HOUSE OF ASSEMBLY

Tuesday 3 April 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated his assent to the following Bills:

Da Costa Samaritan Fund (Incorporation of Trustees) Act Amendment,

Stamp Duties Act Amendment.

Supply (No. 1).

PETITION: ABORTION

A petition signed by 1 019 residents of South Australia praying that the House urge the Government to prohibit abortions after the twelfth week of pregnancy and the operation of free-standing abortion clinics was presented by Mr S. J. Baker.

Petition received.

PETITION: OAKLANDS ESTATE KINDERGARTEN

A petition signed by 407 residents of South Australia praying that the House urge the Government to maintain the Oaklands Estate Kindergarten as a full-time child-care facility was presented by Mr Brindal.

Petition received.

PETITION: RAILWAY CROSSING BOOM GATES

A petition signed by 220 residents of South Australia praying that the House urge the Government to install boom gates at the May Street and Clark Terrace railway crossings at Albert Park was presented by Mr Hamilton.

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 11, 28, 39, 50, 56, 58, 104, 109, 112, 113, 127, 128 and 134; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

MOUNT LOFTY DEVELOPMENT

In reply to **Hon. D.C. WOTTON (Heysen)** 22 February.

The Hon. S.M. LENEHAN: The feasibility study into the revised Mount Lofty development has not yet been completed. Before completing the study, the Government, in association with the private sector consortium for the development, has been keen to carry out extensive consultation involving tourism industry representatives, the local council and the general public. This process, of course, takes time. It is expected that the feasibility study and plans of the revised project will be available by the end of April 1990.

Under the revised proposal the summit itself is to be generally tidied up and landscaped. There will be no commercial development on the summit. Subject to the feasibility analysis, components of the development proposal for the former St Michaels land are:

Exposition Centre;

Restoration of the former seminary building for display and sale of South Australian products;

Restoration of the gatehouse;

Specialty food and souvenir retail, tavern, bistro;

Communication, broadcasting tower; and

Revolving restaurant, public lookout in tower.

Components of the original proposal which are not included in the current proposal are the cable car and the science and technology centre. The retail floor space in the main tower building will be less than originally proposed and the proposed 170 room hotel development will not proceed, although the potential for some form of limited on-site accommodation, up to 85 rooms, could still be considered at a later date.

The Government has paid a total of $150 000 towards a consultancy fee to have the feasibility study carried out. The Government's contribution to the joint venture is expected to come through its ownership of the land and cost incurred in servicing the site. The precise level of Government involvement will not be determined until after the feasibility study has been completed. Negotiation at that time could also take account of potential Government involvement in the communications/broadcasting facility and the exposition centre.

MEXICAN WAVE

In reply to **Mr QUIRKE (Playford)** 28 February.

The Hon. M.K. MAYES: I am pleased to advise that the Mexican wave does not currently present a problem in South Australia and therefore no action is required.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Health (Hon. D.J. Hopgood)—

South Australian Health Commission Act 1976—Regulations—Compensable Patient Fees.

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

Teachers Registration Board of South Australia—Report, 1989.

By the Minister of Finance (Hon. Frank Blevins)—

Casino Act 1983—Regulations—Video Machines.

By the Minister for Environment and Planning (Hon. S.M. Lenehan)—

Clean Air Act 1984—Regulations—Backyard Burning.

Urban Land Trust Act 1981—Regulations—Seaford Development.

By the Minister of Forests (Hon. J.H.C. Klunder)—

Forestry Act 1950—Proclamation—Tailem Bend Forest Reserve.

By the Minister of Labour (Hon. R.J. Gregory)—

Industrial Relations Advisory Council—Report, 1989.

Dangerous Substances Act 1979—Regulations—Licences.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—

Local Government Superannuation Scheme—Amendments.

Report on Actuarial Investigation, 1 July 1987.
District Council of Murat Bay—By-law No. 4—Taxis.

MINISTERIAL STATEMENT: DUNCAN TASK FORCE

The Hon. J.H.C. KLUNDER (Minister of Emergency Services): I seek leave to table a ministerial statement to be given today in another place by the Attorney-General, together with the accompanying final report of the Duncan Task Force.

Leave granted.

PUBLIC WORKS COMMITTEE REPORT

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

RN 3500 Port Wakefield Road, Port Wakefield-Two Wells Duplication.

Ordered that report be printed.

QUESTION TIME

WORKCOVER

Mr D.S. BAKER (Leader of the Opposition): Is the Minister of Labour aware of the WorkCover scheme performance indicators for the December quarter 1989 which were discussed by the WorkCover Board meeting on 16 February, and which show that there has been a 33 per cent increase in the average cost per claim since the start of the scheme, an almost 15 per cent increase in the number of WorkCover claims in the first half of 1989-90 compared with the same period in 1988-89 and a rise in claim handling costs to 21 per cent of claim payments which the actuaries say is too high? What action will the Minister be taking to address this continuing failure of the scheme?

The Hon. R.J. GREGORY: I am not aware of some of the matters—

An honourable member: You should be.

The SPEAKER: Order!

The Hon. R.J. GREGORY: As I said, I am not aware of some of the matters referred to by the Leader, but I am aware of an increase in the number of injuries, which is causing the WorkCover board considerable concern. This increase arises from the expansion of the manufacturing industry and the taking up of employment in that area. As the honourable member has access to the minutes of board meetings, he would be aware of advice received by the board that the first three months to six months of employment in a new industry is the most dangerous period. I am sure that, as an employer of labour himself, the honourable member would be aware of this fact and that, therefore, WorkCover is experiencing increased costs.

I draw the Leader's attention to a couple of pertinent facts in respect of WorkCover. First, 3 500 businesses which contribute 34 per cent of the WorkCover levy account for 94 per cent of the costs. This fact cannot be ignored, and anyone who has access to minutes of board meetings would know that the truth is selectively drawn when facts are quoted in this House. Secondly, 150 businesses account for 12 per cent of the cost of claims. If those costs and injury rates were reduced, we would not need to increase the top levy for WorkCover and we could introduce a bonus levy scheme which would provide enough financial inducement to those firms who care little for their workers. With such inducement, employers would ensure that workers go to and from work safely.

SAGASCO

Mr QUIRKE (Playford): I ask the Minister of Emergency Services: what provision has been made should the events which occurred at the Boral plant in Sydney be repeated at the Sagasco site at Dry Creek? Will the Minister seek an assurance from Sagasco that it has adequate plans to deal with such an emergency? Sagasco has established an LPG storage facility at Dry Creek that has attracted many local fears. In fact, some of the residents live only 100 yards from this site, which has a greater quantity of LPG than that stored at the ill-fated Boral plant.

The Hon. J.H.C. KLUNDER: I thank the honourable member for his question, which shows a due regard for the sensitivity of the members of his electorate. Obviously, I cannot answer the specific question about what went wrong in Sydney because that is not known yet. However, the planning by Sagasco has been far more careful than one would normally ask of such an organisation. For instance, it has carried out a risk assessment and hazard analysis (which it was not required to do) as part of the lead-up to the construction of the facility at Dry Creek.

In terms of emergency services, the Metropolitan Fire Service, the police and Sagasco would, as a matter of course, cooperate in the training needed to deal with any problems that could conceivably occur at such a facility. Indeed, the statistics produced by Sagasco show that the design of this facility is about 10 times safer than the most stringent requirements that it was able to find elsewhere and that, on an actuarial basis, there is a much greater chance of someone being killed by lightning, compared with a fatality occurring at Dry Creek. Clearly, the precautions that can be taken have been taken. Further, the Dry Creek plant is 20 years younger than the Boral plant in Sydney and would, therefore, incorporate a large number of extra safety features.

WORKCOVER

Mr INGERSON (Bragg): Does the Minister of Labour accept the separate reports to the WorkCover Corporation by the actuaries John Ford & Associates and Robert Buchanan Consulting Ltd last September and October which estimate the corporation's net unfunded liabilities at $59.74 million by June this year and project a continuation of the scheme's insolvency to June 1994 even if the average employer levy is increased by 27 per cent to 3.9 per cent from 1 July this year? Was the Government aware of these reports before the State election on 25 November? Did the Government have any contact with the General Manager of WorkCover, Mr Dahlenburg, before he made the statement reported in the *Advertiser* of 9 November that the actuaries' reports saw no reason for any rise in the average levy rate?

The SPEAKER: Before calling on the Minister, I advise the House that this legislation is on the Notice Paper for tomorrow. I advise members that questions and answers should be given in view of the fact that we will be debating this legislation tomorrow. The honourable Minister.

The Hon. R.J. GREGORY: It is amazing that last week members opposite were trying to stop me being asked questions about WorkCover: today they want to ask them. It

just shows how some things are one way one day and different the next. I cannot say at what time I was advised that there was a need to increase the levy because of the problems that WorkCover has confronted in relation to the increase in injury rate among its, if you like, customers. In other words, the blow-out in WorkCover's injury rate was created by the expansion of the manufacturing industry and the massive employment—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: We now have the member for Victoria and the member for Mitcham mouthing off; and the honourable member who asked the question is also interjecting. They know nothing about this subject, and it is their choice to know nothing. They choose not to know that when people move into the workplace the first three to six months is the most dangerous period for them. I would have thought that the member for Victoria, as an employer of people—as he has often boasted in this place—would understand and know that. I would suggest that, if he does not know that, he is not taking proper care of his employees. He should know that. Statistics show that, right around the world, that is what is happening in the first instance: the longer people are in a workplace the safer they become.

Regulations have been laid on the table with respect to WorkCover, and they will allow the Department of Labour and the Occupational Health and Safety Commission to have access to some of WorkCover's records so that those employers who operate across the broad spectrum of industry in South Australia and who are poor performers in occupational health and safety can be contacted and required to improve their performance. That will then keep costs down. Members opposite are working on the basis that industry in South Australia can continue to operate and hurt people—sometimes very severely. We see their credentials when they criticise the installation of two ramps in houses belonging to people who have become paraplegics. They have no sympathy for those people or anyone else who is injured at work. All they want is to allow employers to avoid paying the true cost of these problems. Even now, the member for Bragg continues to interject because he is not prepared to face up to the fact that the high increase in the injury rate has caused the blow-out.

JAPANESE LANGUAGE

Mr HAMILTON (Albert Park): Will the Minister of Education inform the House of what action his department is taking to improve Japanese language learning for South Australian students and what was the outcome of the Director-General of Education's recent visit to Japan? The Minister will recall a question I asked in September last year concerning Japanese language teaching in schools in my electorate. During the course of his answer, the Minister remarked on the limited supply of teachers of the Japanese language. An article in the *News* last Thursday headed 'Teaching push on languages', although it related mainly to the tertiary sector, reminded readers of the importance to Australia's future of learning languages other than English, particularly those of our neighbours and trading partners.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and interest in this facet of education. I can advise the House that recently the Director-General of Education visited Japan to finalise a major teaching exchange between Japan and South Australia. The exchange will enable Japanese teachers to support language teaching in South Australian schools and South Australian teachers to strengthen their language skills by return visits to Japanese schools.

The agreement with the Japanese authorities will initially mean that, from later this month, two teachers from Adelaide's sister city, Himeji, and two teachers from Port Adelaide's sister port, Okayama, will assist in Japanese language school programs, teacher training and curriculum material development. The fifth teacher, also from Okayama, will arrive in August. In return, three South Australian teachers will this year strengthen their Japanese language teaching skills by working in classrooms in Japan. Two will work in schools in Himeji and one in Okayama later this year. Further exchanges between Japan and South Australia will follow. This exchange will build on State Government action in partnership with schools to enable young people to learn another language. It is vitally important that young Australians gain language skills that will equip them for the world of the twenty-first century.

Clearly, parents and teachers recognise the value of children gaining skills in another language. In particular, the teaching of Japanese is among the rapidly growing language programs with six primary schools and 13 secondary schools now teaching more than 2 500 young people this language. Further, there are already more than 32 000 primary school students who are learning from a range of 20 languages, while in secondary schools 17 languages are offered to about 23 000 students.

The new teacher exchange program will build on this growth and ensure that young people gain a relevant and practical introduction to a language that is geographically and economically of vital importance not only to this State but to this nation.

I applaud and thank the Japanese education authorities in Adelaide's sister city of Himeji and Port Adelaide's sister city of Okayama for their cooperation and willingness to enter into this agreement, which reflects the strengthening of economic, social and cultural links between this State and Japan.

CENTRAL LINEN SERVICE

Mr S.J. BAKER (Deputy Leader of the Opposition): Has the Minister of Health sought or received any explanation from the police for the raid of Central Linen Service files last Friday; is he in a position to say whether the police investigation is in any way related to sales tax evasion involving the Central Linen Service and a Queensland company; are any officers of the service being stood down or suspended pending the completion of the investigation; and, following the latest turn of events, does the Minister stand by the answer he gave a fortnight ago to Question on Notice No. 131 that the Manager of the Central Linen Service does not own or operate any private business?

The Hon. D.J. HOPGOOD: I will tell the honourable member and the House all I know, and that will not take very long. Last week my office was informed that the Commissioner wished to see me; an arrangement was made for a meeting to be held in my office down here, and the Chairman of the Health Commission was in attendance. Commander Gamble was with the Commissioner of Police on that occasion. The Commissioner told us that, as a result of information that had come to the police, they wished to obtain documents relating to the Central Linen Service, some of which were held at Dudley Park and some of which they believed were held in the Health Commission. The reason for the meeting was, first, to tell us that this was

happening and, secondly, to request that the Chairman of the Health Commission contact the Central Linen Service, metaphorically, two seconds before the police were due to get there and indicate that any information they wanted should be handed over immediately without anybody checking further with the commission. In addition, any documents that were required from the Health Commission itself in Citicentre should be made available.

The Chairman and I indicated our full cooperation in this matter. It was not further explained to us what the nature of the investigations were, nor did we think at that stage that it was proper for us to seek that information from the Commissioner. In any event, he might not have wanted to extend that information to us and there was no reason in the circumstances why he should. There might have been some expectation on the part of the police that the visit, if I can call it that, to the Central Linen Service the next day would not come under the general attention of the wider public through the media. If so, I guess that was a rather naive expectation.

That is all I know, except that the Commissioner was asked by the Chairman of the Health Commission whether at this stage anyone should be stood aside from the position that he or she currently occupies. The indication given was that that should not happen. I have to make clear that no charges have been laid at this stage against anyone. All I can say is that investigations are proceeding and it was necessary for the police to visit the Central Linen Service in order to get whatever documents they required for whatever purpose was required.

The only other thing I can say in relation to the final part of the honourable member's question about that question on notice is that the matter was checked out at the time. Since the visit from the Commissioner the other day, I have further checked the files in my office to determine whether at any stage my predecessors or I have been given any indication about the matters for which the honourable member was fishing and, indeed, the files are silent on that matter.

Mr S.J. Baker: Did you investigate it?

The Hon. D.J. HOPGOOD: Haven't I just answered the question?

The SPEAKER: Order! The member for Napier.

ADULT LITERACY

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Employment and Further Education advise the House what the South Australian Government is doing to assist people with low literacy skills?

The Hon. M.D. RANN: The Minister of Education has already announced a program in the area of schools but, in terms of adult literacy, I am very pleased to announce today grants totalling more than $192 000 for adult education programs, of which more than 75 per cent will be directed to literacy programs in South Australia. Members would be aware that 1990 has been designated by the United Nations as International Year of Literacy and emphasis has been placed on funding literacy programs under adult education around Australia.

This morning, the Chairperson of the National Consultative Committee of the International Year of Literacy in Australia (Margaret Whitlam) launched the national program, and our announcement follows her initiatives. These programs, to be offered by local community organisations, are designed for helping the socially and economically disadvantaged to take up opportunities for self-advancement. These people obviously find it difficult to take up education and training through their usual schools and colleges. It has been estimated that between 1 million and 1.5 million Australians have basic reading and writing difficulties. I understand that the Federal Treasurer (Mr Keating) has estimated that low literacy skills cost Australia $3.2 billion a year in lost productivity.

