction and powers deriving from a judicial office to which a person is appointed on an auxiliary basis to matters assigned to the person by the judicial head of the court in which the office exists or the judicial head of some other court in which the judicial officer is undertaking judicial works.

Clause 4 inserts new section 6 into the principal Act. Subsection (1) provides for concurrent appointment of judicial officers to two or more judicial offices. Subsection (2) requires the Governor to designate (with the consent of the appointee) one of the judicial offices as the primary judicial office. Subsection (3) provides that the remuneration and conditions of service of a judicial officer who holds concurrent appointments will be the same as for a judicial officer who holds a single appointment to the primary office. Subsection (4) provides that subject to subsection (5), the retirement, resignation or removal from office of a judicial officer who holds concurrent appointments will be governed by the law applicable to the primary office. Until retirement, resignation or removal (or earlier death) the judicial officer will continue to hold all appointments. Subsection (5) enables a judicial officer who holds concurrent appointments to resign, with the approval of the Governor from one or more offices without resigning from all of them. However, such a resignation will not give rise to any right to pension, retirement leave or other similar benefit.

Subsection (6) provides that the section does not apply in relation to the appointment of a person to act in two or more judicial offices on an auxiliary basis or to the appointment of a judicial officer who holds a judicial office on a permanent basis to act in some other judicial office on an auxiliary basis.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Returned from the Legislative Council without amendment.

HIGHWAYS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

DENTISTS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker, I refer to the mechanics of the way that this House can and should work. We have been asked to take the adjournment of a Bill, but the Bill is not even before us. It has not been received from the printer. This is a ludicrous situation.

The SPEAKER: Order! The formal Bill is printed at a later stage. Traditionally, as a courtesy, advance copies of those Bills have been distributed to members. Apparently, there was a slight delay in that process, but it does not render any of the proceedings as being contrary to the Standing Orders.

The Hon. E.R. GOLDSWORTHY: Are you suggesting, Sir, that when a Bill is introduced in the House it is not normal procedure for copies of the Bill to be immediately distributed with the second reading explanation of the Bill?

The SPEAKER: That is done as a courtesy. Apparently the courtesy was not observed on that occasion, for some technical reasons.

Mr INGERSON: On a point of order. This has nothing to do with pre-circulation; this is to do with the tabling of a Bill today. There is no Bill for us to adjourn. We have a copy now of the second reading explanation, but there is no Bill.

The SPEAKER: The strict formalities are that one copy only of the Bill is tabled and then is subsequently printed, in accordance with Standing Orders. As a courtesy, additional advance copies are supplied to members. I understand that that was not done with the first of the three Bills that were introduced.

Mr INGERSON: I am talking not about pre-circulation of the Bill but about a Bill being put on the table today. The Bill is not on the table because it has not been printed. We do not have a copy of the Bill on the table today.

The SPEAKER: The confusion arises from the fact that the printing is a procedure that follows tabling; it does not precede it.

The Hon. E.R. GOLDSWORTHY: I think the debate should be adjourned until next week. The motion that the debate be adjourned until tomorrow is plainly absurd.

The SPEAKER: Order! The honourable member's proposition is out of order.

The Hon. B.C. EASTICK: What we are observing the Minister for Environment and Planning doing now would seem to indicate that she is fulfilling a commitment which should have been fulfilled before the Bill was tabled—signing her name to the tabled document.

The Hon. S.M. Lenehan: This is pathetic.

The Hon. B.C. EASTICK: It is a fact.

The SPEAKER: The Chair is not aware of the matters raised by the member for Light.

The Hon. B.C. EASTICK: Would you advise the House, Sir, whether in fact you did have the Bill in your hand but a few minutes ago before it was conveyed back to the Minister?

The SPEAKER: Order! The Bill has been tabled and that is all there is about it.

Members interjecting:

The SPEAKER: Order! No signature is required under Standing Orders, and the Chair did not look for a signature on that Bill when it was tabled. Call on the business of the day.

WHEAT MARKETING BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 1212.)

Mr BLACKER (Flinders): First, I want to thank the Minister and the Government for extending debate on this Bill for one further day to allow me to participate in it. I sincerely do thank the House for that, because I want to participate in the debate. My contribution will be supportive. I have had a keen interest in wheat marketing legislation from the word go. This Bill complements Federal legislation. I understand, though, that as a result of these arrangements the Minister might not be here for the Committee stage—but that has been taken care of.

I thank the member for Eyre for referring to my whereabouts yesterday and my involvement in a public function to mark the closing of the last manual exchange for South Australia and the Northern Territory. I refer to this because there is some similarity between closing one chapter of the State's history and the opening of another with this Bill. On this occasion we are opening the door a little wider in relation to the orderly marketing of grain and the promotion of the deregulation principle.

I believe that I am only one of two wheat growers left in this Chamber. My family has had a long history in wheat growing on Eyre Peninsula, going back 80 years. My predecessors experienced the rugged times when free trading was taking place, back in the bad days, when a number of grain agents would line up at each of the sidings and barter with the grain growers as they came in to deliver grain. Grain growers would listen to the radio—when that facility became available—to find out what the world market price was.

This was done on the hour, and so right up until the time of delivering grain to the railway siding growers did not know what price they would get. From when they left the farm to the time when they got to the railway siding the price per bushel could well change. This dilemma for the grain producer was a significant contributing factor to the effects of the Great Depression of the 1930s. It was not the sole factor, of course, but it certainly contributed to the downfall of many grain producers.

Through the efforts of the late Tom Stott, and many other people in the Wheat Growers' Federation, and the early days of the Wheat and Wool Growers' Association, orderly marketing was first conceived and put into effect at that time. I commend the member for Eyre for the details he provided in setting out some of the historic aspects of the development of orderly marketing for South Australia,

and this was also adopted in other parts of the country. There is no doubt that that marketing system attracted for wheat growers the best possible price on the world market. It was also a contributing factor to the high quality grain hygiene, as it is often referred to now, and in setting standards for export of the commodity.

One concern that I have with the partial deregulation that is taking place is that it could well mean a diminution of the quality standards, because so many other people will be involved. Although this deregulation relates to domestic marketing, and export marketing is still under the control of the Australian Wheat Board, there is a possibility that it could be extended to export marketing at some future date.

I have outlined before to the House the scenario in relation to that happening, where a Government of the day could be pressured by a large grain marketer who might have millions of dollars worth of grain tied up, and be unable to pay the grain producer. He could say, 'Unless you give me an export licence to quit this grain, then I cannot pay the growers.' The growers would then be pressuring the Government to do something about the matter. There would be a snowballing effect, or a domino effect, *apropos* trying to break the system as it stands.

My support for orderly marketing certainly has been strong and I have no reason to change my views. Eyre Peninsula is a significant grain producing area for South Australia, and when looking at some figures recently I noted that about half the acreage of wheat grown on Eyre Peninsula comes from the statistical division of Eyre each year. That area produces on average about a third of the wheat grown in South Australia. Quite often the amount gets up to 50 per cent, or even more.

Hopefully, this year we will be in excess of that 50 per cent, because there is a potential for a market well above average, and that will help some of those grain producers who have experienced very difficult times to be able to recover from those losses. I seek leave to have inserted in *Hansard* a small statistical table which sets out the various divisions within South Australia of wheat sown for grain, showing the area and production in each respective division.

Leave granted.

Wheat Sown for Grain: Area and Production, Statistical Division, South Australia

Statistical Division	Area			Production		
	1985-86	1986-87	1987-88	1985-86	1986-87	1987-88
	hectares			tonnes		
Adelaide	1 975	1 360	1 385	3 683	2 627	2 411
Outer Adelaide	35 588	38 302	35 360	65 781	75 947	60 235
Yorke and Lower North	239 947	267 724	265 436	407 370	495 941	476 793
Murray Lands	264 649	258 600	249 477	271 002	319 405	254 762
South East	44 119	36 885	25 992	90 396	73 372	45 561
Eyre	673 658	841 115	801 150	644 759	975 299	667 069
Northern	172 399	172 331	176 773	298 486	312 273	296 211
Total	1 432 334	1 616 318	1 555 573	1 781 475	2 254 863	1 803 041

Mr BLACKER: I had another statistical table but the member for Eyre has referred to that. His figures take into account the wider production figures, on an Australia-wide basis, whereas mine relate to a division basis. This Bill extends the power as introduced by the Commonwealth Wheat Marketing Act 1989 to enable the Wheat Board to undertake intrastate trading. This was a problem as experienced with the Commonwealth Act. Some people tended to believe that the Commonwealth Act covered all the trading options that might be available, but it has been indicated in many areas—and certainly this Bill tidies up that area—to enable the Wheat Board to be able to undertake intrastate trading.

As one scenario was put to me, had the circumstances remained as they are now, the Wheat Board would have been able to buy grain in South Australia but only be able to sell it interstate, and that is a ludicrous situation when we have millers and feed processors in this State. Obviously, the logical thing would be to supply grain to those millers and feed processors from our own shores or, if need be, from a nearby neighbour or a close location to the mill. That is probably the most significant clause.

I also note under 'Interpretation' the description of the term 'grain' is amended and it quite explicitly excludes barley and oats. There is a good reason for that as the Barley Board has the power to handle barley and oats. For that reason, it would be inappropriate for the Wheat Board to be granted those powers, otherwise we would have an amalgamation of two different coarse grain boards that would be an amalgamation not necessarily in the best interests of the producers.

The functions of the Australian Wheat Board, in addition to those conferred on it by the Commonwealth Act, are basically to trade in wheat and wheat products; secondly, to make arrangements for the growing of wheat for the purposes of trading in wheat; thirdly, to promote, fund or undertake research into matters related to the marketing of wheat or wheat products; fourthly, to trade in grain other than wheat and grain products to the extent that trading in such grain or grain markets will promote an objective of the board under the Commonwealth Act; fifthly, to make arrangements for the growing of grain other than wheat for the purposes of trading in such grain; and sixthly, such other functions as conferred on the board by the law of the State.

In negotiating with the Wheat Board, an overseas country or overseas buyer might approach it and say, 'I want 100 000 tonnes of wheat, 50 000 tonnes of a various quality of wheat, and also 20 000 tonnes of barley and 10 000 tonnes of oats.' As the situation now exists, the Wheat Board could say, 'We cannot deal with barley and oats, but we can refer you on', and this allows a little more flexibility in that marketing arrangement. Hopefully, the producers on both sides should be able to benefit by it.

I understand that the Australian Wheat Board believes that it has the ability to compete with the major world grain traders. I certainly hope that that is the case, because I have been a strong supporter of the Australian Wheat Board. I have my reservations, however, whether in fact this legislation will enable the Wheat Board to compete on an equal basis or whether the Wheat Board may become a thing of the past. That is my great fear, and it is my fear of the whole deregulation issue. The orderly marketing system is now at risk. With that system going by the wayside, the only beneficiaries of it will be the grain traders, and the losers will be the farmers or the grain producers.

Whilst we have that situation, we will go right back to the era of the 1930s, as I mentioned at the commencement,

where the individual grain traders would be lining up at the respective sidings and bartering, as they did in the 1930s, for a quarter of a penny here or a farthing there or a halfpenny per bushel better off when dealing with a third or fourth agent. I hope I will never see a return to that situation in this country.

I am strongly opposed to the deregulation issue because my electorate is so far from any potential market, and therefore we are not in a position to be able to use that bartering process, even if we wanted to. We cannot trade effectively with Western Australia. The freight component is too great. We cannot trade effectively with the mainland and I refer to the eastern side of Spencer Gulf and the Eastern States. More particularly, another concern is when we have major grain traders also trading in other commodities and who have other interests. I refer in this case to a major stock firm that may well have a stock mortgage over a farmer's stock and could equally claim a lien or mortgage over the grain product. That major grain trader could then say, 'You have to sell your grain through our business and deliver to the Port Adelaide complex', which could well mean the freight component of a producer on Eyre Peninsula would be carried entirely by that producer and not the purchaser. That is an area of very great concern.

I refer to clause 10 (3), and ask the Minister to comment. Concerning the wheat research deductions, there is power to exempt purchases or a purchase of a prescribed class from the requirement to contribute to the wheat research levy or deductions. There is a potential problem with that, because it might mean the Wheat Board could be disadvantaged in competing for a market if an exempted use or exempted buyer bought that grain levy-exempt, whereas the Wheat Board might have to pay the levy for the purpose for which they are buying the grain. It opens a can of worms that could get out of control.

I understand that there are probably *bona fide* reasons why the clause is included. I seek an explanation or an example that could be given indicating the purpose of the clause and what protective measures there are to stop it from getting out of hand. The other issue which is parallel to this legislation is the effect it will have on another major farming ownership or authority, and that is the Cooperative Bulk Handling.

With the orderly marketing system, we have seen the growth of South Australian Cooperative Bulk Handling Ltd. That organisation is purely farmer owned, financed and managed through an elected board. I can see, under this Bill, a weakening of the marketing system. As a result, some of the cooperative's equipment and installations will become redundant, as it is now possible for other grain agents or merchants to establish their own grain handling facilities. If that happens, it will mean a total loss for the farmers. They cannot sell a silo; they might be able to negotiate a lease or a use, but they are over a barrel. They will not be able effectively to recoup the cost of the assets.

The silos are not Government sponsored or financed: they are purely farmer financed, owned and operated. In many cases, the only Government input has related to the fact that some of the silos are sited on Australian National land. In the construction stage, the Government gave a guarantee to allow the initial financing of some silos. In consideration of that, the Government appointed two members to the CBH board. When the guarantee was paid back and there was no longer a necessity for a Government guarantee, those two board members were relieved of their duties. From that time, the farmers elected members to the board. I am concerned that what is happening now may well mean that there will be a surplus of storage capacity, which cannot be used. That will result in a direct loss to the farmers in that particular situation.