The literacy programs are not only for English-speaking people but also for longer-term migrants who speak languages other than English. The main thrust of the literacy grants is to give people living skills to accomplish everyday reading and writing tasks such as the ability to read bank forms and advertisements, to fill in taxation or social security forms, to read instructions on prescription bottles and for parents to read to their children.

REMM DEVELOPMENT

The Hon. H. ALLISON (Mount Gambier): In view of the role that the State Bank has taken to organise and manage the funding package for the Myer Remm development, does the Premier accept that this imposes an obligation on the Government to keep itself informed of the cost of the project? Can he say whether the Government is satisfied that Remm's projected completion costs remain realistic in the face of continuing industrial relations problems on site, which have reduced productivity and have now closed the site? Is the State Bank prepared to advance further funds to the project to cover any escalation in the completion costs?

The Hon. J.C. BANNON: The Remm project is not Government financed; it is a private financing arrangement, to which there are a number of parties, including the State Bank, in pursuance of its commercial charter. As members know, that commercial charter is protected by the Act of Parliament under which the State Bank operates and it is most important that that be maintained. We should all be concerned about the progress on that site: it is a very high profile project and there is a lot of money tied up in it. It will be a landmark in Adelaide and it is in the whole community's interests that the project is completed, is successful and can be successfully financed.

PERFORMING ARTS TRAINING

Mrs HUTCHISON (Stuart): Can the Minister of Employment and Further Education give the House details of the recently announced review of performing arts training in South Australia?

The Hon. M.D. RANN: Yes; the Minister for the Arts in another place (Hon. Anne Levy) and I have initiated a joint inquiry into performing arts training in South Australia. The inquiry, to be headed by Mary Beasley, will examine and evaluate professional training in the performing arts by the South Australian tertiary education sector. It is obvious that we have to ensure that the tertiary performing arts institutions reflect the needs of industry and at the same time reflect a sound Government investment. There has never been an in-depth review of the quality of professional training in the performing arts in South Australia. Obviously, we can achieve excellence in this area only if we provide excellent training for our students.

It is expected that the reports will be made to us by 30 September. Mary Beasley came to see me last week to ask for general views on the direction of that inquiry. I mentioned that I believed that training for contemporary music

should be looked at as well as for classical music, because of the enormous industry implications for contemporary music in Australia. I also mentioned Aboriginal music and training for creative writing for the performing arts. It would be of enormous interest to the member for Coles that there should be training for performing arts criticism, concerning which there has been some comment in recent times.

REMM DEVELOPMENT

Mr BECKER (Hanson): My question is directed to the Premier. What further action will the Government take to ensure that South Australia does not suffer further embarrassment, financial loss and economic difficulty as a result of continuing industrial trouble on the Remm Myer site caused predominantly by the refusal of the Australian Building and Construction Workers Federation to abide by and work in harmony with other unions according to a previously agreed and lucrative site agreement; and will the Government consider initating deregistration proceedings against this union to demonstrate that it is not prepared to have this essential project and South Australia's reputation held ransom to its rogue activities and demands?

The Hon. J.C. BANNON: The matters to which the honourable member refers are before the Industrial Commission at this very moment.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Matters as to whether there is and the nature of any agreement undertaken in relation to the Remm site and the terms and conditions under which work takes place on the Remm site are before Commissioner Perry, of the South Australian Industrial Commission, at this very moment. The hearings concluded last Friday, the Commissioner has reserved his decision and it is hoped that that decision will be issued within the next few days. Certainly, it is urgently required so that the parties understand the orders under which they are working. The question of deregistration of the BLF is something that is raised periodically by the Opposition when it wants to show how macho it is in relation to industrial matters. Incidentally, the approach taken to industrial relations in South Australia consistently ensures us the best record in this country and, certainly, if we had the problems they have in Victoria and New South Wales in particular, perhaps the sort of drastic action suggested by members would be appropriate. Ours is an entirely different climate here—point 1!

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. J.C. BANNON: Secondly, while it is a fact that the Builders' Labourers Federation, under whatever name, has been deregistered in Victoria and New South Wales, it was in extreme circumstances; it was with the full support of the ACTU; and it was in an atmosphere of enormous disruption in that industry. In Queensland, South Australia, Tasmania and Western Australia that organisation is not illegal and deregistration proceedings have not taken place. The honourable member asks whether we will demonstrate something by moving to deregister the union in this case. This is not about demonstrations: it is about ensuring that work is done in the best and most orderly and productive way. We are not about demonstrating anything or picking on anybody.

Members interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

The Hon. J.C. BANNON: What I do say is that, if any organisation—and this includes the Australian Building and Construction Workers—was constantly in flagrant violation of the orderly arbitration procedures and the Industrial Commission, quite clearly it would be appropriate for us to look at that question. That is not the situation at present, but I would certainly say—

Mr Lewis interjecting:

The SPEAKER: Order! The member for Murray-Mallee is out of order.

The Hon. J.C. BANNON: —and I have made this clear in this place consistently over a number of years, that this Government will not hesitate to move if we believe that the circumstances are justified. However, we will certainly not move or demonstrate anything while a matter is before the Industrial Commission and being dealt with appropriately.

ELECTRICITY INTERCONNECTION

Mr FERGUSON (Henley Beach): Can the Minister of Mines and Energy outline the benefits of interconnection of the electricity systems of New South Wales and Victoria to South Australia? On Friday 30 March 1990, the electricity systems of New South Wales, Victoria and South Australia were interconnected. The media reported that the project was completed on time and $1.3 million under budget. Some time ago there were suggestions that the interconnection was detrimental to South Australia.

The SPEAKER: Before calling the Minister, I reiterate what I stated last week. There is opportunity for Ministers to make ministerial statements and not take up Question Time. The question is allowed, but I ask the Minister to consider this matter.

The Hon. J.H.C. KLUNDER: Thank you, Mr Speaker, I will do so, but this is a matter where I am dealing with what the Opposition said some years ago, and it is time that members opposite were brought to book for all the silly statements they have made from time to time. When I was at Mount Gambier last Friday, I recalled an article in the *Sunday Mail* in early 1985 when it was decided to proceed with the interconnection. I was not the Minister at the time, but my predecessor (Ron Payne) was a very strong supporter of the interconnection. The Opposition's then spokesman on mines and energy (the member for Kavel) was very critical of the project, suggesting that South Australia's contribution to the project would not be economic, and that we would become dependent on the eastern States for our power. I am pleased to report that he was wrong on both counts.

The interconnection operating agreement requires each of the States to carry sufficient generating capacity to stand alone after taking into account the reserve sharing benefit. The flow of power across the borders occurs only when it is beneficial to both sides; that is, when surplus from low operating cost plant in one State can be used to replace generation with significantly higher operating costs in another State.

The member for Kavel further indicated that he believed Victoria would be getting about half of the proposed saving. ETSA's average annual estimated operating benefit to South Australia over the life of the interconnection is approximately $15 million per annum, compared with $4.5 million for Victoria and $1.5 million for New South Wales. Further, the interconnection will assist to contain electricity tariffs in this State, a prime concern to both ETSA and this Government.

BEVERAGE CONTAINER LEGISLATION

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister for Environment and Planning. Following the handing down of the High Court decision in the case involving Bond Brewers and the South Australian Government and the resulting threat to the effectiveness of the Beverage Container Act, and bearing in mind previous commitments including that made by the then Minister for Environment and Planning (Hon. D.J. Hopgood) that a review would commence in July 1986, will the Minister now instigate a full public review of the beverage container legislation so that the objectives of reducing waste, litter control and the reuse of resources can be achieved?

The Hon. S.M. LENEHAN: I thank the honourable member for his question and, from that, the implied support that the Opposition has given in the past for the beverage container legislation which has been so successful in South Australia. As the honourable member points out, in its judgment the High Court has set down some very stringent guidelines for the future direction in which we in South Australia can proceed to implement the objectives of the Act and, at the same time, stay within the law as determined by the High Court judgment.

Certainly, the Government is giving consideration to that High Court decision, which is not a simple one, and which requires a degree of legal interpretation. In terms of a review, Cabinet, obviously, will make a decision in the very near future. I thank the honourable member for his question and for his support. This piece of legislation has meant, if I may give one statistic to the House, that in the past we have had a return rate on cans, for example, of some 95 per cent.

An honourable member: When is it going to be implemented?

The Hon. S.M. LENEHAN: Very shortly.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: I should have thought that the honourable member might be interested in this. As I was saying, South Australia has a 95 per cent return rate on aluminium cans compared with a return rate in New South Wales of about 50 per cent. Effectively, that is not only very important in terms of recycling but it means that we are removing this kind of pollution from the litter stream. We are doing so most effectively in South Australia: my counterparts in other States are looking quite enviously at our record. I hope that they have the courage to move down the same path. I take the honourable member's question and, certainly, will be looking at that point with Cabinet in the near future.

HOMESTART

Mr HERON (Peake): Will the Minister of Housing and Construction inform the House whether the Government's HomeStart Loans Program can help people who are experiencing financial hardship as a result of marriage separation? Recently, I had an inquiry from someone in such a situation who, as a result, is having considerable difficulty in servicing a home mortgage

The Hon. M.K. MAYES: I thank the honourable member for his question and his interest in an area which, obviously, concerns a great number of constituents throughout the State. In consequence of this concern, the HomeStart organisation recruited two people to specialise in this area of assisting people seeking to refinance their loans and, through that process, we have now dealt with approximately 500 householders who have made inquiries about refinancing.

Of course, people going through a separation or some form of marital disruption and who are seeking to rearrange their home finance find this one of the most difficult things they encounter. As HomeStart is now a significant contributor to private dwellings in this State, it obviously needed to address this question. Of the 500-odd homes that have been dealt with, 222 people have been interviewed, 87 of whom have been approved for refinancing. Of those, 62 matters have actually been settled. In other words, of those people going through that difficult process of marital separation, 87 have been assisted through HomeStart to refinance their loans.

I think we could safely say that most people would direct their attention to the effects on children in particular, and refinancing through HomeStart has helped directly 87 households—a very good result. It is important that not only the member for Peake but other members understand the background to this question. If members receive inquiries from families which are going through a difficult situation because of financial disorganisation following a separation, I can only encourage them to contact HomeStart in order to receive financial assistance. As I have said, two people are specialising in this area, and they will offer those who make inquiries all the sympathy and support they can in order to assist families to resolve their financial crisis.

The outstanding point to be made is that the guidelines should be complied with. The two critical guidelines are: that the outstanding loan balance be less than $90 000 and that the maximum income, in the case of a family, be $625 or, in the case of an idividual, $465. If people find that they are just outside these guidelines, special conditions can be applied, and I am sure that the situation can be looked at sympathetically in order to assist those people to save their home. Of course, the best possible support will be offered to such families in those circumstances. I thank the honourable member for his question and I am sure that he would be very pleased with this result and will convey this information to his constituents.

SOUTH AUSTRALIAN MEAT CORPORATION

Mr MEIER (Goyder): My question is to the Minister of Agriculture. Is the State Government owned South Australian Meat Corporation (Samcor) in diabolical financial trouble with reputed losses this financial year of about $1 million; have any top management persons been sacked; are the jobs of some 400 to 500 employees currently in jeopardy; and is the Government now reviewing Samcor's future?

The Hon. LYNN ARNOLD: Samcor is not in diabolical financial trouble (which is a very extreme statement). It is correct that Samcor is having financial difficulties at this stage, and this matter is currently under review. A triennial review is being undertaken into the operations of Samcor and I expect to receive the report within the next few weeks. I am also able to advise that the Touche Ross report on Samcor has been factored into the triennial review that is presently under way. Last week, the Acting Chairperson of Samcor advised me that the board had had discussions with the General Manager, Mr Meharg and, as a result, Mr Meharg's employment with the corporation has been terminated and Mr Mick Sausse has been appointed Acting General Manager.

In the letter received from Samcor it was acknowledged that certain financial difficulties needed to be worked

through, and I have advised the Acting Chairperson as follows:

I am particularly concerned with the advice you have also given concerning the financial situation of Samcor and the difficulties that may arise. Accordingly, it would seem to me appropriate for the board of Samcor to consider accepting as soon as possible the assistance of senior Treasury officials in working with the acting General Manager and the board in overcoming these difficulties.

When I am able to provide more information on the matters at hand, I will certainly inform the House.

LOCAL GOVERNMENT AND COMMUNITY HOUSING PROGRAM

Mr HOLLOWAY (Mitchell): Will the Minister of Housing and Construction advise the House of funding for the Local Government and Community Housing Program for 1989-90?

The Hon. M.K. MAYES: I am delighted to be able to advise the House of this program and the funding for it. This is a Federal and State Government initiative addressed to specific groups at need in our community: namely, youth, disabled, special local needs groups and Aborigines. It is important to focus on those groups because a number of issues have been highlighted by a number of reports and through the State Government's activities in this area.

The Local Government and Community Housing Program seeks to develop alternative ways of funding and supporting needs groups. They are designed basically to address the needs of low income and disadvantaged groups and to involve local government and community organisations not only from the point of view of their local knowledge and support but because they can provide a source of funds which can be directed to assist these groups with housing.

Of course, we also seek to encourage innovation in design, financing and management of housing for those identified target groups. I think that is very significant because, in these times, we need to look for alternative sources of funds and different ways to provide housing for those needs areas. We must ensure that tenants are participants. This is a very important aspect because, in the present State housing plan, we are seeking, first, comment from the community with regard to these programs and, secondly, to attract additional resources to house low income people.

This year, $2 million has been approved in the budget for this scheme. The Commonwealth Government actually increased its funding by almost $700 000 after the Burdekin report was presented. That funding, timed and coupled with funds from councils such as the city council, has been opportune, because we can now devote more funding to those needy groups. For example, the city council has had a funding allocation of some $318 000 for the project it is developing, involving 14 units to provide low cost rental accommodation for disadvantaged youth within the city itself. I am pleased to say that the scheme is well up and running and is actually delivering in a number of local government areas throughout this State low cost housing to those needs groups. As State Minister of Housing and Construction I look forward to supporting those schemes in the future.

MARINO ROCKS MARINA

Mr MATTHEW (Bright): I direct my question to the Minister for Environment and Planning. When she told the House last Thursday that the proposed Marino Rocks marina 'is going ahead', was she aware that since 2 November last year the Melbourne chartered accountants, Ferrier Hodgson and Company, had been acting for the ANZ Bank as mortgagees in possession of the site for the project—an arrangement which effectively means that the current proponents of the marina have had no control over the site for the past five months—and, in view of her confidence that the project is to proceed, can she say when outstanding financial matters between the proponents and the ANZ Bank will be resolved?

The Hon. S.M. LENEHAN: I remind the honourable member that he has a notice of motion on the Notice Paper this week regarding this matter. It will be very interesting to hear where he stands on this issue.

An honourable member: Does he support it?

The Hon. S.M. LENEHAN: That is a very interesting question. I guess the answer to that question will be revealed on Thursday. Last week the honourable member asked me a question relating to planning matters in terms of a proposal. I made clear that there had been no final proposal put to the Government regarding this matter. I am aware that certainly the shadow Minister has received correspondence from the Burlock companies and I believe that he has received a letter in the past day informing him of the current situation. Perhaps if the honourable member asks the shadow Minister for a copy of that correspondence, the shadow Minister might provide a copy. In that letter the proponents of the development have made what I think is an open attempt to communicate with the Opposition and to inform it of all matters relating to the proposed marina and housing development at Marino Rocks. In fact, it is interesting that a number of these matters are canvassed and I am quite happy to read the letter—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: I will not take up the time of the House in doing so. If the honourable member wishes to have a copy of the letter I am happy to provide him with that. I would have thought that the shadow Minister would provide his own member with that—

Members interjecting:

The SPEAKER: Order! The member for Heysen is out of order.