Because this Bill is purely enabling legislation and complementary to the Commonwealth legislation, it would be utterly ludicrous for us to refuse to pass it. If it were not passed, the hands of the Australian Wheat Board would be tied and it would not be able to trade intrastate. I support the Bill in as much as it is necessary to do so in view of the Commonwealth legislation, but I have grave concern that we are heading down the wrong track. That track was commenced with the passing of the legislation.

Mr MEIER (Goyder): I am pleased to have the opportunity to make a few comments in relation to this Bill. As the member for Flinders has acknowledged, the Bill must pass in the Parliament before the coming harvest, otherwise there could be real problems in terms of the marketing and receival of wheat in this State. I would hope that, if anything extraordinary happened, we could overcome that situation. Nevertheless, this legislation is complementary to the Commonwealth Wheat Marketing Act and most, if not all, of us would be familiar with the considerable amount of debate that occurred when the Federal legislators discussed the various pros and cons of the Wheat Marketing Act. I do not intend to canvass any of those issues today.

I compliment the member for Eyre for his contribution. I think he mentioned most, if not all, of the relevant points with respect to this Bill and, I do not intend to repeat his comments. I acknowledge the contribution of the member for Flinders. It was pleasing that the Bill could be held over, because both the member for Eyre and the member for Flinders represent large wheat areas. As member for Goyder, I represent a large number of barley producers. Nevertheless, wheat is certainly a very important crop in Goyder and it is heartening, at this stage, to see some magnificent wheat crops which, all being well, will produce a good season for those growers.

I re-emphasise that it is important to have orderly marketing in this day and age. As has been pointed out, this goes back to 1948 when orderly marketing was introduced, with the industry being farmer owned, financed and managed. It is not appreciated by everyone, but it is certainly appreciated by the rural sector, that some form of guarantee must be given in this day and age in terms of a reasonable return to growers, especially at a time when many of them have heavy financial commitments. These people have been terribly affected by the Federal Government's mishandling of the economy and the shocking interest rates that we are facing today. From time to time, particularly in the past few months, I have talked to farmers who borrowed money at interest rates of 15 per cent to 17 per cent and who are now looking at interest rates of 22 per cent and 24 per cent. Their whole budget program has gone down the chute as a result. They are disgusted with the way in which the Federal Government has handled the economy of this country, and the sooner an election is held and the present Government is replaced by a Government that will maintain stability year after year, the better it will be for all. It will certainly be much better for rural producers.

The issues of orderly marketing and a guaranteed return were highlighted last year when, unfortunately, in the area of pea and bean production, Gulf Industries of Balaklava, in my electorate, went into receivership. The result for many farmers was catastrophic. Of course, the pea industry is

reasonably deregulated compared with the wheat and barley industries. Members should appreciate that the prices farmers receive for their peas can fluctuate phenomenally. In the year leading up to the demise of Gulf Industries, pea prices varied from approximately $180 per tonne to about $300 per tonne. Farmers had to weigh up whether to take the $180—and many had sold on forward contracts at that price—or whether to hang on to their crop and hope that the price would go up. Certainly, the price did go up.

I remember speaking to a farmer who had sold at $180 per tonne and who was very disappointed. Those who sold at $200, $220 or $240, and possibly even higher, were even more disappointed if they had sold to Gulf Industries. Unfortunately, many hundreds of people lost between several thousand dollars and $60 000 per head. Many people who came to see me—and I saw many more in my travels—who lost in the vicinity of $20 000 to $40 000. This created most unnecessary hardship for those people. Therefore, the Wheat Board must be given full support. It has had an outstanding record and an outstanding success in the way in which it has handled the receival and marketing of wheat and has provided the rural sector with stability when there was every indication that instability could have existed.

Certainly most of us would remember back to the 1960s when wheat quotas were applied. They were the real hardship days but the rural sector weathered it. Questions were asked then and since as to whether the right program was addressed in all cases, but that is long past. Today, again, the wheat situation is looking satisfactory. We can learn quite a lot from the comments to which the member for Eyre referred in his address. I will cite the same person the Hon. Tom Austin, Victorian Minister of Agriculture for some time—although at the time he made these comments he was Opposition spokesman. He said:

> With the advent of the Australian Wheat Board growers had an assured market. They were confident that the grain quality was monitored and they knew they had a single seller in the market place who was able to negotiate price and win new markets. Whatever the criticisms might have been at that time and since growers certainly supported the Wheat Board: they felt it gave them stability and allowed them to do what they were best at—looking after the growing side of their industry.

That quote sums up admirably the comments of many people in the wheat industry and, as I indicated earlier, I am happy to support the Bill.

The Hon. D.J. HOPGOOD (Deputy Premier): I thank members for their attention to this matter although, as has been indicated, it is complementary to the Commonwealth legislation and it is important that the House give its attention to the matter. I respond first to the question asked by the member for Flinders about wheat research deductions. I confirm that the Australian Wheat Board would be the only body to pay the levy and would, therefore, theoretically be disadvantaged. However, the levy is of the order of 10c per tonne in $150 to $250 per tonne. The highest levy is 35c per tonne. Administratively, it would be too costly to get the levy from any other potential trader; that is it would cost more to get the levy than the levy would bring in.

The Australian Wheat Board is expected to buy more than 95 per cent of the wheat and the UF&S agrees that it be done this way, that is, by not trying to get every last levy dollar at enormous cost in collection. I do not know whether that sets the honourable member's mind at rest. If he has further concerns about it, he could raise them under the appropriate clause in the Committee.

The gravamen of the remarks of the member for Eyre related to the amendment he has on file, so I will address myself to the matters surrounding that amendment, which may or may not save us a little time in Committee. This Bill deals only with intrastate trade in wheat, which is a maximum of 15 per cent of the South Australian crop. The Commonwealth Wheat Marketing Act 1989 deals with interstate trade and export trade. So the amendment is proposing that the Australian Wheat Board should be forced to use the facilities of Cooperative Bulk Handling for 15 per cent of its trade in this State. In handling wheat destined for interstate or overseas markets, the Australian Wheat Board would be free to use any storage, handling or transport system it choses. When wheat is collected at country silos it is not possible to say at that stage whether it will be consumed within South Australia or will be moved interstate or overseas. So when the AWB takes delivery of wheat, it will not know whether it is meant to use the CBH system because it will not know where the wheat will eventually be consumed. the AWB could bypass this provision if it were accepted by the House, by not selling any South Australian wheat in South Australia (to South Australian millers and stock feed manufacturers) and by meeting South Australian needs with interstate wheat. Obvioiusly, it would be enormously costly, if not impossible, to administer or police the power and the AWB could avoid the need to comply by selling all South Australian wheat outside South Australia.

Secondly, this provision applies an opposite power from that currently contained in the Bulk Handling of Grain Act 1955; which covers the operation of CBH. Section 12 provides that the AWB and the Australian Barley Board can store grain in their own facilities. The industry has always believed that CBH had sole receival rights for grain. However, this is not the case. It seems that the honourble member has followed a similar provision inserted in the Victorian complementary legislation. However, the Victorian storage system is State owned and does have monopoly receival rights.

Thirdly, the purposes of the Commonwealth Act is to give the AWB the power to act more commercially. A provision was included in the Commonwealth Act, section 88, which would allow the Commonwealth Minister to prescribe any State Act which prevented the AWB from operating commercially. This provision was specifically included to deal with State monopolies, particularly in the eastern States. If the amendment is accepted, it is likely that it will invite a Commonwealth response in prescribing the Act and so making in ineffective. This provision would force the AWB to use CBH for intrastate trade only, but the Australian Barley Board can use whatever facilities it chooses. The ability for the ABB to use its own storage was inserted in the Bulk Handing of Grain Act in 1964; the AWB had had that power since the Act was proclaimed.

Without going into too much more detail, perhaps it is worth my summing up, as more information can be made available, if necessary, in Committee. The amendment seems to be more an issue in relation to the Bulk Handling of Grain Act than the Wheat Marketing Bill and proposes to confer an opposite power than that contained in the Bulk Handling of Grain Act. The amendment would be at best ineffective and at worst an expensive administrative nightmare paid for out of reduced returns to the South Australian wheat growers. We understand that the UF&S and the Australian Wheat Board fully support the Bill in its present form. Discussions were held with Cooperative Bulk Handling Ltd on 27 September in relation to the Bill and no amendment of this nature was proposed, presumably because it was realised that this was the wrong Bill to try to amend. I commend the Bill to the House.

Bill read a second time.

Clauses 1 to 4 passed.

Clause 5—'Powers of board.'

Mr. GUNN: I appreciate the comments that the Deputy Premier has made on this clause and on the amendment that I propose to move. I fully understand some of the difficulties that the Minister explained in some detail. The member for Flinders shares my concern that in this State over many years we have established one of the most effective grain handling systems in the world at total value of $1.3 million. It has continued to improve its operation and any reasonable person with any experience with the organisation would say that, with a few minor exceptions, it has operated in the interests of the grain industry in this State. It is an organisation of which we should all be proud. One of the great problems with a Federal system is that we run into trouble when complementary legislation is required. I fully understand the administrative difficulties we now have before us and I understand the difference between the South Australian and Victorian grain handling authorities.

Thank goodness the State Government has not become involved with the grain handling authority of this State. The New South Wales Government had to write off over $300 million so that the organisation could become solvent and then privatised, and the growers could be allowed to manage and run it. My concern is that, if we are not very careful, we will allow people to circumvent section 12 of the Cooperative Bulk Handling Act, which provides some protection to South Australian Co-operative Bulk Handling Limited. No one wants to prevent the Barley Board, with which I have had a lot of involvement, or the Wheat Board from owning or operating their own facilities. I believe it is unlikely that they will want to become involved in this area but, as we travel down this rather dubious road of allowing economic forces to operate in every aspect of our commercial activity, other people will want to become involved.

Let me say that I do not agree fully with the economic forces philosophy but, rather, I believe in the concept of orderly marketing on a wide range of products. I have been abused and accused for holding those views, but my experience in the real world as a wheat grower has taught me that commonsense is the greatest asset one can apply to management or the running of a business, and commonsense dictates that in this State we should protect what is a valuable asset that works in the interests of all South Australians.

I understand the difficulties faced by the Minister. Parliamentary Counsel explained the great difficulties in drafting this amendment. I realise that it is not a perfect document, but we really have a problem. I do not want some entrepreneur to come into this State and pick the eyes out of the situation. BHP is involved in such operations and it has appointed a grain manager. I do not want entrepreneurs to come into the State and go to one of the best wheat growing areas and establish storage on a selective basis. If that occurs, it will create chaos.

I do not believe that South Australian wheat growers want grain handling opened to private competition. I attended, as did the member for Flinders and a number of other members, public meetings where this matter was discussed at length, and 97 per cent of the people who attended those meetings wanted this protection included in the legislation. Like me, they did not realise at the time that we would have these difficulties.

I do not want to delay the passage of this legislation, because I am a wheat grower and participate in the industry, but I want some commonsense to prevail. I recall the period before we had an efficient wheat bulk handling system. My first year of farming preceded the introduction of bulk handling and I know what the situation can involve. I also know what the situation was like before we had bulk handling for barley. We now have bulk handling for oats and South Australian Co-operative Bulk Handling Limited will obviously be involved in a lot of other areas of the grain industry, and that is a good thing.

I understand the difficulties. I do not believe that we should attempt to prevent the Wheat Board or the Barley Board from having their own storage but, rather, we should ensure that unnecessary commercial involvement does not take place in this industry which, in my view, would be a first step towards these people getting their foot in the door and greatly weakening the orderly system of marketing that we have in this State. Commercial reality sometimes takes little account of the needs of those people who grow the product.

I have seen a number of grain handling systems throughout the world, but in my view they leave a great deal to be desired. I know that some people are keen to enter the grain industry. As I said in my second reading speech (and I do not want to be repetitious), the facts are these: the Australian wheat industry has been able to operate reasonably well because of our orderly marketing system and, as the member for Flinders rightly pointed out, the establishment of a cooperative bulk handling company in this State and in Western Australia went hand-in-glove with that system. They are the two best, because they evolved together and they have served the industry, the State and the nation well.

I do not want entrepreneurs to use these provisions in order to get their foot in the door because, once they get in, they cannot be prevented from buying large quantities of grain on the domestic market, holding and storing it, and then running to the Government and saying, 'We overestimated our domestic market. We now have to start trading on an international basis. We have invested all this money. We will have to begin standing people down. The company will run into trouble and we have a lot of creditors.' The Government will say, 'We can't have this. We'll give you a licence. We'll let you go,' and they will then begin.

All the hard-earned gains of the industry which have enabled this country to be one of the top grain exporters in the world will be lost. I realise that other countries grow huge amounts in excess of our crops, but some fundamental facts should not be overlooked. My amendment seeks to indicate to everyone the Opposition's policy on the matter. A Liberal Government in this State would take a dim view, as would I, of anyone trying to muscle in unnecessarily on the grain handling authority of this State. I believe that such action would be contrary to the best interests of all South Australians. I therefore move:

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Line 6—Leave out 'The' and insert 'Subject to this section, the'.

Line 8—After 'Without limiting the effect of subsection (1),' insert 'but subject to this section,'.

After line 11—Insert new subclause as follows:

(3) This section does not confer on the board power—

(a) to store, handle or transport grain in bulk;

(b) to buy, establish, own or operate facilities for the storage, handling, loading or unloading of grain in bulk; or

(c) to arrange for the provision of storage, handling or transport services for grain in bulk,

except as necessary in connection with the board's use of the bulk handling facilities operated by the South Australian Co-operative Bulk Handling Limited or as permitted by the South Australian Co-operative Bulk Handling Limited.