The Hon. S.M. LENEHAN: With respect, I shall not respond to the interjection. I know that you, Mr Speaker, would not be pleased with that. However, it will become apparent that the proponents of the development are prepared to share quite openly not only with the Government but also with the Opposition all aspects relating to this development. What we need is for the Opposition to start giving some support to some of the environmentally sound developments in this State rather than trying to have a bet each way and moving motions that, in effect, condemn the proposed development on the one hand and, on the other hand, say to specific groups that it supports the development. The time for members opposite will come on Thursday when they will have to put their position on the table in this House.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: They do not like this.

Members interjecting:

The SPEAKER: Order!

The Hon. TED CHAPMAN: On a point of order, Mr Speaker, when this question was raised with the Minister last week, she reflected on the honourable member on this side, for which he gave a personal explanation at the end of Question Time. I draw your attention to the remarks of

the Minister who is again reflecting in the same way and, indeed, using the same words with respect to the member for Bright.

The SPEAKER: The honourable member himself is well able to take the necessary action.

The Hon. TED CHAPMAN: No. I take a point of order.

The SPEAKER: Order! I did not hear what was said. If the honourable member has a point of order, I am certainly prepared to listen to it, but I did not hear it. The Minister.

The Hon. S.M. LENEHAN: Obviously, the Opposition does not want this project to proceed. Members opposite have made that quite clear. As I said in my answer last week—

Members interjecting:

The Hon. S.M. LENEHAN: As my colleague said, either they lied to the boating industry or they are trying to have two bob each way, to use a cliche. I can assure the House—

Mr MATTHEW: On a point of order, Mr Speaker, the Minister is reflecting on members of the Opposition and is making no attempt to answer the question.

The SPEAKER: Order! There is no point of order in the sense that the Chair has no power—

Mr Ingerson interjecting:

The SPEAKER: Order! The member for Bragg is out of order. There is no point of order in that the Chair has no power to direct the Minister to answer the question. I would suggest that the Minister has just about completed her remarks, and I ask her to wind up.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. I complete my remarks.

FOOTYPUNT

Mr McKEE (Gilles): My question is to the Minister of Recreation and Sport. I ask it with some trepidation considering the amount of money that I lost on the Redlegs last year. Can the Minister advise whether the South Australian TAB will conduct Footypunt during the forthcoming South Australian National Football League season?

The Hon. M.K. MAYES: I am delighted to say that it will continue to conduct Footypunt. The returns, of course—

Members interjecting:

The Hon. M.K. MAYES: Apparently, the Opposition does not need the answer; it can supply it without any assistance from this side of the House. But it is important to record that the funds which go to Footypunt are split between the Government and football in this State and go towards the assistance and development of the sport in South Australia. I think that about $112 000, which came out of Footypunt last year, was therefore available for the sport and for the development of the sport in this State, and it will continue this year. The program, as it fits in with major matches and the series as it goes through the year, will be available to South Australian punters, so that those people who are interested in supporting their club or the sport as a whole or in enjoying having a bet on Footypunt will be able to continue to do that, and, in doing so, they will be supporting not only the Government and community services but their sport as part of their investment in Footypunt.

SOLAR ENERGY

The Hon. JENNIFER CASHMORE (Coles): My question is to the Premier. Following the meeting of Cabinet with Professor David Suzuki yesterday and Professor Suzuki's public call for South Australia to pursue solar energy, will the Government adopt the spirit of the measures outlined in my private member's motion, namely, allocation of necessary resources to identify the state of research and development of solar hydrogen—

The SPEAKER: Order! The honourable member is anticipating the business of the day, and I have to rule the member for Coles out of order.

The Hon. JENNIFER CASHMORE: On a point of order, Mr Speaker, my question referred to the spirit of the motion, not to the motion which I moved.

The SPEAKER: Standing Orders provide that,if a spirit, an opinion or an attitude is asked for, that is out of order.

FIXED ODDS BETTING

Mr ATKINSON (Spence): Will the Minister of Recreation and Sport advise the House on the South Australian Totalizator Agency Board's efforts to sell its fixed odds betting model? The South Australian TAB has developed a unique computerised fixed odds betting model that it claims can operate profitably on win, place and each way. A Bill to authorise this model's use in South Australian racing was introduced last year. The Opposition's fluctuating—

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: —attitude to this Bill resulted in its having to be pulled up.

Members interjecting:

The SPEAKER: Order! The rules for asking and answering questions are very clear in the Standing Orders. The question must be specific and must not debate the matter or be rhetorical. I call on the Minister of Recreation and Sport to answer the question.

The Hon. M.K. MAYES: Thank you, Mr Speaker. I am delighted to be able to answer the question, because the contract between the South Australian Totalizator Agency Board and International Totalizator Systems, which was signed at 3 p.m. last Friday, is a first for our TAB and South Australia. Opposition members ought to have taken a fixed position on this particular legislation. They fluctuated from being strongly in favour of fixed odds betting, moving an amendment for fixed odds betting not only oncourse but also offcourse, to voting against it. I can really see the need for a bit of fixed odds betting inside the Opposition's ranks.

As a result of the TAB's marketing in the United States, an agreement has been sealed with ITS, which is a very large US company, based in California. It is a leading designer, manufacturer and marketer of ticketing systems and printing terminals. It has wide-ranging contacts with many clubs throughout North America, South America and parts of Europe.

The term of the arrangement is for seven years. The initial commission is $US250 000 which is approximately $A330 000, payable by ITS to the South Australian TAB. The TAB will receive further commissions for each contract ITS enters into for the purchase of the software of a fixed odds betting system. The amount of the commission to be credited to the South Australian TAB for the sale of each system will depend on the size of the sale and the turnover of the club or organisation to which the system is sold. This very large international company has seen the fixed odds system as a very attractive option to offer its clients throughout North America—in fact, its agency goes throughout the world, except the Asian Racing Conference.

It is an indication of the thoroughness with which the Government and the TAB examined this system that a large

company such as ITS has picked up the opportunity to market something that was developed here in South Australia. One could speculate that it would have sold for much more if—

Members interjecting:

The Hon. M.K. MAYES: We know the Opposition was clearly opposed to it. However, by backdoor methods, we have had to go overseas to seek an agency to sell a product that was the invention of South Australians and had been marketed to the point at which it could be sold as an applied product to overseas companies. I hope that ITS can sell the system to a club or organisation in North America and see it implemented and up and running there in the future. One would have hoped with hindsight that we would see a system here but it is unlikely in the current environment that we will do so. I am pleased to be able to announce that, and I congratulate the TAB on its initiative in selling this system to an international company.

ENVIRONMENTAL AUDITS

Dr ARMITAGE (Adelaide): My question is directed to the Minister for Environment and Planning. Is a formalised program of environmental audits carried out on South Australian projects which have successfully negotiated the environmental impact statement process; and, if not, will the Minister consider instituting such a program immediately? A recent study published by the ANU's Centre for Resource and Environmental Studies has indicated that environmental impact statements have been extremely valuable in planning development projects, but their application has suffered from serious shortcomings. The report says that in most States an EIS is still seen as a one-off hurdle to be surmounted in gaining Government approval for a project, rather than as part of an ongoing environmental planning and management process. The report argues that an environmental audit could make it possible to adopt appropriate corrective measures to safeguard the environment in case a project's impact differs significantly from that predicted by its EIS.

The Hon. S.M. LENEHAN: I thank the honourable member for his question and his obvious interest in this matter. I agree with some of the statements that he has made—that environmental audits are vitally important as a follow-through after EISs have been put in place and projects approved, and it is something that I have been discussing with my department. As I understand it, we have no absolutely formal approach to this matter. It is something which we have been considering and which I believe was canvassed last year in terms of the White Paper I released for discussion. One of the things that—

Mr Lewis interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: That is quite amazing. As to the honourable member's question (and I am sorry that an interjection interrupted my train of thought), the department has environmental audits every two years. However, given the nature of the environmental issues that we are looking at in the community, it is probably important that we do this whole thing a little more frequently and formally. As I understand it, this may well be part of the area that will be canvassed in the review of planning in South Australia to look at that whole question of development planning and the follow-throughs from that. I would be very happy to take the honourable member's suggestion on board and I will certainly look at following it through. Yes, we do have audits every two years but they do not involve the formalised procedures to which the honourable member refers with respect to the report that he mentioned.

VICTIMS OF CRIME LEVY

The Hon. J.P. TRAINER (Walsh): Will the Minister of Education ask the Attorney-General to inquire whether there is an anomalous situation involving the victims of crime compensation levy, in that a disproportionate amount is levied upon minor offenders who are recipients of fines rather than upon serious offenders, since the latter receive gaol sentences? My attention was drawn to this possible anomaly by an article on 27 March by the *News* court reporter, Terry Porter, which referred to a minor offender who had not fully paid his hotel bill. The article states:

> But the unkindest cut of all was he had to pay another $20—to the victims of crime levy. The levy is paid by all people convicted of offences in this State to compensate victims of crime. But the people who are doing the raping, pillaging and looting that causes victims to seek compensation invariably get gaol sentences. The judges do impose the levy on them, but do not even ask them to pay it. It is assumed they will cut out the time they spend in gaol for not paying the levy at the same time as they serve their sentences. The net result of all this jargon is criminals do not pay.

The Hon. G.J. CRAFTER: I shall be pleased to refer the honourable member's question to my colleague in another place for a considered response. I might just add, however, that it is incumbent on all persons who break the law to pay that levy. If one bases exceptions on hard cases, so to speak, we will, as the maxim says, have bad law. It is not true to say that some people who break the law do not need to have the levy imposed upon them, because all who break the law are required to pay the levy; that is the decision of this place and it has widespread support in the community.

There is potential here for placing another person in the community at risk, and that is why we have these laws in place. Therefore, the article to which the honourable member refers treats this matter in a very shallow way and does not consider the very essence of the law. It is a very important law which leads this nation with respect to support for those people who, unfortunately, are victims of crime.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the time allotted for all stages of the following Bills:
Stamp Duties Act Amendment (No. 3),
Correctional Services Act Amendment,
Long Service Leave (Building Industry) Act Amendment,
Police Superannuation,
Motor Vehicles Act Amendment,
Remuneration,
Statutes Repeal and Amendment (Remuneration),
Workers Rehabilitation and Compensation Act Amendment,
Real Property Act Amendment (No. 2), and
Electrical Workers and Contractors Licensing (1987 Amendment) Amendment—
be until 6 p.m. on Thursday.

Motion carried.

EQUAL OPPORTUNITY 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

It seeks to amend the Equal Opportunity Act 1984 to prevent certain kinds of discrimination based on age. The Bill fulfils the Government's election commitment to address the issue of discrimination on the ground of age. In June 1987, the Minister of Employment and Further Education established a task force to monitor age discrimination in employment. The task force comprised the Commissioner for Equal Opportunity, the Commissioner for the Ageing, and the Director, Office of Employment and Training.

The task force reported in March 1989. It concluded that there was sufficient evidence to justify the introduction of legislation aimed at improving societal attitudes in the area of age discrimination and to set a legal context for handling grievances. The task force report and a draft Bill were released by the Minister for the Aged in September 1989. The task force's consultations and research found evidence of discrimination in employment, retirement practices, the provision of goods and services, accommodation and education.

The task force had a wide range of examples of discrimination drawn to its attention. Some of these reflected insensitive management or bad client service practices but there were many examples where age was being used as an indirect and inappropriate criterion when other more specific criteria were available.

The use of age as a criterion in employment was found to be very common, ranging from the protection of workers' benefits to advertisements for vacancies. For example, a survey of advertisements in the situations vacant columns over three days indicated approximately 100 positions that contained a specific age requirement. These often discriminated against both younger and older persons as 'experience together with youth' requirements tended to result in a demand for persons in the 25-35 year age group.

Concerns in the area of education and training tended to relate to the lack of educational opportunities to support changes in career path and to circumstances that worked against employed, mature aged persons undertaking studies for formal employment. A number of persons were able to cite examples of employer policies restricting access to training programs for older employees.

In addition, in relation to educational opportunities at the further and higher education level, there was a perception amongst older persons that priority for positions is given to younger applicants. There was also a strong feeling from mature age unemployed persons possessing tertiary qualifications that this frequently limited their capacity to gain employment as they were perceived to be over-qualified for many areas of employment.

The issues of early and mandatory retirement were also brought to the attention of the task force. Some employers use retrenchment and early retirement as a means of reducing the labour force, notwithstanding the contribution that can be made by dispossessed workers. Many workers feel that, at 60 or 65, they have a productive role to play and mandatory retirement robs the community of a valuable contribution and the individual of self-worth and income.

Whether the removal of the retirement age would produce consequential employment or societal difficulties was not clear from the task force's investigations. However, the task force noted that the view that the abolition of mandatory retirement would have only a small impact on labour force participation rates has been gaining currency.

The task force recognised the broad ramifications of changes in current retirement practices and has recommended that a detailed examination of these complex issues be undertaken.

Considerable legislation already exists relating to the provision of goods and services. Much of this discriminates by age. To a large extent this reflects societal standards, e.g., minors' use of alcohol, driver licences and firearms. From examples drawn to the attention of the task force, however, it appears that age is used as the sole and often inappropriate criterion for the provision of some goods and services, e.g., accommodation, property insurance, health insurance, banking and finance, health and welfare services, entertainment and club membership.

The recommendations of the task force were:

(1) that age be included as a ground of discrimination under the Equal Opportunity Act in all the areas covered by the legislation;

(2) that existing legislation which contains age related provisions be exempt from the Act for a period of two years;

(3) that two working parties be established, one to address retirement and the other to review all State legislation, regulations, etc. and recommend appropriate changes to give effect to legislative exemptions;

(4) that the task force commence consultations with employers and union services and accommodation providers on the implications of the introduction of the legislation.

A Bill based on the recommendations of the task force was introduced into Parliament in October 1989 with the undertaking that the legislation would be held over until this session to allow further consultation.

Members of the task force have held meetings with representative groups to obtain their views on the Bill. There has been widespread support for the Bill in principle. The Government notes that a group of interested parties, including the South Australian Council of the Ageing, the United Trades and Labor Council, the Employer's Federation, the Chamber of Commerce and Industry, the Youth Affairs Council of SA and the SA Council of Social Services have been meeting together in a joint consultative process. This has allowed a useful exchange of ideas and information. A number of amendments have been made to the earlier Bill as a result of the task force's consultations. With respect to the provisions of the Bill, I advise that it provides for age to be a ground of discrimination in employment, in education and in relation to land, goods, services and accommodation. It also deals with discrimination by associations and qualifying bodies. The Bill also includes a provision to prohibit discrimination against a person because he or she is accompanied by a child. This provision will apply to the provision of goods and services and accommodation (subject to appropriate exceptions).

A number of exemptions are provided to reflect special considerations associated with age, for example, in the areas of:

insurance and superannuation;
competitive sporting activity; and
concessional admission fees and fares.

Proposed section 85f sets out exemptions in the area of employment. The Bill contains a specific provision so that compulsory retirement is not made unlawful at this time. The provision has a sunset clause of two years from the commencement of the operation of the Act. This will allow time for a thorough examination of the issues relating to compulsory retirement.

In addition, the Government will review all legislation and regulations which contain age related provisions. It will examine the need for amendments to remove inappropriate references to age; and the development of consistency in areas where age remains a ground for legislative action. The Government accepts that in some cases age limits will be required, for example:

to protect minors—that is, legislation that reflects societal expectations for the protection of persons of certain age groups; and

legislation to promote the interests of disadvantaged groups or designed to benefit persons of a particular age group.

Therefore the draft Bill does not seek to alter age limits specified in existing legislation. However, it inserts a provision which requires the Minister to report to Parliament within two years on all legislative provisions dealing with age. This will allow time for a proper assessment to be made of the provisions. The report must contain recommendations as to whether or not the legislative provisions on age should be amended or repealed.

The provisions of the Bill dealing with age discrimination differ from those introduced in 1989 in the following ways:

(1) Proposed section 85f (4) *(b)* has been removed. The provision would have allowed employees not covered by awards or industrial agreements to be subject to discriminatory rates of salary or wages payable according to age.