I realise that this is not a perfect amendment. It has been moved with the best motives and the best will in the world in an attempt to protect the hard-won gains and benefits of the grain industry in this State. I want to enshrine in leg-

islation and enhance the protection of that organisation, which has been paid for by the grain growers and which operates a successful enterprise. I have discussed this matter with South Australian Co-operative Bulk Handling Limited, which is keen to protect the exclusive handling rights that currently exist. I have correspondence from the Deputy General Manager to that effect.

Mr BLACKER: I support the amendment. I also share the views expressed by the member for Eyre and I think we all acknowledge that perhaps there is not something quite right in the wording, but we are not sure how we can remedy the situation. The sentiments expressed by the honourable member are valid and I think the point should be made so that in the future historians can look back and say, 'Yes, this point was raised, but it was not adequately covered in the time available.' There is no doubt that the future of CBH could be placed in jeopardy as a result of this legislation, and that concerns us all, because they have grown up together as not only a marketing arm but also a handling arm and, as such, we should keep them together if possible. I appreciate the concerns of the Minister, but more particularly I support the concerns expressed by the member for Eyre.

The Hon. D.J. HOPGOOD: I hear what members are saying and I also hear what producers are saying. I can confirm that last year there were about six meetings in the bush attended by about 1 000 farmers. I believe that some slight confusion in what was expressed there was that South Australian Co-operative Bulk Handling Limited should retain sole receival rights, which it does not have. However, I think we can interpret it as meaning that most people said they wanted South Australian Co-operative Bulk Handling Limited to continue to operate and to have the primacy in this field. It is not for me to argue against that sentiment either here or anywhere else.

I do not think that this amendment is quite the way to go. It may be useful in signalling to the rural community concerns that members have. I would have thought that the better way to go, for either of the honourable members, would be to introduce a private member's Bill amending the legislation which directly relates to South Australian Co-operative Bulk Handling Ltd; or, if that is seen as not being a realistic legislative option—and of course most private member's Bills are not—then the members should discuss with my colleague, the Minister of Agriculture, the possibility of the Government's taking that legislative course.

Again, it is not for me to commit the Government to anything at all. Members know the circumstances in which I, rather than the Minister, am handling the Committee stage of this debate. I seriously urge that course of action on the two honourable members because, for the reasons I have previously indicated, I can give no other advice to the Committee at this stage than to reject the amendment.

Mr GUNN: I certainly will be happy to discuss this matter, as I am sure will the member for Flinders—we could do it jointly—with the Minister of Agriculture, as I would be happy to discuss any matter that will improve the welfare of the citizens of this State with any Minister. I understand the difficulty that the Minister at the table has in handling this particular matter. It is clear from the debate that has taken place that there is a concern; the Government recognises that, and that is something I think everyone will take note of.

I agree with the Minister: there is not much point in members introducing private member's Bills because they do not have a great history of success. I think that I have been one of the few members of this Parliament to have a private member's Bill passed, and that was a Bill to amend the Constitution Act (and I believe it had to go to London, as I was told afterwards, but I did not realise at the time that it would have such an august passage). I will not delay the Committee any longer. I believe we have sufficiently laboured the point to indicate our concern. I will be happy to discuss the matter with the member for Flinders with a view to arranging a discussion as soon as possible with the Minister of Agriculture.

Amendment negatived; clause passed.

Clauses 6 to 9 passed.

Clause 10—'Wheat research deductions.'

Mr BLACKER: I thank the Minister for his second reading response, but I am concerned that the Government has adopted this view. I am even more concerned that some of the producer organisations have expressed a similar view. Whilst at present 90 per cent to 95 per cent of grain is handled by the Australian Wheat Board, legislation just passed by the Commonwealth will almost certainly mean that those proportions and ratios will change. No doubt grain traders will look to take over the control of that grain, if they possibly can.

Therefore, most of those research levies will be lost, with little or no power to be able to recover them again other than by some legislative means. In asking what I believed to be a fairly innocent question in the first instance, I think that I might have opened up a can of worms that I am even more concerned about now than I was previously. I do not believe that we should allow major grain traders to get off the hook in this way, although I can understand that there is some justification for exempting a small milling company which processes 100 tonnes or so of grain.

However, the grain traders will no doubt be looking to get much more of that, and if and when they can extend those powers into export we will have a real problem. By allowing this legislation to pass in its present form we are allowing these grain traders to effectively get off the hook in relation to research levies. I do not believe that that is proper, and I do not believe that the majority of members here believe we should allow these grain traders to get off the hook in this way.

I ask the Minister whether the matter can be reconsidered because, while this issue may appear to be relatively insignificant now, it could well get out of hand, and at least 50 per cent or more of the research levy that is received could be lost because these major grain traders could effectively get out of paying it. I note that the Minister is seeking advice, but I point out that at present, while these grain traders do not have export powers, we are talking about a relatively small percentage of the total grain crop. However, should that be extended through another act of Parliament—not an Act of this State but an Act of the Commonwealth—the problem would become even greater.

The Hon. D.J. HOPGOOD: In relation to the matter that the honourable member raised in his second reading speech, I make two points. First, the Australian Wheat Board has monopoly export powers; only the domestic market has been freed up by the Commonwealth. That concerns up to 20 per cent of the wheat in Australia and, at least in the medium term, the Australian Wheat Board will still sell and buy most of that 20 per cent. The honourable member conceded, in asking his question, that that is probably what I would say, but his concern is how long do we allow this to go on if there is some movement. My attention has been drawn to page 3 of the Bill which, under clause 10 (12), provides:

The Minister may, by notice published in the *Gazette*—

(b) prescribe a class of purchasers or purchases to whom or to which this section is not to apply;

(c) prescribe the manner in which the value of the wheat is to be ascertained for the purposes of this section.

Subclause (13) provides that the Minister can revoke a notice under subclause (12). As I read it, this will allow the power of regulation to at least partly pick up the concern that the honourable member has. I will draw that matter to the Minister's attention, and also draw to his attention the honourable member's concern.

Mr BLACKER: I thank the Minister for his explanation and I thank him for the undertaking to discuss this matter with the Minister. I acknowledge that it gets back to regulation and, therefore, another avenue is available to those within the industry and to members of Parliament to pursue it. However, my preference would be towards something much stronger than that, to make it almost impossible for grain traders to be exempted from the levy. After all, the research levy is there for research into the production of grain. Why let a portion of that research levy slip through our hands because the legislation is not tight enough? To that end I trust that the Minister will take this up with his colleague and, hopefully, another place can consider strengthening it.

Clause passed.

Clause 11 and title passed.

Bill read a third time and passed.

SANTOS LIMITED (REGULATION OF SHAREHOLDINGS) BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 1204.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): By the time a Bill has been through the Upper House and gets down here, it is all over red rover. There is nothing we can do to alter the course of events. I was interested to read the rather fulsome explanation of the Bill given by the Minister in introducing the Bill yesterday. We only saw the amended Bill during Question Time but, nevertheless, the Minister furnished me with the original Bill some time ago, so that I knew what it was all about.

The rather fulsome explanation tells us about the importance of the Cooper Basin to the State's economy, and that is clearly acknowledged. I was interested to learn the economic details, which are to be found in that explanation, which states:

The contribution of Cooper Basin oil and gas production to the State economy in 1987-88 for gas was $270 million and for oil, condensate and LPG $420 million . . .

My natural modesty would normally preclude me from commenting on that, but of course modesty is not a particularly highly prized commodity in politics, I have detected, so I will say a bit about the $420 million contribution from the oil scheme. I pay a tribute—

An honourable member: To yourself!

The Hon. E.R. GOLDSWORTHY: Yes, but particularly to Alex Carmichael, Executive Director of Santos, who would be one of the most intelligent people I have ever had anything to do with. He was a man of action and that project got up and running very much through his efforts. The planning, the negotiation and the putting of the indenture to Parliament and the building of the pipeline and the flow of oil in what was probably the largest project of its type in Australia's history was done in record time, and that was in no small measure due to the efforts of Alex Carmichael.

Certainly, it was my great pleasure to be the Minister in charge of the project, and I got much pleasure in seeing the project negotiated, being put to Parliament and getting it up and running. The Labor Party's major contribution to that debate was suggesting that we were going too fast. Perhaps events in recent history would indicate that in South Australia under Labor's administration we are going a shade too slowly. Nonetheless, I will say no more than that.

It was a significant development for the health of the revenue of South Australia, and I understand that there are now negotiations in respect of royalties from the Cooper Basin. I was also interested to see that there will be a significant increase in royalties flowing in the mines and energy budget this year. At first one might think that it is due to Roxby Downs coming into production. However, there is a hold on royalties there for a few years until Roxby really gets up and running. Then the *ad valorem* royalty, which is over and above the ordinary royalty which applies in the Mining Act, increases by 1 per cent, and a surplus royalty applies after that.

The increase in royalty is largely due under the terms of the indenture which it was my pleasure to have to negotiate with Alex Carmichael. There is provision for an increase over and above the 10 per cent, first negotiated in legislation by the Hon. Hugh Hudson, one of the Labor Ministers of the 70s. That 10 per cent royalty was to apply until 1979. Doubtless, members would not be surprised if I indicated that usually in these negotiations the most hard fought part relates to the royalty.

Anyway, after a great deal of negotiation with Mr Carmichael, he agreed that we would include a clause to allow for an escalation of royalty after 1979. I am pleased that two things have flowed from that: that the income to the State is now $420 million a year, and we are about to enjoy the benefits of extra royalty in terms of that indenture. I do not intend to cover the Bill in detail. The Bill will pass and become law. The Minister gave me an advance copy of the Bill, but I understood that some High Court action was pending, and that there was some urgency in respect of that impending challenge.

That does not quite jell with what I read in the debate elsewhere, but that is as it was put to me. I was willing to accept that. Nonetheless, the Bill is all about seeing that the Santos legislation sticks and that the 15 per cent shareholding limit is strictly adhered to so that, if there are schemes involving individuals and others whereby they wish to engage through an association and can effect more than 15 per cent shareholding, this Bill seeks to clamp down on that and see that that shall not occur.

If we have such legislation on the statute book, it behoves us to see that it sticks and reflects what is intended. If Parliament dictates that no-one shall have more than 15 per cent shareholding in Santos, legislation should give effect to that view. The nub of the Bill is in clauses 5 and 6. Clause 5 provides:

(1) A person has a prohibited shareholding interest in the company if the person is entitled to voting shares in the company that together constitute more than 15 per cent of the total number of voting shares in the company.

Clause 6 provides:

It is unlawful for a person to have a prohibited shareholding interest in the company.

That is what the Bill is all about. The rest of the Bill gives effect to that expression. It does that by reference to the Companies Code as it applies in South Australia. That strengthens the Minister's hand and that of the company

through the Chairman and Secretary to make inquiries to ascertain who are the actual shareholders, and it gives the Minister power in relation to the forfeiture and sale of these shares and the return to the shareholder of any proceeds from that sale, less any expenses attached thereto. If we are to have this shareholding limit, one cannot quibble with the Bill. The original proposal, whereby there would be an appeal from Caesar to Caesar, has been modified. That is sensible and is in line with some earlier legislation which was similarly modified in another place, as I recall in relation to the Trustee Act.

I trust that the Bill does what it seeks to do: that is, strengthen the provisions so that, if the legislation is to have meaning, it will not be open to challenge in the High Court. Such a challenge would simply indicate that there is a reasonable doubt about the legislation's validity. I am never chuffed when legislation is sent off to the High Court. I am not saying that that would occur in this case, but there are cases where it would appear that the High Court makes highly political decisions. It is probably not relevant in this case, but when we get a four:three split on the High Court, when it invokes overseas treaties to give effect to what are essentially political decisions, my faith in the High Court tends to be significantly weakened. Nonetheless, that is another argument. I would not like this legislation to be subject to a High Court challenge. I think I have said enough to indicate to the Minister that I do not believe that this debate should be further prolonged.

The Hon. J.H.C. KLUNDER (Minister of Mines and Energy): I thank the Deputy Leader for his contribution and for his indication that the Opposition supports the Bill. The Bill comes to us from another place in a slightly amended form, and I have no objection to the amendment that was made, which involves only a slight extension of the normal challenges—which would be possible in any case. The Bill does two things. First, it updates various mechanisms, such as bringing the 1979 legislation into line with the Companies (South Australia) Code. It also makes abundantly clear to those people to whom this applies that the Parliament and Government of this State believe that the control and ownership of Santos should not pass into the hands of those people whose aims might be different from the aim that we in this State have, namely, to use the resource in the best interests of South Australia. Like the Deputy Leader of the Opposition, I have no wish to prolong the debate and so I will leave my remarks at that.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. E.R. GOLDSWORTHY: I am interested in the reasons for the introduction of the legislation. I understood from my discussions with the Minister that the legislation was likely to be challenged, that that challenge was imminent and that the Minister had used his good offices to forestall the challenge. Was I mistaken? Was that not the original thrust when it was suggested to me that we needed the legislation?

The Hon. J.H.C. KLUNDER: I can cast some light on that. One of the discussions I had with the Deputy Leader concerned the question on notice from the member for Hanson, in which he alleged that the 15 per cent limit on shareholding in Santos had been breached. On checking this matter, I found that there was a difference of opinion between a group of people and myself in that I believed that there had been a breach of the 15 per cent rule, while they believed that there had not been. They indicated that they had had legal advice that they had not breached that limit of 15 per cent. They also indicated that rather than get into a brawl about the matter they felt it would be appropriate for them to decrease their shareholding below 15 per cent. So, that situation was headed off. It was clear from my discussion with them that that group and I had different views as to what constituted a breaching of the 15 per cent rule. That, indeed, was one of the causal incidents in relation to having a further look at the 1979 legislation—which in fact resulted in this Bill.

The Hon. E.R. GOLDSWORTHY: I well recall what the Minister has put to me, but I also recall that we needed to do something about the matter because the Crown Solicitor had put forward the view that the legislation was likely to be open to challenge and that in fact that challenge was imminent. I will not belabour the point, but I simply wanted to make sure that my memory was not failing.

The Hon. J.H.C. KLUNDER: We may have been talking at cross purposes earlier. I did indicate to the Deputy Leader of the Opposition during that discussion that the Commonwealth's entry into the field, under the Corporations Act, meant that there could be some doubt as to the validity of the protection for Santos, if it were based purely on the fact that it was incorporated in this State. The Deputy Leader will note that the current basis for the protection is not incorporation in this State but the fact that it is recovering fluids, if you like, within this State. There has been a change in the base of the legislation, which we hope will obviate any chance of a challenge—which previously might have been based on the fact that Santos was incorporated in this State.

The Hon. E.R. GOLDSWORTHY: Was there any expression from the company that it desired this legislation?

The Hon. J.H.C. KLUNDER: No.

Clause passed.

Clause 4—'Application of Act.'

The Hon. E.R. GOLDSWORTHY: In relation to speculation in the media, I think it was in Saturday's business pages that I read that this legislation will allow the company to split off its interstate operations and form a subsidiary company and that that subsidiary company would then not have the 15 per cent shareholding limit applying to it. I guess under this clause that could happen. Is the Minister aware of any such proposals?

The Hon. J.H.C. KLUNDER: I think that that speculation was a trifle mischievous. Regardless of how Santos restructures, while it or a subsidiary company is engaged in the recovery and production of petroleum within this State this legislation will stand.

Clause passed.

Remaining clauses (5 to 17) and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

Adjourned debate on second reading.

(Continued from 27 September. Page 962.)

Mr INGERSON (Bragg): The Opposition opposes this Bill principally on the grounds that we believe the heavy commercial carrying industry is heavily taxed at the moment and, in essence, this is just another tax that will be passed on to the consumer through a fairly significant increase in cost to the heavy road transport industry. I understand that the Government has had negotiations with the industry and, generally, whilst the industry supports the splitting of the

registration in relation to the prime mover and that of the trailer, there has been considerable argument with the Government in terms of the proposed increase in fee to $150.

My understanding is that negotiations started at about $400, and the figure has been gradually whittled down to $150, and the industry is very concerned that this is really just the beginning of a fairly significant price hike in the area of trailers. In discussions with us, the industry has raised a matter that should concern all of us, in that there will be a significant increase in road freight costs right across the nation.

The Government has stated that there are good grounds for introducing this trailer charge, and its argument has been that a lot of trailers are not registered, and we would not disagree with that. It is a fact of life. However, it seems to me that the Government is taking the opportunity to add another cost to the industry with no guarantee that it will be held in any line for any period of time. The Opposition believes that a simple way to make this change would be to recognise a trailer component in the existing registration formula and change that so that both the prime mover and the trailer were covered under the existing charges. This Government has traditionally been a high taxing Government, and it is implementing a further charge to the industry, a charge which the industry is concerned will escalate considerably in the near future.

Another aspect of the Bill refers to third party insurance. There has been a considerable amount of discussion with the industry over the non-coverage of third party insurance by some trailers because they have not been registered, and we support the argument put forward by the Government that there is an obvious need to cover everyone on the road. If some trailers have not been registered and, as a consequence, are not covered by third party insurance, we support that stand, but we do not believe there should be any significant cost increases to the industry. A memo sent to me from the South Australian Road Transport Association on this issue states:

> The majority of trailers registered in South Australia carry their own individual CTP insurance and accordingly no difficulties should arise. Although no Federal Interstate Registration Scheme (FIRS) trailers are currently 'registered' in South Australia, you can be assured that any FIRS trailers 'registered' in this State would be required to have a separate CTP insurance policy issued in respect of each trailer.
>
> In South Australia one potential area of concern relates to the operations of trailers which are registered with a prime mover as a combination. In such circumstances the CTP insurance covers the combined rig, with the trailer not having separate CTP cover. The intention is that the specified trailer should not be used in conjunction with any other prime mover; as a result the trailer would be covered in all reasonable circumstances. Thus, providing the trailer is used within the law, that is only operated in conjunction with the nominated registered prime mover, no difficulties should arise.
>
> A potential problem, however, is that as a result of modern business practices trailers are likely to be frequently interchanged and not operate with the nominated registered prime mover. Issues arising out of trailers not having separate CTP coverage in this situation, being involved in accidents may only be resolvable at the judicial level. Nevertheless, in order to close any potential gaps, operators have the option of separately registering such trailers at a nominal registration fee of $31, with an additional CTP insurance fee of $14, thus avoiding any potential difficulties.

Basically, the association suggests that there is an opportunity at a reduced rate to do that now and, if it is not being done, we would support the Government's making sure that it is done. However, we do not believe that it needs to occur at the same time as increasing this fee to $150. We are concerned, as is the industry, that all we are doing, in essence, is taking the opportunity now to increase the taxation on the road transport industry.

A paper was recently produced by the National Transport Federation Limited to go to the Interstate Commission (ISC) in which they refer to significant taxes and charges already being paid by the industry. As the Minister would be aware, there is a significant payment by the industry presently in terms of the destruction that is caused on our road system, and there is no doubt that that is the case. The relativity of it is something that is always argued, and many people in the heavy transport industry would argue that they are being excessively charged. This very interesting document sets out the sorts of taxes and charges that the road transport industry is paying. In part, the document states:

> Our federation has maintained that previous ISC studies have created an artificial relationship between predetermined taxes and charges, and the industry's contribution to road funding.

In other words, it is argued that the Interstate Commission is not taking totally into consideration what is in fact paid, and it is coming to unreasonable conclusions in terms of registration fees. The document continues:

> This problem was highlighted by a prominent truck retailer who has collated a breakdown of taxes and charges paid to the Federal Government per truck, as follows:
>
> Delivery Cost: Sales Tax—$25 000
> Registration Fee—$3 949
> Fuel Usage:
> Based on 250 000 kilometres per annum—126 100 litres of fuel is used at 22.39 cents per litre tax, which is a charge of $28 234 per annum.

At State level, based on the same figures of 126 100 litres of fuel used, with a tax of 4.5 cents per litre, a further $5 675 is paid. The document then refers to service requirements, involving sales tax, totalling $960. Tyre costs, attracting significant sales tax, total $1 870, and for minimum maintenance parts (brake linings, etc.) there is a figure for tax of $180.

Therefore, annually, on a petrol usage basis, the industry is paying Federal taxes and charges of $60 197, plus $5 675 to the State. One can see a very significant contribution per vehicle to the Federal and State tax system. These figures clearly show that the road transport industry is already paying significant taxes, both Federal and State, while this measure introduces a further tax on the industry that the Opposition believes is unrealistic. Whilst it is only $150 per trailer, the Government has indicated strongly that the long-term effect is that the tax will be applied principally to the trailer and, by inference, that will mean a significant increase in taxes as a result. The Opposition believes that the industry has paid, and is paying, sufficient taxes at the moment and that, as I have said, this is just another additional tax.

We acknowledge that certain trailers are used domestically—6 × 4, two-wheeled trailers—and they will be exempted, as will caravans and other types of non-commercial trailers. The Opposition supports that move because, otherwise, we would be imposing a very draconian measure on people who are not using a trailer for commercial purposes.

Previously, as I have indicated, prime movers and trailers were registered as a combination. The Bill clearly stipulates separate provisions in this respect so that the new fee schedule can apply first to prime movers and, secondly, to trailers. The Opposition is concerned that this is just another tax imposed by a high taxing Government and that there will be no future control over taxation on the road transport industry, a matter which will have a very significant effect on all South Australian consumers. The Opposition opposes the Bill.

The Hon. FRANK BLEVINS (Minister of Transport): It was with a certain amount of disappointment that I listened

to the member for Bragg. It is a great pity that the Opposition is opposing this Bill, as I believe it provides for a very modest impost on the road transport industry—very modest, indeed. As I said, I regret that the Opposition has seen fit to oppose it. One can argue, as the member for Bragg has done, about the amount of taxes and charges that the road transport industry attracts. I have also read a lot of material, from the Interstate Commission and other bodies, that has attempted to quantify the amount of subsidy, in effect, that is paid by the community as a whole to the operators of heavy commercial vehicles.

One thing that is perfectly clear to me from that reading is that there is a subsidy, and quite a significant one. Whether it is as high as the interstate commission stated, amounting, from memory, to $30 000 or $40 000 per annum from the community to the transport industry, or whether it is as low as the transport organisation's figure quoted by the member for Briggs, I am not prepared to say. I am convinced, however—and I think that, on reading the figures, the whole community would be convinced—that the ordinary taxpayers of this State are subsidising, by one means or another, the heavy road transport commercial industry.

In addition, I am particularly concerned that one section of the community subsidising the industry quite extensively is the private motorist. The private motorist pays registration fees, and all those fees are used on our road network. Of course, in the building of new roads, it is perfectly proper that private motorists should pay a fair proportion of the cost. However, wear and tear on roads is caused almost entirely by heavy transport vehicles. The ordinary motorist contributes very little to such wear and tear. Therefore, the ordinary domestic motorist is paying quite a heavy share—in fact I believe it is a disproportionate share—of the cost of repairing damage to the roads.

In the second reading explanation, I pointed out quite clearly that all Transport Ministers, irrespective of whether they were from Liberal or Labor States, agreed that a $250 minimum fee was appropriate. Of course, that is $100 more than this Government is proposing. The original recommendation from the Commonwealth was a fee of $400 for heavy commercial trailers. All Australian Transport Ministers said, 'Well, that seems to be a rather large jump for some States to take—$250 is appropriate.' Therefore, this Government is already proposing a fee $100 less than was agreed by the Ministers.

Again, in the second reading explanation, I listed the charges paid in other States. At present, the charge in South Australia is $33 per annum; in Queensland, $71 (I understand that Queensland has agreed to adopt a fee of $250, which will still be well in excess of the fee in South Australia); in Victoria, $175; and in New South Wales it is in excess of $1 000 per annum.

I am sure the community would support the proposition that $150 per trailer is not excessive. From memory I do not believe that I have had any complaint from the road transport industry about the level of the fee. No industry supports an increase in fees and I would be surprised if it did. However, the fee is so modest and the logic of the case so compelling that the road transport industry has certainly not been up in arms about this charge. Immediately upon the completion of the debate I will contact the South Australian Road Transport Association to ascertain what position it adopts. My understanding is that there has been extensive consultation and the industry knew that the proposition was coming up. It has certainly not sought an interview with me. I cannot remember it writing to me or in any way protesting against the charge.

I refer to the point made by the member for Bragg regarding compulsory third party insurance, which is a complex issue. As the member for Bragg and the whole of the industry would agree, the way in which the present compulsory third party arrangements were arrived at and have been implemented is a difficult issue. Within the industry a degree of trailer swapping goes on so that some trailers are not covered for compulsory third party insurance. Industry leaders do not support that and I know that the member for Bragg would not support it either.

We believe that the mechanism in the Bill will eliminate that practice. It simply increases the penalties for anybody involved in driving a trailer not covered by compulsory third party insurance. That proposition is necessary and one that everybody ought to support. From memory, I have had no queries from the industry about the proposal for increased penalties for people who do not comply with the law on compulsory third party insurance. For the industry and for the whole of the South Australian community, the case is compelling. Despite the Opposition's opposition to the Bill, I expect the House to support it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr INGERSON: The Minister said that the community generally is subsidising the road transport industry. Will the Minister put before the Committee what those subsidies are, because the industry has put to me that this is the beginning of a whole range of increases in taxes or charges, and it is concerned about that. As the Minister made the strong comment that the industry is being subsidised, perhaps he could explain that comment to the Committee.

The Hon. FRANK BLEVINS: I refer the member for Bragg to the report of the Interstate Commission.

Mr INGERSON: The basic reason for so arguing is that the industry generally would disagree strongly with some of the decisions made by the Interstate Commission, not in principle but in quantification. The argument in principle is, I think, supported by everyone: there is an argument of quantity. That is the principal reason why we have put forward our opposition today, saying that the quantity paid by the industry in taxes and charges at both the Federal and State level is significant and that it is not being subsidised to the extent argued by the Interstate Commission.

The Hon. FRANK BLEVINS: That may well be so. I am not saying that the Interstate Commission is correct or that the quantum it has arrived at—$30 000 or $40 000 a year—is right. I have no way of testing its results. Others have a way of doing that, and the debate will go on for a while. From the amount of material I have seen, there is no doubt there is a subsidy. I am not prepared to state precisely the quantum of that subsidy. The Interstate Commission may be wrong. It is a body of people who do their sums and make their assessments. Apart from one section of the industry, I have not heard anybody argue that there is a subsidy: it is the level of that subsidy that is under debate. I am sure that the level of subsidy was calculated by the Interstate Commission at between $30 000 and $40 000 per year. We are introducing here a fee of $150 a year, so we have erred on the conservative side.

Mr INGERSON: That is a use of figures in a most convenient way. One of the concerns of industry is that these subsidies are not fair and reasonable because, whilst only $150 is involved in this instance, when that sum is added on to those significant taxes and charges which I quoted earlier and which have been put together by the National Transport Federation (and most of those figures

are easily substantiated in terms of charges already paid by an owner-driver), it becomes of concern to the industry. Where does the Minister see the $150 charge going in terms of quantum and for what sort of time frame does he see it being held at $150?

The Hon. FRANK BLEVINS: I cannot speak for Governments of the future. It is something on which Governments will make a decision at the time.

Mr S.G. EVANS: Would the Minister agree that the industry is, and has been for many years, very competitive? It is competitive to the point where at times owner-drivers are exploited by some of the larger companies that are able to take out contracts from manufacturers and distributors and then sublet to subcontractors, the owner-drivers. Quite often, the pantechnicon or the trailer unit is owned by a large company.