(2) Proposed section 85h (2) *(a)* has been amended so that discrimination by qualifying bodies will be lawful provided that the discrimination is 'by or on account of the imposition of a reasonable and appropriate minimum age under which an authorisation or qualification will not be conferred'. The earlier draft did not require the minimum age to be 'reasonable and appropriate'.

(3) Proposed section 85o has been reworded. The emphasis of the section is to allow schemes or undertakings for the benefit of persons of a particular age or age group in order to meet a need that arises out of, or that is related to, the age or ages of those persons.

(4) section 85q relating to insurance and superannuation has been amended. Superannuation schemes have been exempted from the operation of the Act at this time. The Commonwealth is examining the area of superannuation and it is considered preferable to await developments in that arena.

The Bill also contains a provision on an unrelated topic. The Bill provides that authorities or bodies that confer authorisations or qualifications to practise a profession or carry on a trade or occupation would discriminate on the ground of race, if they fail to inform themselves properly on overseas authorisations or qualifications of applicants for positions. I commend this Bill to members.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 amends the long title of the principal Act to include a reference to 'age'.

Clause 4 amends section 11 of the principal Act to extend the Commissioner's functions under that section to fostering and encouraging informed and unprejudiced attitudes with a view to eliminating discrimination on the ground of age.

Clause 5 relates to the recognition of qualifications or experience gained outside of Australia. Under the proposed new provision, an authority or body empowered to confer an authorisation or qualification in respect of the practice of a profession or the performance of work will discriminate against a person on the ground of race if the authority or body fails to take proper and adequate notice of qualifications or experience gained outside of Australia and, in consequence of that failure, refuses to confer a particular authorisation or qualification.

Clause 6 inserts a new Part VA into the principal Act. Section 85a sets out the criteria for establishing discrimination on the ground of age (and is consistent with other provisions of a similar nature throughout the Act). Section 85b will make it unlawful for an employer to discriminate against a person on the ground of age where the person is applying for employment with the employer, or is an employee of the employer. Section 85c will make it unlawful to discriminate against an agent on the ground of age. Section 85d will make it unlawful to discriminate against a contract worker on the ground of age. Section 85e will make it unlawful to discriminate against a partner within a partnership on the ground of age. Section 85f sets out the various exemptions to the provisions relating to employment. The provisions will not apply in relation to employment in a private household, to situations where there is a genuine occupational requirement that a person be of a certain age, or age group, or where the person's age could affect safety at work. The provisions will also not apply to acts done under industrial awards or agreements.

Section 85g provides that, after the expiration of one year from the commencement of the new Part, it will be unlawful for associations to discriminate against an applicant for membership, or a member, on the ground of age. However, the provision will not apply where an association has, on a genuine and reasonable basis, established various categories of membership or where it is reasonable that a particular service or benefit be provided to a particular age group. Section 85h relates to qualifying bodies and section 85i to educational bodies. Section 85j will make it unlawful to discriminate against a person on the ground of age in relation to the disposal of, or dealing with, an interest in land. Section 85k applies to the provision of goods or services, but will not regulate various scales of fees or fares, or the terms or conditions on which a ticket is issued, or admission is allowed to any place. Section 85l, applies to the provision of accommodation. Sections 85m to 85q set out various general exemptions from the operation of the new Part. Nothing in the Part will derogate from the law that relates to the juristic capacity of children, or affect the provisions of a charitable instrument. The Part will not render unlawful any scheme or undertaking initiated to meet the needs of a particular age group, and will not affect competitive sporting activities. Special provisions are also made for insurance and superannuation schemes. New section 85r will require the Minister to prepare a report for Parliament on the Acts of the State that provide for discrimination on the ground of age.

Clause 7 makes a technical amendment to section 96 of the Act and clarifies that the tribunal may, if it thinks fit, make an order dismissing any proceedings before it.

Clause 8 sets out various consequential amendments to section 100 of the principal Act.

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

STAMP DUTIES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 21 March. Page 693.)

Mr S.J. BAKER (Deputy Leader of the Opposition): Today we have before us a Bill which is really quite complex. It

attempts to reduce avoidance of stamp duty which, according to the second reading explanation, is common in relation to the transfer of property associated with shares in unlisted companies and units in unit trusts. Whilst the Opposition appreciates the reasons put forward for bringing this Bill before the House, and also generally supports some of the intent of the Bill, there is some difficulty in understanding the way the Bill will achieve the Government's wishes without some unnecessary consequences which could affect normal, legitimate activities.

I do not intend to spend any time at all in the second reading debate, because it is really a Committee Bill. However, I wish to point out that having an unlisted company has been part and parcel of financing arrangements for probably at least 50 years, while unit trusts have been a more recent innovation. Both of those have been seen as a legitimate means of financing and holding shares in property. So, we have nothing new in terms of the arrangements being made. I suppose the only new element in this debate is that greater use has been made of the shares and unit trust mechanisms for the holding and transfer of property. This raises the question as to whether the methods being used are primarily to avoid stamp duty. That is the contention of the Bill, but I point out that legitimate enterprises have operated over a long period, and that principle has never been questioned before.

There are two elements that encourage shares in unlisted companies and units in unit trusts. First, under the current regime of stamp duty assessment, the rate is 60c per $100. Under the normal transfer of property, if the transfer is of a very large amount—well in excess of $1 million—as much as $4 per $100 can be charged by the Commissioner of Stamps. There is certainly some financial incentive to hold property in a unit trust or in an unlisted company. Most of the units are in private unit trust, which are never approved under the Companies Code as it is not intended that they be issued to the public and, therefore, do not require approval with respect to private unit trusts; and the rate is the usual *ad valorem* rate. I guess the second advantage is that, in valuing the shares of a unit trust, the net value of the fund of the company or the trust, or the earning capacity of the shares of the trust is used in valuing. In most cases, the result is a considerable reduction to the value on which the duty is payable. That, as I said, has been the position for many years.

A purchaser of shares or units takes a number of risks in acquiring such entities. It is important to understand that it is not all profit. Indeed, there are some risks. There is a commercial risk that the entity may have engaged in activities that have not been disclosed to the purchaser. There can also be significant income tax disadvantages from doing so. It is inappropriate to suggest that the practice of acquiring those shares or units is a blatant tax avoidance scheme. It is suggested that the real base for introducing these types of provision is to preserve the tax bases companies and trusts proliferate in the ownership of real property.

So, we do have a dilemma. We have something that has been legitimate for many years and has been seen as quite proper, but it is now no longer seen in that vein because it is seen as being used as a vehicle to avoid taxation. Under this Bill, it will be at the considerable discretion of the Commissioner, even under this set of rules, as to what will or will not be included as being of a nature to avoid stamp duty. There are a number of questions and difficulties associated with the Bill, and they will be addressed during the Committee stage.

Mr GUNN (Eyre): As the Deputy Leader pointed out the Bill is very complicated and I have read through it a couple of times. One would need to have a considerable briefing to understand its real meaning and purpose. I have only two very brief questions for the Minister. What effect will this legislation have on people who jointly own properties and wish to divide those properties, one person taking 50 per cent and the other taking 50 per cent, or where one person wishes to purchase the other person's interest in that property? They are fairly normal transactions, particularly in relation to the rural sector. In many cases, if those transactions were to attract stamp duty, it would make the whole arrangement probably impossible to carry out. I am sure that that would not be the desire of the Government. In my first example, the person is not increasing in any way the amount of interest in the real estate that they have—it is just a rearrangement. With the second position, it is being increased by only 50 per cent.

These are important matters which would have a detrimental effect on people involved in agriculture. I do not want to delay this debate: I have read this Bill and have raised the matter with the Minister on a previous occasion. These schemes are not tax avoidance schemes or schemes designed deliberately to avoid paying duty, where people engage in the most intricate arrangements that normally only line the pockets of lawyers and accountants. I am not saying anything about those arrangements; I am merely asking the Minister how this move will affect those agricultural enterprises that people wish to divide up or consolidate for their own interests. I hope that people will not have to pay duty on land they already own.

The Hon. FRANK BLEVINS (Minister of Transport): I thank the Deputy Leader for his expression of support on behalf of the Opposition. He was quite right in his outline of the intention of the Bill and also in his statment that this is basically a Committee Bill: all questions and debate are better left until we discuss the particular clauses of the Bill. I am sure that we will enjoy that debate. The member for Eyre raised a couple of questions which I can answer best by saying that this measure does not touch normal commercial and family transactions such as those outlined by the honourable member. Where duty was attracted previously, duty will still apply; where duty was not attracted previously, it will not apply. There is no change in the *status quo*. The Bill is designed purely to stop those transactions that are constructed so as to avoid taxation. I think that that is quite wrong morally but legally acceptable in most cases, and the Bill will close that particular loophole. Again, I thank the Opposition for its support.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.J. BAKER: When is it intended that the legislation will be proclaimed?

The Hon. FRANK BLEVINS: As soon as possible.

Clause passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: I have received some feed-back with respect to the question of the definition of a unit trust scheme. This is a direct quote from what already exists in the Bill but, because we are now dealing with different entities, the question has been raised with me as to whether this definition is now appropriate in view of what we are attempting to deal with under this scheme. The definition in the Bill is as follows:

'unit trust scheme' means an arrangement made for the purpose, or having the effect, of providing for persons having funds available for investment facilities for the participation by them, as beneficiaries under a trust, in any profits or income arising

from the acquisition, holding, management or disposal of any property subject to the trust.

The question is whether that fits in with the Bill itself. There may well be a number of other arrangements which lie outside the definition. The key words are 'means an arrangement made for the purpose, or having the effect, of providing for persons having funds available for investment facilities . . .' Whilst this is a direct quote from the existing Act, is this terminology relevant, given that we are attempting to attack particular schemes that may not encompass them?

The Hon. FRANK BLEVINS: I believe that the definition is still appropriate. As a matter of interest, this definition was drawn up and inserted into the Act in 1980 by the previous Liberal Government. It is certainly a very good definition, one that has stood the test of time, and I see no reason to change it.

Clause passed.

Clauses 4 to 6 passed.

Clause 7—'Insertion of new Part IV.'

Mr S.J. BAKER: I move:

Page 3, after line 33—Insert new definition as follows:
'primary production land' means land used wholly or mainly for primary production:.

The intent of this amendment is reasonably clear in that, as the Minister would be well aware, Victoria and the Northern Territory have special provision for primary production land. Whilst the key criteria used in the legislation would normally exclude most rural land, we know of examples where they will not. The three major principles which have been incorporated in the Bill to bring them within the ambit of this amending legislation are: the purchase of a majority of shares in a non-listed land-owning company or trust during a two-year period; the unencumbered asset value of the company or trust in excess of $1 million; at least 80 per cent of the company or trust's assets must be based in land. In large rural properties we know that some changes of ownership will be caused by financial necessity, and they will come under the ambit of this Bill. They are not set up for the purpose of avoiding stamp duty. However, given our determination to assist rural production as much as is feasible under very difficult circumstances and the fact that some relief exists under two other jurisdictions, I ask that this definition be accepted. Later amendments will address the question of relief.

The Hon. FRANK BLEVINS: I oppose the amendment. I think that I understand what the Deputy Leader is trying to get at, but I am assured that this will not in any way change the principles by which land that is used for primary production in its transaction attracts stamp duty other than if it is part of an artificial arrangement designed to avoid duty. If that is the case, it will be caught—and quite properly—and I am sure that the Opposition agrees that it ought to be caught.

I am assured that this provision does not catch any transaction that at the moment is perfectly reasonable and within the spirit of the Act. The Deputy Leader said that there were some circumstances; if he can give me an example of those, I will have them examined, because I make it clear that it is not intended to interfere with the normal arrangements that are made—only with those that exploit this particular loophole.

Mr S.J. BAKER: Because of the current rural difficulties, which might have improved marginally in terms of weather conditions but certainly have not improved as far as product prices are concerned, substantial changes in the ownership of rural land have taken place over the past two or three years. Some of these changes have involved share arrangements on unlisted companies and we assume—and quite rightly so—that some of those transactions come under the ambit of this Act and, obviously, were designed originally not to avoid stamp duty but merely to be a facilitating vehicle for the purpose of primary production.

I will not go through the reasons why people hold land in unit trusts, because the Minister would be well aware of those reasons. If we look through all the transactions that have taken place in the past two years, we will find a number of examples that affect primary production land. We will do so in the future but, if the Minister gives an undertaking that there will be no change in the way in which these matters are reviewed, irrespective of the fact that they may sometimes involve large amounts and because of financial necessity might have come together in less than two years (which is one of the key criteria in this Bill), I will be satisfied that those problems have been addressed properly.

The Hon. FRANK BLEVINS: I can only repeat the answer I gave the Deputy Leader when he moved his amendment.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 4, lines 21 and 22—Leave out the definition of 'spouse' and substitute:
'spouse' of a person includes a *de facto* husband or wife of the person who has been cohabiting continuously with the person for at least five years.

This is similar to the amendment I moved to the Stamp Duties Act Amendment Bill (No. 2).

Amendment carried.

Mr S.J. BAKER: I move:

Page 9, line 29—After '$1 000 000' insert 'or, if some greater amount is prescribed, that other amount'.

It has been raised with me quite reasonably that the Act provides that $1 million is the initiating point for deciding whether there is a stamp duty avoidance measure. Under these circumstances we are dealing with larger property transfers. It is preferable that this Parliament does not have to keep amending this Act. Inflation operates in this country at 8 per cent at present and if the Act contained such a provision it would mean that, for example, if inflation increased this amount to $1.5 million in today's terms, it would be appropriate for the Government to move accordingly rather than to bring the Bill back before the Parliament to have the amount amended. We do not want smaller and smaller amounts being addressed under this legislation because the principle has already been incorporated.

The Hon. FRANK BLEVINS: I oppose this amendment and point out to the Deputy Leader that, in this respect, this provision is exactly the same as that provided in the States of New South Wales, Victoria, Western Australia, Queensland and Tasmania. In each of those States a benchmark figure of $1 million is provided and I think that a consistent figure in South Australia would be reasonable. In fact, if anything, a benchmark of $1 million in South Australia is generous, because the value of real property in this State is relatively lower that that in the more populous States. Therefore, a greater number of property transactions in this State will avoid the ambit of this provision.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 9, after line 30—Insert new subsection as follows:
(1a) Where—
(a) shares or units in a private company or scheme are allotted to a person who already has an interest in the private company or scheme;
(b) those shares or units are allotted to the person as part of an allotment of shares or units to all shareholders or unitholders in the private company or scheme in proportion to their respective interests in the company or scheme;
and

(c) the allotment does not have the effect of varying, abrogating or altering the rights of the person as against the rights of the other shareholders or unitholders,

the person is not required, by virtue of that allotment of shares or units, to lodge a statement under this section.

The Hon. FRANK BLEVINS: I accept the amendment.

Amendment carried.

Mr S.J. BAKER: I move:

Page 9, after line 38—Insert new subsection as follows:

(3a) Where—

(a) a private company or scheme is entitled to primary production land;

and

(b) a person acquires an interest in that company or scheme from a lineal ancestor or lineal descendant,

that land will not be considered as real property for the purpose of subsection (1) but may be considered as property to which the company or scheme is entitled for the purposes of subsection (1) *(b)* (i).

The Minister has already rejected my previous amendment along these lines, this amendment is consequential. I ask the Minister to look at these amendments before this Bill is debated in another place, because I believe they are both worthwhile.

The Hon. FRANK BLEVINS: I am aware of what the honourable member is trying to do and I assure him that every consideration is given to his amendments. However, in the interests of consistency, if nothing else, and the principle, I oppose this amendment. I dealt with the central argument in relation to this matter when we dealt with the definition.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 10—

Lines 8 and 9—Leave out all words in these lines.

Lines 10 to 13—Leave out all words in these lines after 'prescribed property,' in line 10.