Because the industry is very competitive, the community is provided with a reasonably priced service, and it keeps down the overall cost of transport within Australia, and more particularly in this State, which has a small population. There are large distances between some of Australia's major population centres. Those lower costs are of benefit to the whole community.

To my knowledge, the Interstate Commission has never attempted to show the benefit society receives from the highly competitive nature of this industry. Its usual comparison involves the cost of the vehicles used in the industry and methods of transporting *vis-a-vis* road vehicles as against rail. Quite a lot of evidence has been provided by the union movement, in particular the railway unions, which has argued that the industry is not subsidised to the same degree as is the road transport industry. Let us for argument's sake say that the figure is $30 000 or $40 000 per unit. I am not sure whether the Interstate Commission refers to units used on the interstate long hauls or on every heavy vehicle, and whether by 'long haul' it means from Port Augusta to Adelaide or from Adelaide to Melbourne.

If we were to charge those groups the amount that it is claimed they are subsidised, inflation would increase dramatically, because there are great distances between population centres in this nation. This State in particular would pay a large penalty, because we rely on exporting to that huge population on the eastern seaboard. Any extra charge on this industry would not affect people in the eastern States, in Melbourne and Sydney in particular where 10 million people reside but, rather, it would affect our manufacturers. We must be conscious of that fact when we impose an extra cost on the industry.

I do not care about the argument as to the size of the subsidy, because the service provided is still very cheap when compared with what it would be if we took another tack. The State that would suffer the most would be South Australia, and to some degree Western Australia would also suffer. We should be very conscious of that fact in South Australia. It is easy to accept the arguments of the Interstate Commission, but it does not have any real concern about South Australia. We are on the end of the line of most of its decisions and we are treated as being of little significance. Does the Minister agree that this is a very competitive industry and that, in the end, the consumer will have to pay this burden even though it may seem to be a small increase? We must constantly be conscious that there is a problem in that area for South Australia.

The Hon. FRANK BLEVINS: The answer is, 'Yes, it is a very competitive industry.' The member for Davenport suggested exploitation of small operators who own only a prime mover while the trailer is owned by a large freight forwarding company. I am sure that some exploitation does occur. However, I would argue that, if those operators joined the Transport Workers Union, they would be able to do something about that exploitation, but that is up to them and there is not a great deal I can do about that. A marketplace exists and, if these people choose to enter the marketplace, the same system that allows them to become a Peter Abeles or whoever else also allows them to go broke. If they want moderation on the market, I suggest they join the Transport Workers Union and attempt to exert some influence in that way. But that is up to them.

Small operators will be advantaged by this proposal in comparison with the large operators who own dozens of trailers and who have to register only one of them (and the registration lies with the prime mover): the burden will be shifted somewhat from the small operator who owns only a prime mover to the large operator who owns a number of trailers, many of which are not registered. From memory, not one of those large operators has contacted me to complain because of the justice of this legislation.

I point out that South Australia will still have the lowest trailer registration fee in Australia. I cited earlier the fees that apply in other States. At the moment, the fee in South Australia is $33 and that will increase to $150, but New South Wales charges $1 000 per trailer, so I would have thought that there was still some extensive competitive advantage to South Australia, given the wide variation between the two fees.

I do not particularly want to go into all the economic arguments about who benefits and who does not benefit from a subsidy. For the purposes of the argument the member for Davenport said, 'Let us take it that there is a subsidy, so does not this subsidy benefit everybody?' How can that be so? Somebody pays for the roads so, whether they are paid for through fees such as this so that it is put directly onto the industry or whether they are paid for from general revenue, we must remember that the roads do not build themselves. At the moment, through various taxes, the taxpayers pay to build and maintain the roads so, if the burden is shifted from them to the transport operators, provided that the same number of roads are built, the community is no better or worse off: it is just that the industry that causes the damage is being forced to pay more and the general taxpayer pays less. So, in my view, there are no winners and losers as between the road transport industry and the general taxpayers.

It may well be that there is a movement in the amount of freight that would be carried by road or rail, as mentioned by the member for Davenport. This would be a microscopic step towards introducing the level playing field that the operators of railways request. I will not enter the argument whether the railways are right or wrong, but again for the purposes of the argument we will assume that they are right and that the road transport industry is heavily subsidised, therefore freight in this nation is not moved in the most economical way. There may be some benefit. An economist would argue that there is some benefit to the nation by creating a more level playing field and that freight is moved more efficiently, and so on.

I am sure that we could all put the economic arguments, but I do not think that a fee of $150 for a trailer would warrant our canvassing the economic arguments, because the fee is trifling. I have figures relating to the additional cost on operators. When compared with annual operating costs of $245 000 for high kilometre vehicles operating on interstate routes, a charge of $150 represents a very small increase of .06 per cent. That is quite trifling, which is probably the reason why the industry has not bothered to contact me.

Mr S.G. EVANS: In the case of trailers used some but not all of the time with stock crates, and in the case of horse floats (which are of a more permanent nature), is the tare weight of the trailer to include the stock crate or horse float? What information will the owner of the vehicle have to send to the Registrar of Motor Vehicles to verify this? Will a certificate or statutory declaration be required in relation to the tare weight of the vehicle? By what method will application and payment be made?

The Hon. FRANK BLEVINS: If the alteration to the trailer is permanent and if the stock crate is adequate, the whole of the vehicle, including the stock crate, will be taken as the weight of the vehicle. In relation to the second question, the Department of Road Transport has to be contacted by letter by the person who has made the alteration to the vehicle.

Mr S.G. EVANS: I am talking about the $150. How does one set the tare weight of the vehicle? Do they make an application or do they take it to some point to be inspected?

The Hon. FRANK BLEVINS: If there is any doubt, they will take the trailer to a weighbridge.

Mr S.G. EVANS: They do not have to take it for inspection?

The Hon. FRANK BLEVINS: No. My understanding of the industry is that the weight of trailers is known at the time of purchase. Generally, people do not knock these things up in their backyard and then wonder how much it weighs; it is a little more organised than that.

Mr S.G. Evans interjecting:

The Hon. FRANK BLEVINS: The member for Davenport might. Generally, people in the industry buy trailers of a certain size and weight, about which there is no dispute.

Clause passed.

Clause 4—'Repeal of section 33a.'

Mr INGERSON: This clause is the main part of the Bill as it repeals the current charges. The Minister said that $150 was a small amount to be added to the registration, and I accept that that is the case; I think that the industry also accepts that. However, the industry did not think it was any use arguing with the Minister about it because it was a *fait accompli.* The industry knew full well that this charge was to be introduced because a decision was made federally with all the Ministers. The industry was concerned to reduce the amount, and $150 ended up being the amount arrived at by the Minister in consultation with either CETAC or the industry.

There is no argument in the industry about the amount paid to register vehicles going directly to the roads, but there is concern that only 20 per cent of the Federal fuel tax and one-third of the State fuel tax goes to the roads. Whilst the industry recognises that it is the major destructor of the roads, it also recognises that through the registration system the Government is continually adding to the costs of road transport but does not admit that the industry contributes significantly through the fuel tax system.

As I pointed out, only $25 million of the $75 million collected by the State from fuel tax goes to the roads, the heavy road transport industry being the biggest contributor. Principally, that is the argument, and I think it is fair to say that in this case the Government is merely increasing the amount to be paid to register a vehicle because of the increased cost, but that it does not take into consideration the significant contribution that the industry makes by way of fuel tax.

That is the industry's major concern, that here again it is being penalised when it is already contributing considerably to taxation generally. In relation to the argument of 'no complaints', there is no question that the industry has been concerned about this issue. One has only to talk to the carriers to find out that they see this as another impost of $150 today, but where will it end? The industry knows full well that this is the first step towards a significant increase in tax through this particular arm of Government, and it is concerned about that, and the industry put that argument to us.

Earlier I asked about pegging the charge. While the Minister said that he could not make a decision for a future Government, for the sake of the industry he could give an assurance that this charge will be pegged for at least 12 months so that the industry does not expect a significant increase in that time.

The Hon. FRANK BLEVINS: As I said earlier, I cannot commit any future Government. Any future Government can do as it wishes. It is outside my control.

Clause passed.

Remaining clauses (5 to 7) and title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. FRANK BLEVINS (Minister of Transport): I move:

That the House do now adjourn.

Mr HAMILTON (Albert Park): This is an appropriate time to acknowledge the efforts of a person who for many years played a very important role in elections in South Australia. This gentleman was well known to me, and at this time leading up to the forthcoming election it is appropriate to acknowledge the very important role he played in the electoral system here in South Australia. I refer to Mr John Maxwell Porter, who passed away last year. I want to record my acknowledgment of his involvement in the electoral system in South Australia. Mr Porter was appointed Returning Officer for the House of Assembly district of Hindmarsh on 7 January 1958. He was later appointed Returning Officer for the House of Assembly district of Albert Park following the redistribution of the State electoral boundaries and a change in the names of some districts: for example, Hindmarsh district ceased to exist under that name.

Max Porter retired as a returning officer on 24 June 1981, having reached the compulsory retiring age of 70 years on that date. His son, Donald Porter, was appointed Returning Officer for the House of Assembly district of Albert Park, as from 1 July 1981, replacing his father. He held that position until he resigned on 30 June 1989.

Since his teenage years, Mr Porter had a working interest in the organisation and the running and conducting of elections. His work in this area covered working in a polling booth for both State and Commonwealth elections, and the issuing of ration vouchers during the 1940s. He was in charge of a polling booth at most State and Commonwealth elections held since the late 1920s, up to the time of his retirement as a returning officer for this State.

Max Porter was a State public servant for more than 50 years. His son is currently employed as a State public servant and has completed in excess of 30 years service. This makes a combined father and son total of more than 80 years service. In addition, this father and son combination has worked in the following capacities: first, as returning officers for the House of Assembly district of Albert Park for a period in excess of 20 years; secondly, as returning officers for a House of Assembly district for some 31½ years (from 7 January 1958 to 30 June 1989); and, thirdly, as officers actively involved in State and Commonwealth

elections, including being in charge of polling places from the late 1920s—for some 60 years. This total is expected to increase because Donald Porter is continuing in this capacity.

Max Porter was a keen supporter of the Port Adelaide Football Club all his life. It is regrettable that he did not see the back to back premierships of the Port Adelaide Football Club. He was a very keen and active supporter of that club. His involvement in the administration of the Port Adelaide Football Club commenced in 1956, when he was appointed treasurer of that very esteemed club. He held that position for more than 20 years and then was appointed to the position of auditor, which he held until the time of his death, together with the position of returning officer for the club. His overall involvement with the club covered a period of about 32 years.

Max was a life member of the Port Adelaide Football Club, and he was very proud to be so. He was one of only three life members of the Port Adelaide Football Club. A tribute to Max Porter appeared in the book, *One Hundred Years with the Magpies—A Story of the Port Adelaide Football Club from 1870 to 1970.* He was well known, and I understand that he was a close friend of big Bob McLean.

Mr Max Porter was a well known and very much liked person in the community. He was also a member of the Alberton Uniting Church for over 70 years. He died suddenly during the Alberton-Port Adelaide parish's annual general meeting in December last year. During his many years in the Alberton Church, he had moved from Sunday school scholar to treasurer, secretary and superintendent of the Sunday school. He had been a trustee of the church for possibly 50 years and at the time of his death he was its treasurer and a member of the management committee.

He was a member of the Alberton Methodist Order of Knights (Knight Commander) and he became District Knight Commander and a member of the Grand Order of Knights. He had a keen interest in sport, as I have said. He played football and tennis for the church and it is believed that he was club champion for a record number of terms. He also played interstate schoolboy football, only turning to administration of the game due to an injury.

I knew Max Porter. He was a very honest person and he carried out his duties admirably for the Electoral Department of South Australia and indeed for the people of South Australia. He was a well respected man and I certainly appreciate the work that he did. Indeed, his son, Donald, has followed on in a similar capacity. I know that both his wife and his son will be pleased that in this tribute I have placed on record details of his involvement in this very important arena, which we all know of in this place.

In the short time left to me I refer to a matter of environmental concern. There are now many Johnny-come-lately environmentalists, but I have placed on record my involvement in environmental issues in my electorate since coming to this place in 1979. I refer to a recent *Quantum* program, shown on 30 August 1989, which dealt with the matter of a natural insecticide being produced from the Neem tree. This program pointed out that Australian research is leading the way to replacing toxic chemicals. One of the ways involves use of this tree, which yields a substance which is a very potent weapon against insects. This is a natural insecticide which carries the unwieldy name of Azadirachtan. The program pointed out that science uncovered this molecule's powerful properties over 20 years ago.

The project has been researched by Dr Martin Rice, an entomologist, who specialises in the study of insect senses. There is an entirely different response from insects when this substance is sprayed on grass. In actual fact, the insects sit on the grass or the plant and are completely stunned, not unlike some members opposite, I might be so bold as to suggest. If they are left for several days, they will actually starve to death.

I would like a little more time to fully discuss this matter, but I raise it because I believe that the State Government should be looking closely at the growing of this tree. That is perhaps a potential industry for South Australia. If we could use natural defence mechanisms against insects, hopefully we would be able to do away with a lot of the toxic substances currently on the market. Some insects grow immune to particular chemicals and one has to keep increasing the strength of those insecticides. Given the way in which this substance is praised, one would hope that the Minister of Agriculture would look into this matter.

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

The Hon. JENNIFER CASHMORE (Coles): This afternoon I asked the Premier why the State Bank is pursuing a course of action which would almost certainly force about 44 former employees of Health and Life Care Ltd into personal bankruptcy when they were simply the innocent victims of Health and Life Care, which has been financed by the State Bank and which is going into receivership. The Premier replied that he knew nothing of the matter but that he would look into it. I certainly hope he does, because I believe that a grave injustice has been done to these employees.

The background to the present situation is complicated, and I shall try to simplify it and put it on the record so that people can understand the involvement of two major State authorities—the State Bank and the State Government Insurance Commission—in an affair which appears to have gone sadly astray and in dealings which are, to say the least, from the employees' point of view, questionable. Between April and June 1986, $1 shares were offered to employees of Health and Life Care, known as HLC, as an incentive on the basis of 10c payable on allotment and the balance of 90c payable in 1991. Employees were told that it was as good as having money in the bank and that 90c was really an interest free loan by the company.

In June 1987, Health and Life Care purchased hospital assets of Dr Ian McGoldrick's Consolidated Health Care group. The State Bank of South Australia looked at the Consolidated Health Care figures and agreed to be the leading financier involved in the purchase. I understand that the State Bank lent on the basis of that examination, of unaudited accounts incidentally, $68 million to Health and Life Care.

Mr S.J. Baker interjecting:

The Hon. JENNIFER CASHMORE: It is not the first time major loans of tens of millions of dollars have been made by the State Bank on the basis of unaudited accounts. It is also worth noting that, if the State Bank, and later SGIC, had examined the commercial activities of Mr Jim Kellie, then Managing Director of Health and Life Care, particularly in respect of his former company, Boots Camping Hire, they would have found a very questionable record.

Mr S.J. Baker interjecting:

The Hon. JENNIFER CASHMORE: That company, as the member for Mitcham says, is in receivership. In any event, the bank saw all the financial details of the operation. The employees, who were offered the employees shares and who worked in the hospitals and nursing homes, saw nothing and were told nothing. Many of those employees were nurses and some were clerks. In addition, a highly bullish report from Morgans convinced employees that both Mor-

gans and the State Bank of South Australia knew what they were doing. Who in this State as an employee of a statutory authority, namely SGIC, about to buy their employer's business, would not believe that the State Bank knew what it was doing when it was buying a company and that that company was likely to have a profitable, at the very least secure, future?

Mr S.J. Baker: It is almost like State Government backing.

The Hon. JENNIFER CASHMORE: Indeed; it is like State Government backing. The employees believed that the State Bank knew what it was lending on. In August, $7.2 million was raised by Health and Life Care from the placement of approximately 9 per cent of Health and Life Care shares to the State Government Insurance Commission. In May 1988, Health and Life Care was found to be insolvent. It could not pay all its monthly interest debt to the State Bank, a very serious situation indeed for the State Bank, which had lent $68 million to the company. So, the State Bank forced the resignation of Jim Kellie as Chairman and Managing Director of Health and Life Care and, in effect, took *de facto* control of Health and Life Care.

In June 1988, the State Bank suggested the appointment of Mr Ray Foley and Mr Danis Zakis to the positions of General Manager and accountant of Health and Life Care for a two-year period. The board of Health and Life Care had to accept these appointments and they joined Mr Jim Glidden as a consultant in the running of Health and Life Care. In August 1988, the State Bank placed a charge on all the assets of Health and Life Care, including a floating charge over the debtors of Health and Life Care. In addition, it topped this up by placing a charge on the employees share scheme. These actions enabled the State Bank to move from being an unsecured creditor to a fully secured creditor at the cost of other creditors.

Mr D.S. Baker interjecting:

The Hon. JENNIFER CASHMORE: As my colleague the member for Victoria says, that action was a bit dodgy. In October 1988, the State Bank placed Mr John Heard, accountant and Director of Allert Heard and Company, well known receivers, into a supervisory role to ensure that the objectives of the State Bank were achieved. In December 1988, the Health and Life Care board advised employees that it was its intention to amend the employees share scheme to eliminate the outstanding liability of 90c per share. In other words, there was some good faith by the board of Health and Life Care. In February this year, the board advised employees that revision of the employees share scheme was in progress and said that Stock Exchange approval would shortly be obtained, and it has been obtained.

On 29 March this year, SGIC bought out the South Australian hospitals of Health and Life Care and obtained an option on the newly completed Darwin Private Hospital. Well, the State Bank must certainly have been very relieved that another State authority was going to assume some of the debt which the bank would otherwise have borne. In April this year, Mr Glidden, Mr Foley and Mr Zakis announced they were terminating their employment in June as Health and Life Care had changed its asset structure. They had sold off the profitable asset operations—the South Australian hospitals and Darwin Private Hospital—and I understand that each was paid $100 000 termination payment. If that is the case, it was a handsome termination payment for people who had ceased employment long before their contract expired.

In June this year, the board of Health and Life Care advised employees that the draft proposal to ask shareholders to extinguish the outstanding liability on the shares and to cancel the scheme was being submitted to the directors for approval. However, on 3 August this year, Mr John Heard, acting on behalf of the State Bank of South Australia, told the board of Health and Life Care that, if the proposal to cancel the share scheme was placed on the agenda for the October 1989 AGM of Health and Life Care, the State Bank would immediately wind up the company.

That is a significant threat to shareholders. The State Bank effectively controls the company and SGIC now owns the prime assets of Health and Life Care. I understand that Mr Heard will officially assume the role of liquidator, if he has not already done so, to wind up Health and Life Care. He is already on record as saying, on behalf of the bank, that he will pursue all uncalled capital from employees. That simply means that the employees of one Government authority, namely, SGIC, are being pursued by another Government authority, namely, the State Bank, to the point where quite a number will have their homes sold out from under them. Many of those employees are too old to recover from such a disaster.

Many of them are nurses who believed their employer and believed the State Bank when it lent on a proposition that was to guarantee their security and prosperity, and now they find themselves in the horrendous position—in the case of at least five of those employees—of owing $500 000 to the State Bank. We are talking about approximately $700 000, which the ordinary staff will have absolutely no hope of paying. On behalf of those employees, I can only ask why the State Bank is pursuing $700 000 from ordinary South Australians for 90 per cent of an employee share scheme, the remainder of a bonus issue.

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

Mr De LAINE (Price): In the short time that I have available tonight I will talk about a significant piece of real estate in Port Adelaide commonly known as Cruickshank's Corner, situated opposite the lighthouse on the other side of the Port River, east of the Birkenhead Bridge and between the tug berth and the historic Birkenhead Tavern. Over the years, there has been quite a lot of local agitation to create a maritime park to honour maritime workers, both past and present. Maritime workers are important in the history of South Australia. We all know about the important contribution made by the farming fraternity in the areas of wool, wheat and meat production since the colony of South Australia was formed. However, the maritime industry and its workers have also made a very real contribution. In fact, their contribution eclipses that of the farming fraternity because, in the early days of the colony, the maritime industry maintained the necessary links with Europe and England.

In fact, after the establishment of farms in South Australia, the shipping industry was vitally important for the export of products from those farms and, indeed, from other parts of South Australia and Australia. Therefore, it is appropriate that these people be recognised in some way, for example, in a maritime park in Port Adelaide. This is also seen as an opportunity to provide a waterfront recreational area in Port Adelaide. That has been sadly lacking and the council has been criticised for many years because there is not a great deal of recreational land around Port Adelaide. The siting of such a facility right on the riverfront would be significant.

In recent years, Cruickshank's Corner has emerged as an ideal area for the development of such a park. I had discussions with the then Minister of Marine (Hon. Roy Abbott), and that resulted in a meeting in my electorate

office in May last year. As a result of that meeting a task force was set up by the Minister and that task force has the strong support of the present Minister of Marine (Hon. Bob Gregory). The task force comprises eight people: Mr Hugh Davies, the Director of the Special Project Unit of the Premier's Department, a ministerial nominee from the Department of Marine and Harbors, the member for Semaphore (this piece of land is actually in his electorate, although the water is in my electorate—I do not know whether that is so at low tide or high tide, but the boundary of our two electorates is the waterline in that area); a representative of the Port Adelaide council, a maritime industry representative; a local community representative; and me, as chairman.

The task force has the brief of considering all aspects involved in the setting up a maritime park, and that involves the takeover of the lease for the land, the setting up of the organisation, the ongoing administration, the establishment of a trust fund or board, and the coordination of all aspects of development. The task force will also look at the funding issues, which are vitally important. One member, of the task force Mr Keith Le Leu, owns and operates the Austbuilt Maritime Museum on Fletcher Road, Birkenhead.

Mr Hamilton interjecting:

Mr De LAINE: As the member for Albert Park says, Keith is an excellent person and he has spent a lifetime compiling an excellent compiled of South Australian maritime history. This collection was compiled at his own cost; he expended substantial sums to recover items from the seabed or from various wrecks around the Australian coast. The collection includes anchors, wheel houses from ships, ships bells, bronze plaques, books, photographs and a terrific amount of research material. One of Mr Le Leu's concerns is that, while he is by no means an old person, he has passed the age of 60 years and has no natural heirs. He is concerned that ill health or something else might strike him and he wants this collection to be left in good hands for the people of South Australia and, in particular, for the people of Port Adelaide.

Keith is willing to give all the proceeds of the sales of his Austbuilt Maritime Museum to the maritime park to be used primarily for the erection of the main building as a place where meetings can be held and where people can view the history of the Port Adelaide maritime industry. The building could also be used for meetings by various unions, local organisations and so on and it would also be an added tourist attraction.

Keith was more than willing to give all of his vast collection to the South Australian Maritime Museum when it was set up in 1986. Unfortunately, a disagreement between him and the director (Dr Kevin Fewster) prevented that. In my opinion, this involved personalities, but the main problem was that the South Australian Maritime Museum had a different approach to the museum's situation. Whereas Keith's collection is all about the martime history of Port Adelaide and South Australia, and includes artefacts from ships and so on—the usual sort of museum pieces and research material—the South Australian Maritime Museum's approach has been to set up lifestyle theme exhibitions.

The South Australian Maritime Museum approach has been the setting up of themes of life around Port Adelaide. Some of the material was gratefully accepted by Dr Kevin Fewster, but other items were not. There is room for both places in Port Adelade. Dr Fewster is now Director of the National Maritime Museum in Darling Harbor in Sydney—a post to which he was appointed some months ago, and I wish him well in that important position.

The lighthouse at Port Adelaide was originally intended to be located on Cruickshank's Corner which would have been ideal with the natural promontory there. However, that was not to be, and it was set up on the opposite side of the river on the wharf between Nos. 1 and 2 berths, where it still is a focal point for Port Adelaide, so not a lot was lost. Some levelling of the park has been done and retaining walls have been built to facilitate viewing of the recent speedboat grand prix held in April this year at Port Adelaide. That event will, it is hoped, become an annual international event of significance similar to the Formula One Grand Prix.

Already on this site is the historic tug *Fearless* bought by Keith Le Leu for $1. He funded it and got volunteer seamen to go to Brisbane some years ago and bring the vessel around to Port Adelaide, where it was set up on dry land and is located today as an exhibit and a very valuable training resource for people in the maritime industry. A 60-tonne steam floating crane of historic value is also situated at Port Adelaide. There were several around Australia but this is now the only one in existence. The task force is hopeful of getting this floating crane from the Department of Marine and Harbors and setting it up as a working exhibit, not with steam but with air pressure. The building I have mentioned and various other features of the maritime park I do not have time to detail at this stage. Overall, however, it is intended to be a place to recognise the maritime industry workers' contribution to the State as well as being a place to which people can bring their families to have barbecues, and so on.

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

Motion carried.

At 5.52 p.m. the House adjourned until Thursday 19 October at 11 a.m.

HOUSE OF ASSEMBLY

Wednesday 18 October 1989

QUESTIONS ON NOTICE

SCHOOL AIR-CONDITIONERS

1. **Mr BECKER (Hanson)**, on notice, asked the Minister of Education:

1. What is the Education Department's policy in relation to providing air-conditioners in schools?

2. Will the department ensure that the following schools are adequately serviced with air-conditioners and, if not, why not:

Lockleys Primary
Camden Primary
Netley Primary
West Beach Primary
Henley Beach Primary
St Francis School
St Johns School
Salesian College
Plympton High School?

The Hon. G.J. CRAFTER: The replies are as follows:

1. In 1974 State Cabinet agreed that the Education Department could incorporate air-conditioning as part of the Capital Program for new schools or new parts of existing schools providing funds were available. As a result, most new schools or new parts of existing schools built since that time have had air-conditioning provided as part of the project. It is not Education Department policy to install air-conditioning in schools built prior to 1974. The Department does, however, assist in the provision of air-conditioning where school councils have determined it to be a priority and arrange for a majority of the funds.

2. The Government schools mentioned have part of the premises air-conditioned. There are no plans to extend that provision due to the implication of the policy mentioned in 1 above.

ADOPTION ACT

11. **Mr BECKER (Hanson)**, on notice, asked the Minister of Community Welfare: When, where and how was the $20 000 allocated for publicity of amendments to the Adoption Act spent and what was achieved by the publicity campaign?

The Hon. D.J. HOPGOOD: The sum of $24 000 was allocated to inform the community about the changes to the Adoption Act 1988. This community awareness campaign began in January 1989. This campaign has covered both interstate and the South Australian metropolitan and country areas. A logo, posters, leaflets and more detailed information booklets were designed and produced. After the launch of the Family Information Service, this literature was distributed within South Australia and interstate. All major media outlets covered the launch and the new legislation. Community service announcements ran on all metropolitan and rural radio stations in South Australia.

Additionally a range of interstate radio interviews were arranged. On the proclamation of the Act there was a general media release interstate and within South Australia with subsequent television and radio coverage. As a result of the publicity the Family Information Service received approximately 750 calls in the ten days following the launch of the service. The majority of the calls were positive and requested information. During the last four months over 1 700 telephone calls and in excess of 1 400 mail inquiries have been received from the community by the Family Information Service.