Both these amendments enact the same principle, that is, that there is some concern that the Commissioner's discretion is being used to determine what does or does not constitute avoidance. We would have no difficulty with these provisions if adequate appeal provisions were provided. We keep coming back to this point. In an earlier debate on the Stamp Duties Act Amendment Bill (No. 2), the Minister suggested that there would be a review and that this question would be addressed. This is a very important question because, if the Commissioner says, 'We believe that this is a tax avoidance scheme, and we believe that it is operating under the rules that preclude it from being treated as a share scheme and bring it into the ambit of being a normal land transfer', there must be some recourse available. The Act does not provide recourse at present, so I move these amendments to ensure that people's rights are protected.

I know that the Minister said earlier that he thought a review process was being put in train. Prior to that remark, I mentioned that I would seek changes to the stamp duties appeal mechanisms. If he intends to refuse these amendments, can the Minister advise how far the process of review has been taken to this stage?

The Hon. FRANK BLEVINS: I oppose the amendments. I point out that there are quite significant appeal provisions. An assessment is made and, if the taxpayer objects to that assessment, he or she has the right to appeal to me. If they are still not satisfied, they have the right to appeal to the Supreme Court. This seems to me to be as much as anyone could wish for. However, Treasury officers, in conjunction with Crown law officers, are looking at these appeal provisions and I will certainly let the Deputy Leader know when a decision has been taken as to whether we feel that the Act needs some amendment in this area and whether any further safeguards are required.

Amendments negatived.

Mr S.J. BAKER: I move:

Page 10, after line 13—Insert new words and paragraphs as follows:

, other than where—

(f) the relevant property has been held by the private company of scheme for at least one year;

or

(g) it is shown to the Commissioner's satisfaction that the acquisition of, or dealing with, the relevant property has not occurred for the purpose of defeating the object of this Part.

Proposed new section 94 (4) details assets that are not to be taken into account in determining the ratios under subsection 1 *(b)*. First, it would appear that there is no logical reason why assets, which are essentially cash assets, should be ignored. The theory behind this provision is that, presumably, a cashed up company may represent one that has been stripped of other assets in an endeavour to dispose of that company as a means of conveying residual real estate. To avoid the unfair operation of the provisions of the legislation in cases where there is no scheme element, it may be appropriate to provide that the various assets not taken into account by reason of new section 94 (2) will not include assets that have been held by the company or scheme for a period of not less than 12 months. This changes the provisions that have been put forward by the Minister.

It is a bit of a trade-off. We are saying that the provisions could be unduly harsh in the way that they operate. As members would be well aware, in today's financial environment, the holding of assets for a period of 12 months involves a considerable liability in respect of either opportunity cost or, alternatively, in the moneys borrowed to finance those assets. The amendment is couched in terms such that we should apply that provision for a more limited period, perhaps for 12 months, which would be a more realistic period in terms of the sorts of ventures we are talking about in relation to this legislation.

The Hon. FRANK BLEVINS: I oppose the amendment for the reasons I have already given.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 11, after line 8—Insert new subsection as follows:

(8) In this section—

'property' includes any asset.

It has been put to me quite forcefully that when we are dealing with property, and particularly in relation to the matter of the 80 per cent rule, it is important to understand that there could be companies that have very large, visible and physical assets, for example, land, but also assets of an invisible nature, such as expertise and technology or a range of other assets that could be canvassed. We understand why a restriction has been placed on the cash that can be classed as the asset base of a company. As we would all be well aware, if there is a need to defeat the 80 per cent rule one simply has to borrow a bit of money to take the relative share of the land or property in total compared with the total assets of the company below the 80 per cent rule. Therefore, it would not come under this legislation.

I am pointing out that property can comprise a variety of assets and, therefore, when we are talking about the denominator of the equation all of those assets should be taken into account. It is unfair to say that, simply because we cannot see or feel the assets, that they are not classed as assets. We know of many companies which operate in Australia simply on the basis of their capacity to perform consultancies and which require limited assets. Companies that deal in overseas transactions in the finance area do not

require a great number of assets, but they certainly require a great deal of expertise. Many valuers would say that the company's assets base is far greater than the Commissioner of Stamps is willing to place on it.

The Hon. FRANK BLEVINS: I oppose the amendment. It appears to narrow the range of matters that can attract duty and, consequently, lose revenue for the Government. The Government is certainly not prepared to accept that. I am not quite sure, although I will have *Hansard* examined, what motivates the honourable member. I am not saying that in any pejorative sense but if it is merely to reduce the Government's revenue from that area, I wonder whether this Bill is the proper Bill under which to do that and whether this is the proper place in which to debate this matter. However, I will have *Hansard* examined to try to clarify in my mind the reasons why the Deputy Leader wishes to do that. I certainly oppose this amendment strongly.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 12, after line 28—Insert new subsection as follows:

(4) A person is not required to lodge a statement under this section if—

(a) a real property to which the land use entitlement relates is primary production land;

and

(b) the person acquires the land use entitlement from a lineal ancestor or lineal descendant.

This is consistent with previous amendments. I believe it is an important principle.

The Hon. FRANK BLEVINS: I oppose the amendment for the reasons stated when the honourable member moved an amendment on the same matter.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 14, line 33—After 'South Australia' insert '(but only insofar as may be reasonable taking into account the amount of the assessment and any estimated penalty)'.

Proposed new section 101 provides:

. . . the Commissioner may, in relation to all or any of the real property to which the private company or scheme is entitled in South Australia, deliver to the Registrar-General a notice, in a form determined by the Registrar-General, setting out the amount of the assessment, and any penalty that may be payable under this Act.

We are trying to incorporate an important principle into the clause. The principle is that, under the current guidelines, whenever an amount or penalty is outstanding, the resultant amount is conveyed to the Registrar-General of Deeds. That officer's first policy has been to place an encumbrance on the properties concerned. The properties involved may be one or many under separate titles. In the past the Registrar-General of Deeds has placed the total amount on each of the properties. For example, if someone owes $10 000 in stamp duty on one parcel of land, that is communicated to the Registrar-General of Deeds who puts $10 000 on each of the properties.

Whilst it is fairly simple for people to clear that encumbrance, they cannot clear it if they need finance to meet the debt. If there are 10 properties with a $10 000 debt over them, financiers will perceive that as a debt of $100 000, which is incorrect. The amendment seeks to say that it is only fair and reasonable to represent the amount owing on one property, or at least to assure anyone who may be approached for finance that there is a $10 000 debt only over the total land-holdings, not over each of the properties under one trust.

We all know how difficult it is to obtain credit, particularly when a property is the subject of a first mortgage. In such a case, a second mortgage comes a little harder. If there is a mortgage on land and there is a further encumbrance, yet it relates only to a very small part of the asset base, it makes it difficult to obtain finance to clear that encumbrance.

Another matter that is canvassed in a further amendment is that often trust holders may not have knowledge of the encumbrance because of the way that the transactions, on which stamp duty has been levied, have been completed.

I commend this amendment to the Committee, because I believe it is important that, if someone owes $10 000, the Commissioner of Stamps and the Registrar-General of Deeds should not give the impression to the world at large that there is a far larger amount owing, because it affects the credibility of the people involved in the unit trust or shares in the unlisted company and makes it more difficult for them to operate financially.

The Hon. FRANK BLEVINS: I oppose the amendment. The amendment seeks to put a limitation on this provision and it would be difficult to determine when this limitation would be applicable. It is a pity, but necessary from time to time, that caveats should be put on titles when stamp duty has not been paid. It does not happen often, but, when it does, it is necessary, because the State is entitled to those funds eventually. Therefore, in my view, it would be totally unreasonable to put any limitation on this provision at all.

The words that the Deputy Leader of the Opposition is seeking to insert may, on the surface, appear reasonable, but in practice that would not be the case. For example, it could lead to extensive litigation. I am not saying that it would, but I understand that it could, and that would be undesirable. If a stamp duty bill has not been paid, I believe that in all cases it is reasonable for the Commissioner to put that caveat on the title. I would not agree to any constraint being placed on that, because, after all, we are talking about the taxpayers' money. Again, I understand the majority shareholder would be liable for the stamp duty when it was eventually paid.

Mr S.J. BAKER: The system as it operates today is unfair. If a person incurs a debt and an encumbrance is put on a particular property, that is to ensure that that property is not sold without the debt being met. In these circumstances, the debt is multiplied. The clear impression is given that someone may owe a far greater amount than actually applies. We are breaking the rules. It may be that the Commissioner and the Government would not wish any part of the property holding to be sold until the debt was met. Therefore, there may be other mechanisms available to cater for that circumstance.

Importantly, it means that a person who has got himself into difficulty would have further difficulty in obtaining finance on the basis of the net assets of the total property holding because there is a caveat on all the titles that the trust has in its possession. The Minister is saying that it is bad luck. When I was taking counsel on the matter, I canvassed whether the Registrar-General of Deeds should be forced, on application by the majority shareholder or a person holding units in a unit trust, to reveal the total amount of the debt owing in order that, if there is difficulty with finance, that can be overcome. If it simply said that a person owed not $100 000 or $200 000 but only $10 000, that could easily be met by a short-term loan. There are no easy provisions in the legislation to allow that to occur.

I suggest that there are probably many mechanisms that could make life easier for the participants in share companies and unit trusts, who are not always the people who are attempting to avoid stamp duty—in most cases, they are not the people who are attempting to avoid stamp duty—but the encumbrance itself places them in undue difficulty and lists their debt to the rest of the world at a potentially

far greater level than would would apply in normal commercial transactions.

I ask that the Minister look at this important area. As I said previously, it can happen by accident rather than design. It may well not involve a company or a trust actually breaking the law. It may have been through a gift to the trust or a purchase of which the trustees were not aware. It is important that we address this question seriously and, if the Minister is not willing to accept the amendment, I ask that he reconsider the matter in the period between the passage of the Bill here and in another place.

The Hon. FRANK BLEVINS: I indicate that I will have a further look at this amendment. However, I was not clear on the question of magnification of the debt. The Bill is quite clear in stating in proposed new section 101 (1) that the Commissioner shall 'deliver to the Registrar-General a notice, in a form determined by the Registrar-General, setting out the amount of the assessment, and any penalty that may be payable under this Act'. It is quite clear as to what is owing. Proposed new section 101 (2) states:

On receipt of a notice under subsection (1), the Registrar-General will, in relation to any real property referred to in the notice, enter in the Register Book—

(a) the amount of the assessment;

and

(b) the amount of any penalty.

It is perfectly clear to everyone concerned in any future transaction just precisely how much is owed. I cannot see where any question of magnification comes into it. I am not aware of any problems with this kind of definition in the past and I am surprised that one has been raised now by the Deputy Leader.

Nevertheless, as there will be a little time between this debate and the debate in another place, if the Deputy Leader can come up with some specific examples of problems that can be reasonably foreseen, I will have a look at them over the next few days. In the meantime, I oppose the amendment.

Amendment negatived.

The ACTING CHAIRMAN (Mr Gunn): I draw the Committee's attention to page 12, line 1, of the Bill where *(c)* should be *(b)*. When the Bill is reprinted as amended, that correction will be made.

Mr S.J. BAKER: I move:

Page 18, lines 5 to 24—Leave out section 105a and substitute new section as follows:

Notice of statement must be served on company

105a. (1) Subject to subsection (2), the Commissioner must, as soon as is reasonably practicable after a person lodges a statement under this Part, serve a copy of the statement on the private company or scheme in respect of which the person has acquired the relevant interest or land use entitlement.

(2) If the Commissioner cannot, after making reasonable inquiries, ascertain the address of a private company or scheme for the purposes of subsection (1), the Commissioner may effect service by placing a notice that complies with subsection (3) in a newspaper circulating generally in the State.

(3) A notice complies with this subsection if the notice—

(a) is addressed to the private company or scheme;

(b) sets out—

(i) the name of the person who has lodged the statement under this Part;

and

(ii) the date on which the statement was lodged;

(c) warns the company or scheme that if the assessment of any duty chargeable on the statement is not paid in accordance with this Part, the Commissioner may (if the Commissioner thinks fit) take action to create a charge against real property of the company or scheme for the purpose of recovering that duty and any penalty payable under this Part;

and

(d) invites the company or scheme to obtain a copy of the statement from the Commissioner during normal office hours.

This amendment seeks to avoid the problem faced by trusts or schemes that have no knowledge of certain transactions and are placed in the difficult situation that I have previously described. It should be remembered that the definition of 'acquisition' in proposed new section 91 includes:

(a) the purchase, gift, issue or allotment of a share in the company or a unit in the scheme (other than the initial allotment of shares to a subscriber to a memorandum of the company or the initial allotment of units to a beneficiary on the creation of the unit trust scheme).

That definition allows for the situation to arise in which majority shareholders of units and unit trusts could be quite unaware that certain transactions have taken place, and does not provide any recourse. The only time that the unit holder or shareholder is actually aware of that situation is when the notice arrives stating that stamp duty must be paid.

The Opposition believes that it is appropriate that, when those matters come to his or her attention, there is a responsibility on behalf of the Commissioner to inform the company or the trust. Too often in legislation the Government requires other individuals to be responsible and have full knowledge of the law and to comply in writing or to meet their obligations. Under these circumstances, the Opposition believes that it is appropriate that the responsibility be shared and that the Commissioner have responsibility to ensure that all the appropriate people are informed when these circumstances pertain.

The Hon. FRANK BLEVINS: If I understand the Deputy Leader correctly, I cannot see the problem, and I will oppose the amendment. This relates to the majority shareholder. The majority shareholder is the person who conducts the business, so he or she must know precisely what is going on. How can the majority shareholder not know of the transaction when it must be done with his or her permission? I do not understand the problem. However, I will have the Deputy Leader's point examined over the next few days to see whether I can extract the kernel of the problem. If necessary, I will supply a more extensive answer to the Deputy Leader.

Mr S.J. BAKER: I will be more specific. In the case of a gift to a trust, circumstances can and will arise, because of the complexity of the financial arrangements, where that is not known to the majority shareholder. In his answer, the Minister made the assumption that all these schemes were operated by a majority shareholder and that someone looked after the scheme to avoid stamp duty. I hope that is not the Minister's belief, but that was the impression he gave. Obviously, many trust arrangements do not have a majority shareholding. I am pleased that the Minister has seen fit to say that he will look at those circumstances where the assets of a company can change without the knowledge of the principals involved. I am told that that is not an unusual circumstance. There should be some protection for them.

The Hon. FRANK BLEVINS: As I say, this is a reasonable Government and I will give full consideration to the representations made by the Deputy Leader.

Amendment negatived.

Mr S.J. BAKER: I suppose we could have asked for clause 7 to be split up into minor parts before we addressed the amendments but I will bear with the situation that we have before us—that we have 17 pages of amendments to this clause. I would like to make some observations about the questions that have been raised with me about the way in which the scheme will operate. As the Minister would be

aware, I have grave difficulty with the provisions of this legislation because they are far beyond my comprehension.

Members interjecting:

Mr S.J. BAKER: We have been down this track before. I am also aware that there are some complex questions that probably neither of us can judge until the legislation comes into operation. Some issues have been raised with me about new Part IV under this clause and whether a duty will be required under Part IV as well as under section 71 of the principal Act. It is not clear in the Bill itself whether double dipping will occur. I am assured that the Minister would not be involved himself in double dipping, but the question has been raised with me whether indeed there is a clear distinction: that, if one is liable under section 71, one is not also liable under Part IV; alternatively, that the Commissioner will not select the area which produces the greatest amount of stamp duty as the way in which he will levy the duty. That was the first question, and the Minister might like to take note of that. This relates to either the credit facility or an exemption under another section of the Act.

It has also been suggested to me that new section 98 provides for exemptions for certain financial arrangements; whilst the use of financing trusts is no longer as prevalent, exemptions should be inserted for such transactions from the operation of section 71. That is a point of clarification on the previous point I made. Similar exemptions should be included to remove any doubts in respect of section 60 of the Act. It is not quite clear and we believe it should be made quite clear that people responsible under section 71 will not be responsible under either new section 98 or section 60.