SEARCH AND RESCUE OPERATIONS

36. **Mr BECKER (Hanson)**, on notice, asked the Premier:

1. What action will the Government take to prevent the loss of all experienced search and rescue specialists due to staff of the Integration and Modernisation of Airway Systems being transferred from Adelaide Airport to Melbourne and, if none, why not?

2. From where will aircraft search and rescue operations be conducted after the transfer?

3. Will Adelaide Airport be the only mainland capital city without an Intergration and Modernisation of Airways Systems Program if the transfer goes ahead?

The Hon. J.C. BANNON: The function of coordinating any search and rescue operation involving aircraft in flight is the responsibility of the Department of Transport and Communications. State emergency services are utilised to assist in the search and rescue missions and although it is beneficial to have a localised coordination centre, the transfer of such a centre from the Adelaide Airport would not create any loss in the State search and rescue resource. The Civil Aviation Authority, Adelaide Airport, considers there is no immediate likelihood of a transfer of staff at this time, nor is this position likely to change up to and beyond the year 2000.

The Air Traffic Control Section has basic control of the search and rescue function and maintains a 24 hour watch with six (6) fully qualified members employed, together with a further five (5) or six (6) persons in a back-up mode who are also qualified in search and rescue techniques. The back-up group allows for any voids to be filled when natural attrition of staff causes vacancies in the base group. Similar groups operate in Adelaide, Perth, Melbourne and Darwin. As the immediate transfer of staff is unlikely, the Police Department has no short term concerns. Should such a transfer occur in the long term, current and future communications technology is expected to be adequate to enable an appropriate response to any emergency.

LATE PAYMENT OF BILLS

57. **Mr S.J. BAKER (Mitcham)**, on notice, asked the Premier: Will the Premier order that late payment of bills by Government departments include a penalty compensation component equivalent to the ruling short term bond rate?

The Hon. J.C. BANNON: The suggestion that the Government add a compensation penalty to any accounts paid after the due date is inappropriate. The Government endeavours to pay its accounts before the due date, and I have personally instructed agencies to pay their accounts within 30 days of delivery. This is substantially better than normal trade practice which allows clients to pay their accounts 30 days after the end of the month to supply. Therefore I would expect suppliers to be better off from dealing with the Government than with others. The Chamber of Commerce has acknowledged that the Government is generally regarded as neither a better nor worse payer than other clients. Under these circumstances, it would be inappro-

priate for the Government to offer its suppliers subsidies at the expense of the taxpayer.

FISHERIES DEPARTMENT RESEARCH STATION

60. **Mr BECKER (Hanson)**, on notice, asked the Minister of Fisheries:

1. On what date and under what terms and conditions was land in the reserve administered by the West Beach Trust leased by the Fisheries Department?

2. What compensation has been paid to the trust for the loss of the par 3 golf course and how was this amount arrived at?

3. What progress has been made at the Fisheries Department Research Station at West Beach since its inception?

4. How many private companies have expressed interest in involvement in aquaculture?

5. How many Fisheries Department staff are employed at the research station?

6. What problems have been experienced with obtaining sufficient sea water and what action has been taken to resolve the difficulties?

7. When will the department commence the $5.5 million stage 2 of the research station?

The Hon. LYNN ARNOLD: The replies are as follows:

1. The Minister of Fisheries took control on 25 October 1985. Gazettal notice is attached. Under the terms of section 38 (1) of the West Beach Recreation Trust Act, 1954, the Crown may resume land for public purposes. Section 38 (2) provides for the government to pay compensation for the land resumed, based on the value of any buildings erected, plus any improvements on the land resumed.

2. On 11 March 1985 Cabinet gave permission for the Department of Fisheries to negotiate such costs with the trust, subject to a limit of $350 000. This was based on the estimated cost of the redevelopment of an 18 hole golf course—$700 000—in respect of which the trust sought compensation of half that cost. On 16 April 1985 the Acting Valuer-General advised the Department of Fisheries that the value of $691 820 was reasonable. On this basis, in June 1985 an amount of $345 910 was paid from the capital works budget (OGB) as compensation.

3. Stage 1 of the marine research laboratory at West Beach was commissioned on 4 May 1988. Costing $1.8 million, it contains a large aquarium room with a temperature controlled running seawater system, wet and dry laboratories and an extensive outside area for keeping fish in tanks.

A number of experiments commenced in 1988-89. The main ones were tolerance of western king prawn to salinity and temperature, rates of tag loss and tag induced mortality of King George whiting and use of red algae as food for abalone aquaculture. Other research programs conducted have included projects involving other institutions (for example, Adelaide University) or private individuals. These have ranged from investigations into sound (aural cues) for feeding mulloway to the analysis of red algae as a base for organic chemicals such as agar.

Kinhill Marine Sciences has erected a stand alone laboratory on the site but it shares the seawater supply. This was commissioned on 18 April 1989. Planning has continued for stage 2 of the laboratory complex which will provide full marine laboratory facilities for the State, research accommodation for the research branch of the Department of Fisheries and a new seawater pipeline. The 1989-90 budget provides $2 000 000 for the commencement of construction of a modern seawater inlet system.

4. The Department of Fisheries received of the order of 7 000 inquiries on aquaculture in 1988-89. Many of these were from persons interested in beginning aquaculture ventures. Many were individuals or family groups. The department has provided technical advice to some nine Australian companies or overseas investors, each of which claims to have more than $1 million to invest in aquaculture.

5. Seven. The seawater pipeline obtained from the Marineland operators was old and in a state of disrepair. A severe storm and subsequent high seas in the winter of 1989 caused underwater breakages and clogging with sand.

6. When such problems have occurred, specialist diving contractors have been hired to repair the damage. During periods when the pipeline was not operational for more than a few days, portable pumps and pipes were deployed to maintain supplies. A contractor now has a maintenace contract to keep the pipeline operational. Planning has continued for the development of stage 2 of the laboratory, this includes the new inlet and outlet pipes and associated pumping systems planned to commence in 1989-90.

7. The planning necessary for stage 2 of the laboratory is continuing between the Department of Fisheries and Sacon. User requirements and design specifications and drawings have been completed. Funds have been allocated to commence work on the construction of the seawater component of stage 2 to take place in 1989-90. In preparation, an engineering consulting company has been engaged to prepare final design drawings for this component. The remainder of stage 2 development is subject to normal budgetary and approval conditions.

CROWN LANDS ACT, 1929: SECTION 5

TAKE notice that pursuant to the Crown Lands Act, 1929, I, Roy Kitto Abbott, Minister of Lands and the Minister of the Crown to whom the administration of the Crown Lands Act, 1929, is committed do hereby dedicated the Crown Lands defined in the The Schedule as a Reserve for Fisheries Research Purposes and declare that such lands shall be under the care, control and management of the Minister of Fisheries.

THE SCHEDULE

Section 6032, Hundred of Adelaide, County of Adelaide, exclusive of all necessary roads.

Dated 25 October 1985.

ROY KITTO ABBOTT, Minister of Lands

D.F., 1/4956

TRIBOND DEVELOPMENTS PTY LTD

71. **Mr BECKER (Hanson)**, on notice, asked the Minister of State Development and Technology:

1. Have all the creditors of Tribond Developments Pty Ltd been paid and, if not, why not, and how much money is still outstanding?

2. How much has the liquidator of Tribond Developments Pty Ltd and associated companies of Marineland been paid to date and what is the expected amount the liquidator will receive?

The Hon. LYNN ARNOLD: The replies are as follows:

1. All pre-receivership creditors of Tribond Developments Pty Ltd have been paid except as follows:

Creditors who have recently changed address and whose cheques have been returned unclaimed;

creditors whose debts are currently in dispute;

creditors whose debts have yet to be quantified;

the estimated value of disputed and unquantified creditors is $55 000.

2. No liquidator has been appointed to Tribond Developments Pty Ltd; a receiver/manager was appointed on 13 February 1989 and has been paid $52 645.83 on account of remuneration and disbursements to 30 August. Remuneration has been calculated on an hourly basis at rates supplied by the Insolvency Practitioners Association. The final amounts received by the receiver/manager will be dependent on the total number of hours involved in the administration.

MARINELAND

79. **Mr BECKER (Hanson)**, on notice, asked the Minister of State Development and Technology:

1. What will happen to the 12 sulphur-crested cockatoos currently held at Marineland, and have attempts been made to keep them in South Australia? If not, why not?

2. Where are the aquarium fish, in particuclar the Port Jackson shark, which were kept at Marineland?

3. How many transfer boxes are required for the transfer of the dolphins and sea lions from Marineland, how long will they take to make, why will they take that long to make, what are they made from, and what is the estimated cost?

The Hon. LYNN ARNOLD: The replies are as follows:

1. The 12 sulphur-crested cockatoos have been sold to the highest bidder being the Hamilton Island, Fauna Park.

2. The aquarium fish including the Port Jackson shark were given to the Buffalo restaurant aquarium for display purposes.

3. Transfer boxes will be required for each of the dolphins and sea lions to be transported from Marineland (that is six dolphin transport boxes and nine sea lion cages). The transport boxes have been delivered. The transport boxes are made of a combination of wood and metal in accordance with appropriate regulations. The estimated total cost of their construction is $4 500.

80. **Mr BECKER (Hanson)**, on notice, asked the Minister of State Development and Technology: Have there been any breakdowns of the seawater pump and inlet pipe from the sea to Marineland in the past three months and, if so, why and what was the cost of repair?

The Hon. LYNN ARNOLD: There has been one major breakdown of the sea water inlet pipe at Marineland in the past three months caused by severe storm damage. The cost of repair has been borne by the Department of Fisheries, Research Station. The cost of repair was $18 018.11.

82. **Mr BECKER (Hanson)**, on notice, asked the Minister of State Development and Technology: Has the Government through the State Development and Technology Department taken over Tribond's contract with Zhen Yun Pty Ltd and, if so, why and has the Government paid any compensation to Tribond for the contract that company had with Zhen Yun Pty Ltd and, if so, how much and, if none, why not?

The Hon. LYNN ARNOLD: The Department of State Development and Technology has not taken over any contract between Tribond and Zhen Yun Pty Ltd.

STUDENT TRANSPORT

102. **Mr LEWIS (Murray-Mallee)**, on notice, asked the Minister of Education: In view of the Victorian Minister of Education's statement that any additional cost incurred in providing transport of students to the Murrayville College from Pinnaroo should be met by the South Australian Education Department, what plans are in hand to provide improved school bus transport for children from Pinnaroo to Murrayville?

The Hon. G.J. CRAFTER: The South Australian Education Department has no obligation to provide a bus service from Pinnaroo to the Victorian town of Murrayville, hence there are no plans currently before the Education Department. The Education Department is, however, revising and upgrading the service to the planned consolidated secondary school at Lameroo specifically to accommodate the changed needs of students from the Pinnaroo district from 1990.

SCHOOL COMPUTER EQUIPMENT

125. **The Hon. H. ALLISON (Mount Gambier)**, on notice, asked the Minister of Education: Were all primary, area and secondary schools provided with funds for the purchase of fax machines and computer equipment and, if not, why not and, if so, why were Kongorong, Mil Lel, Yahl, and Compton Primary Schools not included and when will these schools be included?

The Hon. G.J. CRAFTER: All schools (other than those sharing facilities on a single site) were provided with funding for facsimile machines, and all schools with a student enrolment greater than 100 (as at October 1989) were provided with funding for administrative computer equipment. Since Kongorong, Mil Lel, Yahl and Compton Primary Schools have student enrolments less than 100, these schools will be funded at a later phase of the Education Department's strategic information plan.

POPULATION DRIFT

150. **The Hon. D.C. WOTTON (Heysen)**, on notice, asked the Minister for Environment and Planning: What precise action is the Government taking to halt the drift to Adelaide of people from the country to ensure that Adelaide remains manageable in size?

The Hon. S.M. LENEHAN: The question presumes that there is significant net increase in the population of metropolitan Adelaide which is caused by the the shift of rural population. This is not the case. Although the number of persons shifting from the country to the metropolitan area has risen over the past 15 years (35 541 persons between 1981 and 1986 as against 31 874 between 1971 and 1976) this has been more than offset by an increased number moving from the metropolitan area to the country. Indeed, Australian Bureau of Statistics figures indicated that between 1981 and 1986, 34 012 persons migrated to country areas from Adelaide. The major regions to receive this population were Yorke Peninsula and Fleurieu Peninsula.

SACON STAFF

154. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction:

1. How many persons are currently employed in each section of Sacon?

2. How do the employment numbers compare with those at 30 June 1988?

The Hon. T.H. HEMMINGS: The reply is as follows: I draw the honourable Member's attention to the attached

schedule which details staff levels in each division/section of Sacon as at 30 June 1988 and 30 June 1989.

Sacon STAFF LEVELS—AS AT 30.6.88 and 30.6.89

	FTE 30.6.88	FTE 30.6.89
Chief Executive	1.0	1.0
Policy Planning and Property Division		
—Director	1.0	*
—Management Improvement	9.0	6.0
—Industry Services	4.0	3.0
—Policy Development	4.0	3.0
—Property Management/Office Accommodation	10.0	23.0
Policy, Planning and Property Total	29.0	36.0
Support Services Division		
—Director	1.0	*
—Administration	46.0	46.2
—Financial Accounting	38.6	30.0
—Management Accounting	5.0	14.0
—Personnel	20.0	20.5
—Systems	19.5	19.5
—FMS Team	—	3.0
Support Services Total	130.1	133.2
Maintenance and Construction Division		
—Director	1.0	*
—Construction and Maintenance	570.4	547.2
—Regional Service	696.0	651.4
—Supply and Transport	87.3	73.8
Maintenance and Construction Total	1 354.7	1 272.4
Professional Services Division		
—Director	1.0	*
—Project Management	12.0	9.0
—Professional Offices		
Architectural	104.8	99.9
Engineering	57.5	50.6
Structural	31.2	—
Site Development	27.4	—
Civil	—	52.9
Quantity Survey	24.0	26.0
—Library and Technical Information	2.6	2.2
Professional Services Total	260.5	240.6
Division of Housing		
—Director	1.0	*
—Office of Housing	14.0	13.6
—Government Employee Housing	19.5	27.5
Housing Division Total	34.5	41.1
Miscellaneous		
—Electoral Secretaries	57.9	59.5
—Aboriginal Works Unit	10.0	12.0
—Office of the Minister	9.0	12.0
—Leader of the Opposition	6.0	6.0
—PWSC	2.0	2.0
—Legislative Council	6.0	6.0
—Other	—	2.0
Miscellaneous Total	90.9	99.5
GRAND TOTAL	1 899.7	1 822.8

* Directors are allocated to branches within each Division.

MOTOR VEHICLES DIVISION BREAK-INS

155. **Mr BECKER (Hanson)**, on notice, asked the Minister of Transport:

1. How many offices of the Motor Vehicles Division have been broken into the past 12 months and, how do these figures compare with the previous 12 months?

2. Which offices were broken into and what was stolen and how much damage was caused in each instance?

3. What action is being taken to prevent such break-ins?

The Hon. G.F. KENEALLY: The replies are as follows:

1. In the past 12 months two motor registration offices have been broken into. One of these offices was broken into on three occasions. There were no reported break-ins in the previous twelve months.

2. MARION OFFICE—Break-in on 19 June 1989:
$35 stolen. The money stolen was from the staff tea club funds.
Steel filing cabinet damaged beyond repair.
Break-in on 20 June 1989:
Items stolen:
100 blank driver's licence forms
1 electric typewriter (approxiamate value $450)
Break-in on 26 July 1989:
Items stolen:
2 electric typewriters
2 NCR cash registers
1 micro fiche viewer
1 computer keyboard
1 computer screen
1 computer printer
1 computer controller - ELB
(approximate value $30 000).
PROSPECT OFFICE—Break-in on 19 June 1989:
Nothing was stolen, thieves being disturbed by police attendance. No damage other than to door lock.

3. In addition to upgrading locks on doors, action is being taken to install monitored security alarm systems in each office in the metropolitan area.

TENANT INCOME AND RENT

159. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: What formula does the South Australian Housing Trust use in calculating tenant income and determining their rent when the tenant has money invested in a "roll-over fund"?

The Hon. T.H. HEMMINGS: Where tenants have money invested in roll-over funds, the interest derived is taken into account as income by the trust in determining the rent payable. As with other forms of interest earned, it would be added to the tenants' other assessable income and the total figure is then related to the trust's rent-to-income scale to determine the rent payable. No tenant is required to pay more than the full rent of the accommodation they occupy.

LONG SERVICE LEAVE

160. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: What provision is made for and how will the Department of Housing and Construction meet its long service leave liability?

The Hon. T.H. HEMMINGS: Under the existing cash based accounting system no provision is made for the Long service leave liability of the department. As long service leave falls due, the liability that relates to cost recovery areas of the Department is funded internally. In the case of other areas long service leave is funded via annual appropriation.

DEPARTMENT OF HOUSING AND CONSTRUCTION

161. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: What is the reason for award restructuring within the Department of Housing and Construction, what is the estimated cost or saving, how many employees will be affected and, when will it be completed?

The Hon. T.H. HEMMINGS: In August 1989 the Australian Industrial Relations Commission national wage case decision was based on award restructuring. Wage increase for all Australian workers would be granted only if changes were made to awards and award conditions. The key element of the new wage fixation system was the structural efficiency principle which formulated measures which could be considered in order to improve the efficiency of industry and provide workers with access to more varied, fulfilling and better paid jobs.

The Full Bench of the State Industrial Relations Commission has adopted the national wage case principles. The South Australian Public Service is bound by the decisions of the commission, and it is for this reason that award restructuring is being conducted within the South Australian Department of Housing and Construction (Sacon).

One officer has been transferred from his substantive position to co-ordinate the award restructuring processes in Sacon. The officer has been assigned this responsibility for six months and is the only resource involved on a full-time basis. A number of officers are involved on a part-time basis on award negotiating committees within the Department of Personnel and Industrial Relations and on consultative committees in Sacon to assist with award restructuring processes, but it is difficult to accurately cost this aspect of the process. The estimated costs for award restructuring is $20 000 and relates only to the costs for the one officer involved on a full-time basis.

Savings from award restructuring cannot be determined until all the awards covering Sacon employees are restructured. However, it is certain that savings will accrue because wage increases will not be granted by the Industrial Relations Commission unless the award changes implemented bring about real and not illusory benefits, to modernise awards to improve efficiency and productivity. All employees in Sacon will be affected by award restructuring because all 16 of the awards that cover Sacon employees are to be restructured.

Award restructuring is being implemented on a individual award basis. The process involves detailed discussions and negotiations with union representatives at the Industrial Relations Commission. It is impossible to put an accurate time scale on the process but it is expected to take at least six months.

162. Mr BECKER, on notice, asked the Minister of Housing and Construction: Why has the Department of Housing and Construction strategic plan not been finalised and when is it expected to be released?

The Hon. T.H. HEMMINGS: The South Australian Department of Housing and Construction released its 1989-90 Corporate Plan on 21 August 1989.

163. Mr BECKER, on notice, asked the Minister of Housing and Construction: What checks will the Department of Housing and Construction use to ensure its new computer equipment will meet future needs and be cost effective?

The Hon. T.H. HEMMINGS: The department has carried out a detailed needs and cost benefit analysis for the new equipment planned for purchase in 1989-90 and has submitted a proposal for a $600 000 upgrade of its equipment to the Information Technology Unit of the Government Management Board for appraisal. Following receipt of the appraisal the proposal will be submitted to Cabinet for approval. In accordance with the guidelines issued by the Information Technology Unit in June 1988, the department carries out post implementation reviews of the computer systems to ensure that the benefits are achieved.

164. Mr BECKER, on notice, asked the Minister of Housing and Construction: What were the findings of performance indicators in the provision of professional services during the year 1988-89 as outline in the Auditor-General's Report for the year ended 30 June 1989 (page 105)?

The Hon. T.H. HEMMINGS: During 1988-89, two major performance indicators were developed in relation to the department's property development program, which incorporates most of the professional services functions:

1. Percentage of capital works budget acquitted—A total of $107.6 m., 97 per cent of the Property Development Program project budget allocation, was acquitted during the financial year.
2. Variance between professional services fees received and actual costs incurred—A surplus of $403 000 of fees over costs was achieved during the financial year.

165. Mr BECKER, on notice, asked the Minister of Housing and Construction: When will all cost associated with the provision of professional services be included in Department of Housing and Construction costings for tendering and if they will not be included, why not?

The Hon. T.H. HEMMINGS: Sacon does not include the cost of professional services in its construction tenders for work for the same reasons that professional fees are not included in the tender prices from private contractors.

The construction services arm of the department carries out work in the same manner as a private firm and allows for the cost of its own overheads in the same sense as contractors would for their own expenses.

The cost of Sacon's professional services are added to the tender price to determine the project cost for which fund approval is sought. This applies to all major projects whether executed through private or departmental resources. Professional fees are also included in the estimate and fund approval stages to ensure that the total project cost, and not just the tender price, is presented at all stages of a project's development.

166. Mr BECKER, on notice, asked the Minister of Housing and Construction: Who were the consultants engaged on 23 February 1989 to advise and assist with the investigation of integration of the Department of Housing and Construction individual systems in to an overall management information system and what is the anticipated cost of the consultancy?

The Hon. T.H. HEMMINGS: Price Waterhouse was enaged on 23 February 1989 to advise and assist with the investigation of integration of the department's individual systems into an overall management informations system. The first phase of the consultancy included the detailed system requirements specification, the establishment of package selection criteria, and recommendation of the most suitable financial packages out of Computer Associates and Oracle software packages. the cost of this phase of the consultancy was $101 000.

GOVERNMENT ASSET HOLDING REVIEW

167. Mr BECKER (Hanson), on notice, asked the Minister of Housing and Construction: How many staff are being sought to undertake a review of Government asset holding, what qualifications will they be required to have and, when will the review commence?

The Hon. T.H. HEMMINGS: Although Sacon commenced a preliminary review of real estate assets during 1987, a comprehensive audit of all assets held under my

ministerial ownership and associated titles commenced on a full-time basis on 28 August 1989, in terms of earlier Cabinet endorsement of this initiative. One full-time project officer has been appointed to undertake the task over a period of 12 months. The person holds a Bachelor's Degree in Agricultural Science with majors in property management and property valuation. The project is being managed by a senior officer employed within the Office Accommodation Unit of Sacon. That person similarly holds valuation qualifications and also a Graduate Diploma in Business Administration. Both officers are licensed valuers and associate members of the Australian Institute of Valuers and Land Administrators.

DEPARTMENT OF HOUSING AND CONSTRUCTION

169. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: Has the Department of Housing and Construction established an asset register to monitor ageing assets, their refurbishment program and/or replacement and, if not, why not and, if so, what progress is being made to meet refurbishment requirements?

The Hon. T.H. HEMMINGS: The South Australian Department of Housing and Construction does not have a fully operational asset register at present although the Asset Information System which was established in 1981 is a valuable inventory facility. The development of a property management system which can link with the asset information system, the financial management system and the maintenance and construction system is a departmental priority to ensure that decision making regarding refurbishment and/or replacement of assets is based upon the best information available. The establishment of this process to monitor all building assets for which the department has responsibility will be an important component of implementing the corporate philosophy of total asset management. Total asset management is an ongoing process which is exercised over the whole lifecycle of each asset from the initiation of a concept through the stages of procurement; ongoing maintenance and support services; review and rehabilitation/refurbishment and ultimately, disposal. Naturally, the introduction of total asset management and the development of an appropriate property management system cannot occur overnight as it requires extensive consultation with information providers and information users. This process has begun. Currently, refurbishment proposals are considered along with other capital works through the standard procedures of the Capital Works Budget Committee.

170. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: Why did it take from 1982 until this year to take action to rectify the problems associated with the unsuitable management information system of the Department of Housing and Construction and what priority was rectification given?

The Hon. T.H. HEMMINGS: The Management Information System (MIS) was a complex system and it was a difficult task addressing all the system's requirements at once. However, at the outset the department has always had the ultimate replacement of the MIS with an integrated user-based financial system as a high priority for the department's system development.

In December 1982 Urwich International was engaged to prepare an Information Technology Strategy for the Department. Urwich International's recommendations identified a series of issues. Its report issued in April 1983 recommended that the management information system be replaced along with the development of asset information systems, a general ledger and a personnel management system. It also recommended use of data base software technology, use of IBM at the Government Computing Centre and reorganisation of the Systems Branch. It also proposed that decentralised systems for regions and districts should be piloted and a long term strategic plan should be developed. Over the last six years these issues identified have been addressed progressively as follows:

Implementation of a new general ledger system which included internal budgeting and reporting facilities. This enabled the subsequent interfacing with the Treasury Accounting System. At the same time the Systems Branch was restructured, new technology was introduced and selection and installation of new computer hardware and operating software was carried out. User based operating systems to reduce reliance on the management information were piloted and developed to replace components of the cumbersome out-of-date management information system.

These strategies were in line with the Urwich report in 1983 and the financial component of the financial management system can now be replaced. In 1987 a departmental Information Management Strategic Plan was prepared and expanded on the 1983 strategies. This plan included those not completed in the 1983 strategies and identified additional information system requirements over the next 2-5 years. Implementation of the major computer operating systems in the Professional Services Division and the Maintenance and Construction Division in 1987-88 has enabled the department to proceed with replacement of the remaining components of its management information system with a suite of financial packages which will be interfaced directly to the main departmental and central operating system.

179. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: What is the reason for the increase in interest on borrowings of the Department of Housing and Construction from $7 790 987 to $12 484 000 this financial year?

The Hon. T.H. HEMMINGS: The increase in interest on borrowings from $7 790 987 in 1988-89 to $12 484 000 this financial year is mainly due to an increase in the historical debt (due to transfer of additional assets to the Office Accommodation Unit of the department) plus an increase in the common public sector interest rate to 14.7 per cent.

180. **Mr. BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: Why was $637 000 representing the balance of salaries and wages not allocated as at 30 June 1989 held in a special deposit account awaiting allocation, what will happen to this amount and, why was such amount outstanding as at 30 June 1989?

The Hon. T.H. HEMMINGS: An amount of $637 000 representing the balance of salaries and wages not allocated as at 30 June 1989 was held in a special deposit account due to the time lag between the payment of salaries and wages and the receipt of time sheet information on which these costs are allocated to programs and projects. This is normal departmental practice when salaries and wages are paid close to the end of an accounting period. The unallocated salaries and wages held in the special deposit account have been allocated to projects and programs in July 1989.

181. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: What surplus properties were disposed of by the Department of Housing and Construction in the past financial year and, how much was realised by the sales?

The Hon. T.H. HEMMINGS: During the 1988-1989 financial year the South Australian Department of Housing and Construction (Sacon) disposed of seven properties for a total consideration of $7 759 000. Details are:

Address	Amount $
Norwood, 121 The Parade	5 219 000
O'Halloran Hill, Lot 4 Aroona Road	200 000
Murray Bridge, South Terrace	135 000
Greenacres, 3-7 Rellum Road	375 000
Mount Gambier, Lot 14 Commercial Street West	80 000
Pennington, Butler Avenue	440 000
Richmond, 19-23 Kingston Avenue	1 310 000
Total	7 759 000