I have already mentioned the matter of land for primary production and the difficulty associated with land use entitlement. Under the Bill, 'land use entitlement' is defined as being an interest in a private company or scheme giving an entitlement to exclusive possession of real estate, and the definition of 'interest' excludes a land use entitlement. A land use entitlement could possibly include any arrangement within the definition of 'unit trust scheme' giving even a short-term right to occupation without any interest in the underlying property or even covenants or such like issued by a number of schemes for the growing of timber. So, I question whether land use entitlement is properly excluded under the Act. I would like that matter to be addressed. Obviously, the Minister would be aware that I would like the primary production area to be fully addressed.

We have the old question that was raised under the Stamp Duties Act Amendment Bill (No. 2), where there is a territorial nexus with South Australia, and that also is not quite clear under new section 91 (1) of the Act. The Minister would be well aware that, when we were dealing with the Stamp Duties Act Amendment Bill (No. 2), I raised the question that stamp duties should relate purely and simply to South Australian owned property and there should not be any matters canvassed about interstate holdings, even if they were deemed to be part of the same transaction. We believed that that needed clarification.

There is a question about the way in which new section 91 (1) will operate in relation to the application of stamp duty. I will read out a piece of advice that has been provided to me:

> It is possible under the Bill for a company holding—say, $2 million worth of units—in a property unit trust or trust to be a land owning company, notwithstanding that it merely holds, say, 2 per cent in a particular property trust or a very minor interest in a number of property trusts. This is unsatisfactory and should clearly be excluded.

I understand that that difficulty arose as a result of two cases (and I have not had time to read them, even if I could understand them): the decision made in *Costa and Duppe Properties Pty Ltd v Duppe* (1986) and *Softcorp v Commissioner of Stamp Duties* 87 ATC 4 737. So, there is that question about the operation of new section 91 (1). It seems quite clear, but I would appreciate the Minister's assurance that a minority shareholding will not come under the auspices of this Act.

Some questions have been raised with respect to related persons. The legislation pulls a number of people under the area of responsibility, and these can include professional advisers and people vaguely associated with trusts and companies, under new sections 91 (2) and 91 (3). I would appreciate the Minister's assurance that people will not be deemed to be related in circumstances under this Bill where previously those persons would simply not have come under contention. That is the first round of questions for the Minister to respond to.

The Hon. FRANK BLEVINS: I will not respond at all to any of those questions unless they are asked individually. It is very simple to read out a list of questions of incredible complexity in the hope that the Minister will answer them. The answer is 'No; the Minister will not.' I will do one of two things: if they are asked individually, I will answer them individually, otherwise I will prepare a set of answers for the Deputy Leader. I point out that there has been a great deal of consultation on this Bill with the Taxation Department, the institute, lawyers, accountants and so on, where all those questions have been raised and answered. Officers of the Treasury and other various bodies concerned have had to agree to differ on some matters and some interpretations. I am not suggesting for one moment that it is improper for the debate to continue here: quite the reverse. It is proper and it ought to, but it will have to be conducted on a question and answer basis, rather than a whole list of very complex questions of which I am expected to take note and respond to instantly. I am not in a position to do that.

Mr S.J. BAKER: I am quite content for the Minister to give an undertaking that those matters will be examined. I was hoping that he would actually take note of them as I read them out, but I appreciate his difficulty. In relation to proposed new section 101 (3) of the Bill, is the Minister aware of the problems caused by the encumbrance of mortgages and the further encumbrance which can relate to a stamp duty debt being placed on all properties rather than, for example, on one property, which is the appropriate measure?

The Hon. FRANK BLEVINS: If the Deputy Leader has specific instances of where he feels some distress has been caused, I should be happy to examine those examples.

Mr S.J. BAKER: Proposed new sections 98 (2) and 98 (3) of the Bill do not deal with the cancellation or redemption of the relevant interest by the company or trustee as it uses the word 'reacquire' which is not defined to have an equivalent meaning to the word 'acquire'. That is a technicality. Can some reliance be placed on the Acts Interpretation Act? If that is the case, why was it necessary specifically to add 'acquire' after 'acquisition' in proposed new section 91?

Another difficulty with the provisions is that, if a financier uses a special purpose company to acquire these interests, any dealing in the shares of the special purpose company does not have the benefit of a like exemption, and it should. Will the Minister clarify that?

The Hon. FRANK BLEVINS: I am advised by those who assisted me in drafting this provision that the words are totally appropriate.

Clause as amended passed.

Clause 8 and title passed.
Bill read a third time and passed.

JAMES BROWN MEMORIAL TRUST INCORPORATION BILL

Received from the Legislative Council and read a first time.

REMUNERATION BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to establish a tribunal to determine the remuneration payable to members of the judiciary and the remuneration or part of the remuneration payable in respect of certain other offices; and for other purposes. Read a first time.

The Hon. R.J. GREGORY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It provides for the establishment of a remuneration tribunal to determine the remuneration payable to members of the judiciary and the remuneration or part of remuneration payable in respect of certain other offices which involve the exercise of powers of statutory independence. The tribunal provided for under this Bill would replace the remuneration tribunal established under the Remuneration Act 1985, which latter Act is to be repealed under the Statutes Repeal and Amendment (Remuneration Act) 1990 Bill.

In respect of the members of the judiciary, the Bill maintains the previous situation under the Remuneration Act 1985 whereby their remuneration was determined by an independent remuneration tribunal. This Bill also proposes that the remuneration of the offices of State Coroner, Deputy State Coroners, Commissioners of the Industrial Commission and the full-time Commissioners of the Planning Appeal Tribunal be determined by the independent remuneration tribunal.

The remuneration tribunal, under the Remuneration Act 1985, determined remuneration for these offices at the same time as it determined remuneration for members of the judiciary. The Government considers it appropriate for that approach to be continued. Whilst these offices are not of a judicial nature, their functions require them to exercise powers in a manner that is independent of the Government of the day. It is accordingly appropriate that their levels of remuneration continue to be set independently so as to protect their independence in the performance of their statutory functions. I commend the Bill to the House.

Clause 1 is formal.

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

Clause 3 sets out definitions of terms used in the measure. 'Remuneration' is defined by the clause to include salary, allowances, expenses and fees.

Clause 4 provides for the establishment of a new Remuneration Tribunal.

Clause 5 provides that the Remuneration Tribunal is to consist of three members appointed by the Governor on the nomination of the Minister. Under the clause, the Minister must exclude from consideration as a possible nominee any person whose own remuneration could be affected directly or indirectly by a determination of the tribunal. One member of the tribunal must be appointed by the Governor to be President of the tribunal.

Clause 6 provides for the terms and conditions on which members of the tribunal hold office. A maximum term of office of seven years is fixed under the clause. A member is, on completion of a term of office, eligible for reappointment.

Clause 7 provides that a member of the tribunal is entitled to such remuneration as is determined by the Governor.

Clause 8 provides tnat a sitting of the tribunal may be convened by the President of the tribunal of his or her own motion or at the request of the Minister. Under the clause, the tribunal must sit at least once in each year for the purpose of determining, or reviewing previous determinations of remuneration.

Clause 9 provides that the tribunal is to be constituted of two or three members for the purposes of making a determination. A decision of the tribunal must be concurred in by two members of the tribunal.

Clause 10 provides that the tribunal is not bound by the rules of evidence but may inform itself in any manner it thinks fit. The tribunal must allow persons, or persons of a class, affected a reasonable opportunity to make submissions orally or in writing to the tribunal before making a determination. A person may appear before the tribunal personally or by counsel or other representative. The Minister is, under the clause, entitled to intervene, personally or by counsel or other representative, in any proceedings of the tribunal to introduce evidence, or make submissions, on any question relevant to the public interest.

Clause 11 provides that the tribunal has the powers of a Royal Commission.

Clause 12 allows the tribunal to determine its own procedure subject to the provisions of the measure.

Clause 13 confers jurisdiction on the tribunal to determine the remuneration payable to:

(a) the Chief Justice of the Supreme Court;
(b) the Puisne Judges of the Supreme Court;
(c) the President of the Industrial Court;
(d) the Deputy Presidents of the Industrial Court;
(e) the Senior District Court Judge;
(f) the other District Court Judges;
(g) the Chief Magistrate;
(h) the Deputy Chief Magistrate;
(i) the Supervising Magistrates;
(j) the Assistant Supervising Magistrates;
(k) the Senior Magistrates;
(l) the Stipendiary Magistrates;
(m) the other Magistrates;
(n) the Supervising Industrial Magistrate;
(o) the other Industrial Magistrates;
(p) the State Coroner;
(q) the Deputy State Coroners;
(r) the Commissioners of the Industrial Commission;
(s) the full-time Commissioners of the Planning Appeal Tribunal.

Clause 14 provides that the tribunal has, in addition, jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of any other office if such jurisdiction is conferred on the tribunal by any other Act or by the Governor by proclamation.

Under clause 15, the tribunal is required to have regard to the principle of judicial independence in appropriate cases.

Clause 16 requires the tribunal to forward a report to the Minister setting out the terms of and grounds for a deter-

mination as soon as practicable after it is made. The Minister must table any such report in Parliament. A determination must be published in the *Gazette* within seven days after it is made.

Clause 17 allows the tribunal to give a determination retroactive operation.

Clause 18 provides that a determination of the tribunal is not subject to appeal.

Clause 19 provides that a determination is binding on the Crown and is sufficient authority for payment from the Consolidated Account of the remuneration to which it relates.

Clause 20 provides for the making of regulations

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

STATUTES REPEAL AND AMENDMENT (REMUNERATION) BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to repeal the Remuneration Act 1985; and to amend the Agent-General Act 1901, the Constitution Act 1934, the Electoral Act 1985, the Government Management and Employment Act 1985, the Highways Act 1926, the Industrial and Commercial Training Act 1981, the Industries Development Act 1941, the Metropolitan Milk Supply Act 1946, the Ombudsman Act 1972, the Police Act 1952, the Public Accounts Committee Act 1972, the Public Finance and Audit Act 1987, the Public Works Standing Committee Act 1927, the Solicitor-General Act 1972, the South Australian Health Commission Act 1976 and the Valuation of Land Act 1971. Read a first time.

The Hon. R.J. GREGORY: 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 repeal the Remuneration Act 1985 and to make consequential amendments to various Acts to enable a changed approach in the fixation of the remuneration for members of Parliament, chief executive officers and certain statutory office holders. As a result of this Bill and the related Remuneration Act Amendment Bill 1990, the jurisdiction of an independent remuneration tribunal will be limited to determining the remuneration of the judiciary and holders of other statutory offices which involve the exercise of powers of statutory independence. Currently, the remuneration tribunal, pursuant to the Remuneration Act 1985, is also empowered to determine the remuneration of members of Parliament, chief executive officers and certain other statutory office holders.

Under the Parliamentary Remuneration Act Amendment Bill 1990, it is proposed to set the levels of remuneration of members of Parliament by reference to the levels of remuneration paid to members of the House of Representatives of the Federal Parliament, thereby removing the need for a continuation of the tribunal's role in this area. A changed approach is also proposed in the fixation of the remuneration of chief executive officers and holders of the following statutory offices:

- Auditor-General
- Electoral Commissioner
- Deputy Electoral Commissioner
- Chairman, South Australian Health Commission
- Commissioner of Highways
- Chairman, Industrial and Commercial Training Commission
- Chairman, Metropolitan Milk Board
- Ombudsman
- Commissioner of Police
- Deputy Commissioner of Police
- Commissioner of Public Employment

It is considered that a more efficient and timely approach to the fixing of the levels of remuneration for these officers could be achieved if they were determined by the Governor in lieu of the tribunal and on a basis that is consistent with the fixing of the remuneration of other executive officers. In addition, such a changed approach would also enable individual contracts to be entered into having regard to the experience, background, skills and special circumstances of such senior officers. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation.

Clause 3 is an interpretation provision.

Clause 4 provides for the repeal of the Remuneration Act 1985.

Clause 5 amends the Agent-General Act 1901, so that the remuneration of the Agent-General is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 6 amends section 55 of the Constitution Act 1934, which relates to the Joint Standing Committee on Subordinate Legislation. The section currently fixes and provides for the adjustment and payment of salaries for the Chairman and other members of this committee. The clause amends this section so that it provides instead that the Chairman and other members of the committee are to be entitled to such salaries as are fixed by or under the proposed new Parliamentary Remuneration Act.

Clause 7 amends the Electoral Act 1985, so that the remuneration of the Electoral Commissioner and Deputy Electoral Commissioner is to be determined by the Governor instead of the Remuneration Tribunal.

Clauses 8, 9, 10 and 11 amend the Government Management and Employment Act 1985. Under the clauses, the remuneration of the Commissioner for Public Employment and Chief Executive Officers of administrative units is to be determined by the Governor instead of the Remuneration Tribunal. The clause also amends schedule 2 to that Act which lists public officers, or classes of public officers, excluded from the Public Service. Under the schedule, officers whose remuneration is determined by the Remuneration Tribunal are excluded from the Public Service. As a consequence of other amendments contained in the measure under which the remuneration of various public officers will be determined by the Governor instead of the Remuneration Tribunal, it is necessary to recast this exclusion. Accordingly, clause 11 amends the schedule so that, instead, it excludes from the Public Service any person who is appointed under another Act on terms and conditions of appointment that are to be determined by the Governor, a Minister or any person or body other than the Commissioner.

Clause 12 amends the Highways Act 1926, so that the remuneration of the Commissioner of Highways is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 13 amends the Industrial and Commercial Training Act 1981. The amendment transfers the power to determine the remuneration of members of the Industrial and Commercial Training Commission from the Remuneration Tribunal to the Governor.

Clauses 14 and 15 amend the Industries Development Act 1941. Under that Act, the remuneration of all members of the Industries Development Committee is determined by the Governor. Under the amendments, the remuneration of those committee members who are members of Parliament will instead be fixed by or under the proposed new Parliamentary Remuneration Act.

Clause 16 amends the Metropolitan Milk Supply Act 1946, so that the remuneration of members of the Metropolitan Milk Board is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 17 amends the Ombudsman Act 1972. Under the amendment, the remuneration of the Ombudsman is to be determined by the Governor instead of the Remuneration Tribunal.

Clauses 18 and 19 amend the Police Act 1952. The amendments transfer the power to determine the remuneration of the Commissioner of Police and the Deputy Commissioner of Police from the Remuneration Tribunal to the Governor.

Clauses 20 and 21 amend the Public Accounts Committee Act 1972. That Act currently fixes and provides for the adjustment and payment of salaries for the Chairman and other members of the Public Accounts Committee. The Act also provides for expenses and allowances prescribed by regulation. Under the amendments, the Chairman and other members of the committee will instead be entitled to salaries, allowances and expenses fixed by or under the proposed new Parliamentary Remuneration Act.

Clause 22 amends the Public Finance and Audit Act 1987, so that the remuneration of the Auditor-General is to be determined by the Governor instead of the Remuneration Tribunal.

Clauses 23, 24 and 25 amend the Public Works Standing Committee Act 1927. That Act currently fixes and provides for the adjustment and payment of salaries for the Chairman and other members of the Public Works Standing Committee. The Act also provides for travelling allowances prescribed by regulation and for the reimbursement of certain other expenses actually incurred. Under the amendments, the Chairman and other members of the committee will instead be entitled to salaries, allowances and expenses fixed by or under the proposed new Parliamentary Remuneration Act.

Clause 26 amends the Solicitor-General Act 1972. Under the clause, the remuneration of the Solicitor-General is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 27 amends the South Australian Health Commission Act 1976, so that the remuneration of full-time members of the Commission is to be determined by the Governor instead of the Remuneration Tribunal.

Clause 28 amends the Valuation of Land Act 1971 in a similar fashion by transferring the power to determine the remuneration of the Valuer-General from the Remuneration Tribunal to the Governor

Mr INGERSON secured the adjournment of the debate.

CORRECTIONAL SERVICES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 21 March. Page 688.)

The Hon. H. ALLISON (Mount Gambier): This Bill arises in part from problems experienced at Yatala in September 1989 when a group of prisoners (and the causes of the dispute are not really addressed in this Bill) went on strike and sabotaged equipment. This antisocial action continued for some time.

The Government retaliated by disciplining the prisoners to some extent by reducing their pay to a basic 10c a day, the amount which is prescribed in legislation and regulation dating back to 1984 following the passage of the Correctional Services Act 1982, which was proclaimed in 1985. I understand from the Minister's second reading explanation that, notwithstanding that the daily wage rate was reduced to 10c, a humanitarian payment or allowance of about $2.20 or $2.50 a day was made to enable all prisoners at Yatala to purchase daily necessities.

From the group of prisoners responsible for this strike and the ongoing sabotage emerged one or two ringleaders who decided to appeal to the court against the decision to reduce their daily pay on the basis that such action was not legitimate under the provisions of the Correctional Services Act. Mr Justice Olsson in a judgment brought down in January 1990 ruled in favour of the prisoners. The department in its wisdom—although His Honour decided that it was not wisdom—decided to regulate to legitimise past practices of the Government and the department in making incentive payments to prisoners, partly as a management tool and partly as a disciplinary measure. Very quickly the matter was taken back into court where Mr Justice Olsson rebuked the department allegedly saying, according to an *Advertiser* article of 27 January 1990, that the department had used the prisoner payments as a weapon against both innocent and guilty alike, and that that was an action unworthy of a responsible Government department.

The original intention of section 31 of the Correctional Services Act was an honourable one because it gave the Department of Correctional Services and the Government the power to award incentives to prisoners by means of increased pay rates provided the prisoners were cooperative and met certain criteria laid down by the Government and the department. So, I am not absolutely sure whether Mr Justice Olsson's comments were fair to the department but, as I said before, the measures that are proposed in this Bill will not address the original cause of the dispute at Yatala which led to the subsequent action of the Government and the department and which, in turn, led to Mr Justice Olsson's judgment.

This Bill seeks to legitimise past practices of the department in making incentive or reward payments to prisoners who cooperate, a diminished payment to remandees, those people who are sick or legitimately unable to work or who may be on educational study leave, and a very much diminished payment to those prisoners who are totally unwilling to cooperate and work. This legislation addresses that part of the problem by at least attempting to legitimise the Government's award payments to prisoners.

It also seeks to do other things. For example, it seeks to limit prisoner access to money where prisoners have money in a private account either from earnings within the gaol or from moneys paid in from sources outside the gaol, and it seeks to give the managers of prisons the right to refuse prisoner access to other than a fair amount of money where it is quite obvious that prisoners are seeking simply to avoid any financial restrictions when they are deliberately not cooperating or working.

It also seeks to amend the parole provisions by, first, strengthening the parole provisions by making it automatic that a prisoner serve time when he breaches parole for a second time and, secondly, giving the Parole Board expanded powers. Rather than simply warning a prisoner as a mini-

mum or imprisoning a prisoner as a maximum penalty when they breach parole, the Bill provides a third avenue of community service.

I refer to correspondence to the Minister and the Premier from prisoners of Yatala and to letters that I have written to the Minister and the Premier over the past few months. In particular, I refer to a letter of 28 February 1990 to the Minister by a prisoner named Bromley, to a letter from me of the same date and to correspondence addressed to the Premier by prisoner number 26293, who claimed to be the senior union representative of prisoners at Yatala. I have other letters which I do not propose to read, but which my colleague the member for Hanson will undoubtedly refer to in his address. These letters make a series of allegations and claim that the original cause of the dispute could have been resolved in 10 minutes if appropriate consultation between prisoners, prison officials and ministerial delegates had taken place.

I wrote to the Minister and the Premier offering personal assistance, if that were acceptable, to resolve this problem. The point I make is simply this: I have received no reply to these various letters, including copies of prisoners' letters which I sent to the Minister, other than seeing this Bill introduced in the House which, I repeat, will not address the original problem. It will legitimise the tool of management, that is, the payment of awards and incentives to prisoners, but it will not address the original problem.

By way of a press release rather than a personal response to me, the Minister said that the prisoners were simply out of order in taking violent action and that in no way would he be prepared to negotiate (and this is a common reaction of industrial courts) until such time as the prisoners returned to work and resumed normal prison activities. I am not complaining about that: I am simply pointing out that these things were done around the Opposition spokesman rather than involving him.

I also point out that I have written to the Minister enclosing copies of the responses I sent to the various prisoners concerned. I hope that the Minister will acknowledge that I have kept this matter out of the public arena and have done my best to de-politicise and take the heat out of the situation. I have advised the prisoners in each and every case that they should be prepared to cooperate, that they have limited bargaining power and that under no circumstances would I advocate anything other than a negotiated non-aggressive resolution to the original problem. That offer of assistance is still there should the Minister seek to avail himself of it.

I have spoken briefly with representatives of the Australian Law Society from whom I have still not received a formal response. I have conferred with Mr Kidney, the representative of the Offenders Aid and Rehabilitation Society, who has been kind enough to provide me with a written response in relation to a few of the issues raised in this legislation.

Mr Kidney offered some sympathy to all members of Parliament who are asked to approve legislation such as this, acknowledging that it is a very difficult area. He also pointed out that many books and conferences have dealt with the question of prisoner payments and it is a very deep-seated philosophical issue but he put one or two suggestions that I believe should be placed on the record, if not for consideration during this debate at least for consideration later by the Minister and his department. I recognise that Mr Kidney is already a very important ministerial adviser.

In relation to resettlement, Mr Kidney holds that there should be a base rate for all people held in custody so that they have funds available for small purchases and amenities. I recognise that the Minister and his department have already made such allocations, either of the amenities and necessities themselves or of the money with which to purchase them, even during this period of dispute. Mr Kidney said that the base rate should be about $2.50 a day, to be reviewed annually and to keep pace with inflation.

As is already the case, that base rate should apply to remandees, the sick and those undergoing educational courses. I think that Mr Kidney would be pointing out specifically that work is only one avenue of keeping people occupied in prisons, only one way of rehabilitating prisoners, and that full-time education is another alternative that should not deprive a prisoner of a base pay rate. He states that workers should get a work allowance and that that should be double the base rate, which increases it slightly from the $4 that the Minister, in his second reading explanation, said was the approximate rate of pay that could be earned daily by prisoners.

Mr Kidney also advocates incentive payments in the belief that prisoners will work harder and will be more productive if such an incentive payment is made—not a large payment, perhaps $1 a day, should a certain quota prescribed by the department be reached. He cites evidence from Victoria where there is definite proof that increased production results from the introduction of incentive payments and that that more than compensates for the increased payment to prisoners—the increased cost of labour. He puts that down to increased job satisfaction for the prisoner and also, in the end, to valuable rehabilitative effects. Mr Kidney also advocates that prisoners should not be penalised if they are undertaking vocational educational courses as an alternative to work. The fact that they are trying to improve themselves, trying to do better, should be recognised by a payment for their daily achievement. He states that, generally, prisoners prefer to work and that is the message I received from the quite copious correspondence from prisoners. All of those who wrote to me, without exception, felt that way; I must have with me 40 or 50 pages of correspondence, and there is a more substantial file in my office. All prisoners seem to want to resolve the problem.

The Hon. Frank Blevins interjecting:

The Hon. H. ALLISON: Well, I just keep sending copies to the Minister. He is not getting out of it.

The Hon. Frank Blevins interjecting:

The Hon. H. ALLISON: All I receive is duly passed on for consideration. The Minister's assistant recommended that that should be the means of approach, rather than through the prison managers. I have kept prison managers informed of actions in an attempt to keep them involved and to demonstrate that in no way would I go behind their back—that I am looking for a cooperative solution to the problem. However, Mr Kidney said that the question of resettlement money is very important and he notes from the department's annual report—a copy of which I obtained from the Minister recently—that 80 per cent of sentences served are for less than 18 months. He says that this suggests that there could be an increased levy for those serving shorter sentences while, perhaps, for longer serving prisoners, it may be possible to put a weekly deduction of, say, $5 into insurance accounts where the considerable appreciation from investment may well provide long-term prisoners with a substantial sum of money, into the thousands of dollars, when they are ultimately released from prison.

I would like to thank Mr Kidney publicly for the time and effort that he put into responding to me at relatively short notice and for the constructive way in which he approached, at least, the question of prisoner payments.

The other issues, that is, parole and the role of the Parole Board in this legislation, he did not address.

At this stage, the Opposition supports the legislation. There is still minor research to be conducted in conjunction with the Law Society and one or two other advisers and other points may emerge for attention in the other place when the Bill passes in this House, but we support the legislation. Again, I simply ask the Minister whether it is to be his continuing policy not to respond to correspondence that has been addressed to him at the request of his ministerial advisers and whether he is simply using that tactic in the hope that the Opposition, and I personally, will go to the press, will make things much more public and will take these numerous prisoner complaints to the media such that an even more inflammatory situation is created at Yatala than currently exists. I hope that that is not the Minister's intention and I simply ask him to consider this matter carefully and to respond to the various points that I have put to him.

Mr BECKER (Hanson): For the first time in many years, the Opposition has been able to establish a system of communication with prisoners in our correctional services system to endeavour to better inform itself of what is required and, at the same time, to alert the Government to any problems that may be brewing within our prisons system. In October last year, I received a letter from an offender who stated:

> Please find enclosed Yatala Labour Prison inmates' log of claims. Your intervention in getting the department to open meaningful discussions would be appreciated. I raise the following valid points which may be of use to you:
>
> 1. We are already entitled to the rates we are asking for—pay and conditions of work.

At this stage I must interpose that this person believed that there was a set of rules and regulations within the prison system. He had a booklet that set out the pay and conditions of work, and the prisoners' claim was based on that information. The letter goes on:

> 2. Our claim for an increase is two-fold:
>
> *(a)* so we can continue to buy necessities—tobacco, shampoo, etc.

It is important that within our correctional services and rehabilitation system the offenders be given an opportunity to buy from the canteen on a regular basis some of the essentials that we use day to day. They should be given some chance to buy shampoo, tobacco and other products that help make their life a little easier. I make no bones about it; if one visits Yatala, one sees that it is not a very nice place. Thank God we closed Adelaide Gaol; it was atrocious and Yatala is no better in some parts. Something like $70 million has been spent refurbishing our prisons and building new prisons, and we still have a long way to go to provide reasonable security accommodation. The letter goes on:

> *(b)* to increase the amount allocated towards our eventual release (resettlement, currently two per week). As things stand, our purchase power has become an unfunny joke, we have received 20c a day increase in five years.
>
> When we are released we have nothing to assist us. I give as an example prisoner Z who serves three years. On release he is given $300 resettlement money and a 'dole cheque' (about $110). He needs a roof over his head, clothes and to support himself while he looks for work (no easy matter for an 'ex-con'). It is no surprise that Z uses the $400 and buys a shotgun—he has little alternative!

I do not go along with that, but earlier in the letter the point is made about the resettlement fund. There is no doubt that the amount put aside in the resettlement fund is insufficient. I have always maintained—and it would have been my wish had we been successful in attaining Government—that we would establish a system within our correctional services for a substantial resettlement fund, but, before any offender serving a reasonable amount of time is released, he would have employment, secure accommodation and sufficient money in his pocket to survive until he receives his first income. I know that many people say that is an impossible dream, but nothing is impossible in this world. I believe that it could have been achieved and I think that the department is letting everybody down, particularly the State, in not trying to achieve these ideals.

It has been proved time and again in other countries and in other rehabilitation training programs that we can arrange for work for offenders. Many Australian companies will and do readily employ ex-prisoners. If they did not, the people concerned would never get a job. We have to go out into the market place and find the jobs for them, prepare them for their employment and also find accommodation for them. Offenders Aid Rehabilitation Services does that to some degree now, but it cannot meet all the needs which are required of it. However, within the framework of our various organisations, voluntary agencies and the department, we can set up a system which will ensure that these people do not have to offend, and certainly not write letters saying that they take the resettlement money and go out and buy a shotgun.

The resettlement fund should be of sufficient magnitude to be able to carry them through. I do not know whether the Minister is aware, and I cannot say exactly what it costs to set oneself up today, but we should try putting ourselves in the shoes of someone being released from prison. We have to go out and find a flat, provide the bond money and establish ourselves with a few bare essentials. Even if the flat is furnished, one still needs cooking utensils and so on. Therefore, it is not an easy task. The sum of $500 goes nowhere and $1 000 would hardly touch the surface. One would need a substantial amount of money to get through and a substantial amount of supervision in those early days.

Of course, parole is very important, and the demand on the time of parole officers is immense. In those early days, these people need to be assisted and supervised on a regular basis so that gradually, when that system is eased off, we know they can care for themselves. The recidivism rate in this State is about 60 per cent. It is too high, and we should be working on reducing that rate. We should be doing all that we can to prevent these people from reoffending. After all, that is what costs the money. It is not cheap to keep somebody in prison to meet the demands of society. Everybody wants a prison to be an absolutely maximum security prison and to treat the inmates as absolute villains.

The point is that at some stage in their lives they will be released, and they must be rehabilitated and shown there is a better way of life. In many cases that can be achieved. In some cases it is impossible. Another mistake that we have made is that perhaps we do not have a satisfactory institution to which people who have no relatives, no dependants, no one to care for them, can go and live in peace and harmony, be it on a farm or in an area where they cannot get into trouble, but where they can share the surroundings and the work responsibility with others and live harmoniously. That is done in Europe and in other parts of the world. We do not have to go around the world finding out what others do; we can do it here if we use some imagination and have the will and desire genuinely to do something. The letter goes on:

> If we received the pay we have already been promised we could, for example use, $30 per week for our canteen buy and have $20 put into our resettlement. Prisoner Z would be released with $3 000—enough to get a flat, clothes and enough to live on for a few weeks while he looks for work . . .

If we cannot trust the words (booklets) of the people entrusted with our rehabilitation, what's the point of sending us here? As things stand many inmates have no option but to reoffend upon release. The inmates are growing frustated at these injustices and that is the cause of the problems in the industrial complex.

The allowance scheme was reviewed this year [1989] and this will be considered for implementation in the new financial year annual report, page 15, 1987-88. Another year has passed and still the Government is 'considering'. I ask you, considering what, giving us what they've already promised? Is it any wonder some of my fellow captives are becoming restless?

The same report shows clearly that revenue is constantly growing whilst our allowances are falling (pages 14 and 15). Total revenue in 1987-88 was $835 236—

I could not quite substantiate that figure—

real revenue benefit is significantly higher (page 16) and represents an increase of 114 per cent in three years (page 15). I again ask you to use your position and get the Government to send someone with authority into this place, so we can get on with 'doing our time'. We all accept that being in prison is our punishment—we weren't sent here to be 'further punished' and all we want is a 'fair shake of the stick'.

The letter goes on to set out the basis of the claim:

This document has been authorised by a unanimous vote of all '6 division' inmates. We base our claims on the abbreviated copy of 'Prisoner wage rates and conditions—August 1984.'

I understand that that booklet or instruction was superseded some time ago, yet this offender was not aware of it. I do not know what information is now provided to offenders when they first arrive in prison. Certainly, I hope there is something more up to date. Perhaps the Minister can enlighten us on that. If not, something should be done in that respect. The letter continues:

We draw your attention to '3.5.2 Review' and ask you to open meaningful negotiations on the issues raised in this 'log of claims'. I have been authorised to undertake negotiations on behalf of the '6 division' inmates. I was refused access to the full document of 'Prisoner wage rates', so some reference numbers were unavailable.

The letter then goes on to quote the old rates and stages to obtain those rates and the basic steps. It goes on to say that the basic rate on 5 November 1984 was $2.50. Then, of course, with the CPI increase of $2 in April 1987 and the productivity increases, the basic rate increase sought was $8.30 per day. There is an allowance for 60c a day for school, and performance should have been $1.90. Therefore, it would have been $10.80 per day and that would have provided about $54 a week. That is what they sought. However, they got nothing. There have been nothing but difficulties and trouble out there. That concerns me, because—and the Minister was warned on occasions—there could be further trouble brewing at the prison. To be honest, there has been trouble at Yatala for many years.

It is felt that the prisoners, not the officers, are in charge at Yatala. There has always been difficulty in trying to extract a certain amount of discipline; it has been a difficult prison to manage. Indeed, it is a difficult conglomeration of buildings to manage and has a long history of trouble. To be fair, it does not attract the type of offenders who are easy to manage.

On page 552 of *Hansard* of 1 March 1990, I asked the Minister several questions about the fires that were lit in the workshops at Yatala Labour Prison in October 1989. I asked whether a prisoner was taken to 'G' division as punishment and whether the prisoners in workshops conducted a 'go slow' campaign. The reason for asking those questions and trying to ascertain how much damage was done and what was the cause of it was that it is part of the dispute between the offenders and the management and it is the way in which the offenders strike out against the difficulties they experience.

Further questions have been raised about the behaviour and treatment of some offenders. It is unfortunate that it had to be done this way, publicly, to bring the issue to the Government's attention. Letters have been sent to the Premier at the request of offenders because they felt they were not getting a fair go. To put part of it into legislation does not solve the problem. I would like to think it does and I would like an assurance from the Minister that this will solve the problem being experienced at Yatala, but I do not think that it will.

There needs to be a meeting between the Minister and/or his representative or nominee, someone from the department and someone representing the offenders to work out thoroughly what is a fair go for those who want to work and improve their skills to give them an opportunity to provide something for their resettlement. It must also be borne in mind that offenders must now pay the victims of crime levy. There is some dispute about the legality of that levy, but it is being taken out of their wages as well, causing some financial problems. The workshop at Yatala is excellent, so it should be made to work. That is part of the issue. The Government started up the system in 1984 and the methodology behind it should be reviewed constantly.

Another issue is that of the access of prisoners to money other than their allowance. This has raised a lot of doubts in my mind since the Parliamentary Public Accounts Committee looked at the profitability and operations of the canteen at Yatala Labour Prison in 1980-81 and brought down a report on the losses that were being sustained in that canteen. Its profits were to provide sporting equipment for offenders. It is clear that some offenders are able to put their hands on a lot more assets than others. It seems to be a very unfair system, and something does not add up.

Why should one offender have a bare, stark cell, and be lucky to have a little transistor radio, let alone anything else, while another offender has carpet, posters, a quadraphonic stereo, a television, a computer—every modern facility that one can get at home? In other words, it is a home away from home. That is the difference. Some offenders are able to buy large items through these funds and through having money deposited for them in an account. The items are purchased by the department for and on behalf of these prisoners. No-one knows whether some of that money has come from their crimes, but it seems wrong. We should have a correctional services and rehabilitation system in which everyone has the same type of cell or they all have wall-to-wall carpet and all the mod cons. At some stage the Minister will have to give us an explanation, because I would like to know how the system really works and whether this provision will reorganise the system so that it is fair to every prisoner.

The member for Mount Gambier covered what is probably the major issue of the legislation concerning parole and how easy it is for some offenders to breach their parole. One of my constituents who was on parole went straight back to gaol for a very minor breach, no ifs or buts. His employer asked him to do something. When my constituent said that he could not do it, his employer said, 'You'll be right. Sneak in, sneak out.' He got caught. I am pleased to see some changes, so that community service orders rather than automatic imprisonment can be applied for a breach of parole. From my experience as shadow Minister of Correctional Services, it is my wish that, one day, we will come up with a system so that those who are sent to prison for committing crimes can be rehabilitated and the incidence of crime in this State can be reduced.

Mr S.G. EVANS (Davenport): I have a different point of view on one matter from that of my colleague. I agree that we should try to rehabilitate prisoners but the House will

know that I have held a strong view for a long while that, rather than receiving lenient sentences from the courts, those people who have committed more serious offences should be given a term of imprisonment for their natural life—never to be released unless they are found to be innocent. I believe that we waste a lot of money giving that type of prisoner first-class prison accommodation. Perhaps a prison should be developed in the desert to serve all the States for that type of prisoner. Services could be taken in by plane and there would be no roads out. It would not offer the sort of facilities that would be provided for those who have committed less serious offences and who may be rehabilitated.

I agree with a lot of what the member for Hanson said. However, if prisoners coming out of gaol are paid money to find accommodation and clothes and are guaranteed a job, it is pretty hard on those people who have not offended and who cannot find jobs but must compete against former prisoners for them. They cannot get that kind of help and might think it better to commit a small crime, be sent to gaol and get help. I worry about that, and I can give three examples. In 1971, I gave $64 to a person who came out of prison to find accommodation or get a job. In 1973, I offered just over $50. In 1970, I gave $170 on the basis that it would be repaid. Many have repaid me over the years but, from that point on, I told each one that, if they let me down, in the future those who were genuine would not get assistance, and that is when I stopped doing it. I merely make the point that some people never front up to their responsibilities.

The member for Heysen made the point that other parts of the world have different ideas, but it must also be remembered that, in the final analysis, their results are not much better. It is a matter of human nature. Before we did away with capital punishment, lawyers used to go to court and argue that a person was criminally insane because it was better to be put away at Her Majesty's pleasure in an asylum than to be found guilty and hanged or take the risk of being hanged.

One gentleman, whom I will not mention by name because he worked with me and I have mentioned him in the House before, went in in 1961 or 1962 and is still there as a criminally insane person, but he is no worse than some of the others today who get a gaol sentence and are released in 10 or 20 years. It is the same as Harold Stitt, who went in in 1943 as criminally insane. He stayed there until 1972, when he was released about a fortnight before he died. That is an example of what we have done with the law; when the law changed the lawyers no longer argued that a person is insane because that is the worst penalty—one gets put away rather than put in gaol for a specified period.

I argue strongly that if the law does not provide for the courts to be able to gaol people for the term of their natural life, never to be released (and that is what I was told by the House when I tried to amend the law in about 1987), we could then have a prison that is cheaper to operate and say to these people who are in there for the term of their natural life, 'We do not have to worry about rehabilitating you; we do not have to worry about spending money on you; we will spend it on the others.' As a result, we will not have to provide the magnificent facilities that are in place in prisons such as Mobilong. The idea of giving people the opportunity to do community service work, as provided by this Bill, has been put forward. As long as they toe the line and they are out doing that work and do not break any of the rules, it helps them get re-established and I see nothing wrong with that. It is an excellent idea.

As for the member for Heysen's point about job opportunities, the way we should be doing it—and it probably happens more now than I think it does—is where the authorities and volunteer organisations help the prisoners make applications for interviews by writing to different business houses and saying that the prisoners are in gaol for whatever reason and that they are looking for rehabilitation when they come out and they would like to have a discussion about what the firm would suggest as the best path to follow and about the occupation or profession they would like to take up. That is the sort of help that should occur and that is the way it should be done, on the basis that the prisoners could then do some reading or training in the area in which they are likely to get a job when they get out of prison.

Mr Becker interjecting:

Mr S.G. EVANS: The member for Heysen says, 'Pay them while they are in there.' If they have time to serve, they have to do that anyway and, if they are being paid a small amount and that is not too expensive, I do not mind.

Mr Becker: I said, 'Train them.'

Mr S.G. EVANS: Yes, I am sorry. I make the point that, if they have the interviews, they can do that training while they are in gaol but the thing I object to is that we give them money for accommodation and transport. If somebody lives at Port Adelaide and works at Murray Bridge, he will need transport and there are all sorts of implication in that. In general, I support the Bill and look forward to the Minister's second reading reply.

The Hon. FRANK BLEVINS (Minister of Correctional Services): I thank members opposite for their contributions to the second reading debate, particularly the member for Mount Gambier for his first contribution as the shadow spokesperson on correctional services. I welcome him to the correctional services club and I am sure he will find it very interesting. Judging by his performance to date, I think that he will make a very good contribution because it is an interesting debate. The Bill does seek to regularise the method of paying prisoners along similar lines to what we thought was always the case. It turned out that the Supreme Court decided otherwise but I understand that that decision is under appeal, so I do not want to run the case here that will be run by Crown law officers in the Supreme Court. It would probably be out of order and I may not do it as well as the Crown Law officers; that is always a possibilty, so I will not attempt to do that.

I do want to make a few responses to members opposite. The genesis of this dispute—or of this particular piece of legislation—was the action of a number of prisoners in demanding a pay increase, when the response from the Government was not to their liking. They then proceeded to engage in certain acts of sabotage in the workshops, to the extent that they sabotaged fire extinguishers and then lit fires; they sabotaged very expensive machinery; and they interfered with certain electrical equipment to the extent that it was quite possible for prison officers to be electrocuted. So, in a nutshell, the demand was, 'Give us a pay increase or we will kill prison officers.' It cannot be put any more plainly or simply than that.

The response from the Government was that that type of negotiation was unacceptable. We will not negotiate with people who say, 'Give us what we want or we will kill you.' We will just not do that. Furthermore, when people are taken out of that area, we will not wear the tag of 'collective punishment'; we do not see that as collective punishment at all. We cannot allow circumstances to continue where the lives of correctional officers are in danger because pris-

oners embark on a course of action. If we remove them from that area of danger, I am not interested in any calls or claims of collective punishment purely and simply because we are protecting our officers.

As regards pay rates, pay rates in South Australia are equal to the highest in Australia. To my knowledge, there are no higher pay rates in Australia, so I would not think that prisoners in South Australia are particularly deprived in relation to other prisoners. There has been a claim that there should be total CPI indexation of prisoners' pay. I would remind prisoners and anybody else who is interested that workers who have not committed any offences do not have the same treatment outside. They too, would welcome CPI increases but they have not occurred in the community either. Again, in respect of CPI indexation, I point out that prisoners are not being treated greatly different from anybody who has not committed an offence and is trying to earn a living in the community.

The member for Mount Gambier has written to me and sent me copies of quite extensive correspondence that he has received from prisoners. That is one of the benefits of being a member of what I call the correctional services club—one receives a lot of mail. A lot of people have a lot of time to write, and they write quite extensively. I am sure that there was an upsurge almost of joy in our correctional establishments when the new shadow spokesperson was appointed. Out came the pens and copies of old letters were recycled, thinking here was another sympathetic ear to try the tale on.

Mr S.G. EVANS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. FRANK BLEVINS: As I was saying, I can promise the shadow spokesman for correctional services initially a lot of mail but, having seen at least one of his replies to prisoners, I suspect he may not have as much as previous spokespersons have had, because that particular reply obviously would not have been warmly welcomed by the prisoners. I do apologise if there has been some delay in responding to the member for Mount Gambier. There are probably scores of letters now to be answered, and they are not very different from the letters that the member for Hanson and all other Opposition spokespersons in this area have had. Nevertheless, I will get around to responding to the member for Mount Gambier. The honourable member also read out some correspondence from the Offenders Aid and Rehabilitation Services (OARS). Some of those points are well made, and others I disagree with. Nevertheless I am always happy to hear from OARS, whether it is formally through the Correctional Services Advisory Council or direct to me. From time to time its suggestions are very useful.

The member for Hanson made a thoughtful contribution to the second reading debate, and I thank him. I do not know whether that was his swansong as correctional services spokesman and that he will go on to something else, but without correctional services and dolphins I do not know what it will be. I have grown fond of him in that particular role but, whatever his new role, I am sure that the member for Hanson will assist and entertain us in whatever he takes up. He has been very cooperative over the years. Without conceding anything at all to the Government, he has stuck very strongly to his Party's policy, and that is how it ought to be.

In his contribution, the member for Hanson suggested that, if the Liberal Party had won the last election, prisoners would not be released until they had a job to go to. I have been in this job for about six years, so I do have some experience in it, and I would like, in the kindest possible way, to tell the member for Hanson what the consequences of that policy would have been. Very few people, if any, would ever have got out of gaol. The gaols would be full of thousands and thousands of people all looking for a job. It is unfortunate that that is the case but, given the labour market at the moment and for a considerable period into the future, the position is that a number of those people would not get out, because thousands of people who have not offended are also looking for a job.

I can imagine the scenario with the member for Hanson as Minister of Correctional Services and having guaranteed every ex prisoner a job: there would be a flood of people throwing bricks through windows to get into prison. In all electorates, there are several thousand people without employment, and it seems to me that it would not have been a bad trade-off to have a few days or weeks at Cadell picking grapes, oranges or whatever, and then be guaranteed a job and several thousand dollars (I thought I heard) on release. Whilst I am sure that the member for Hanson was well intentioned, I doubt whether a Liberal Government would have followed through on his proposal.

The member for Hanson made a couple of other comments. The Victims of Crime levy was one to which he took some exception to prisoners paying. I would have thought that the first people who should be on the list to pay would be people convicted of a crime and imprisoned. I cannot see any reason at all why the honourable member would object to someone who has been convicted of a criminal offence making some restitution to victims.

Mr Becker interjecting:

The Hon. FRANK BLEVINS: Of course it cuts down on their money. If an offence is committed and the offender has an obligation to make some monetary restitution, of course it cuts down on their money. That is the whole idea. The idea is not to give offenders money to pay the Victims of Crime levy. It just seems to me that the honourable member should think through his theory a little further.

The member for Davenport had a somewhat different emphasis in his contribution. He suggested that prisoners be segregated to the extent that serious offenders from all States would be sent to the centre of Australia to work in an area away from everyone else. To some extent, that already happens. Our most serious offenders are in maximum security at Yatala, so maximum, medium and minimum security offenders are segregated to a great extent. We will be able to do much more of that later this year when we have another division at Yatala. All divisions at Yatala are run as quite separate institutions, and it will give us even greater flexibility than we have currently.

The member for Hanson said that Yatala Labour Prison had been a problem for a number of years, and that is true, but that is the nature of institutions. Yatala holds hard core, very serious criminals. A lot of them have no respect—not just for the law but for other people and, unfortunately, for themselves, and that is a great pity. It is said that time seems to assist in the process of developing respect for others and themselves. Having been the Minister for seven years, I am amazed to see people who, when I took over the system, were the real troublemakers, the stand-over merchants, and who were involved in assaults, riots, and so forth. Today those same people are out in the community leading very ordinary and normal mundane lives.

It is amazing. In correctional services we call it the Yatala principle—they grow out of it. I have come across very few prisoners in the past six or seven years to whom that does not apply. I am not quite sure what else we can do within the prisons system. We have an extensive industries complex for prisoners and we have extensive educational facil-

ities. With some minor exceptions (and they are being dealt with) we have very good accommodation for prisoners. We allow certain privileges after periods spent inside where behaviour has been good; prisoners have access to extra funds credited to their accounts from people they know outside to enable them to buy some of the things we take for granted, such as TVs, record players or whatever they feel makes their life comfortable.

Also, after certain periods of good behaviour we change the security rating of prisoners to enable them to go to less secure institutions than Yatala and to enable them to have accompanied leave, then unaccompanied leave to take part in other programs outside the institution, and it may well be that they can serve the remainder of their time on home detention. We have a whole range of provisions, depending on the behaviour of the prisoner.

That is the most one can expect: whether a prisoner is rehabilitated, again, is up to the prisoner. If a prisoner does not want to be rehabilitated, we cannot say 'You will be rehabilitated' and make it stick. If prisoners do not want to take advantage of all the things available for them in the prisons system, there is not a great deal we can do about it. We have prisoners in this State serving up to 40 years in gaol. It is very difficult to get them to look to the future when the future is almost four decades away.

It is very difficult for someone to project 30 or 40 years ahead and make decisions when you say, 'To learn to weld or something will be useful when you leave the system'. Many prisoners serving a long time in prison do not look ahead but seem to gain their enjoyment from making life as difficult as possible for the people who must operate the system. As I said, I do not want to go into something that is before the Supreme Court, but the Bill is an attempt to ensure that those prisoners who want to work receive the appropriate rate; that those who, for no reason of their own, are unable to work, receive the appropriate rate; and that those who do not want to work at all or to do anything receive virtually no pay.

Of course, there is still quite an extensive list of personal amenities given to all prisoners irrespective of whether or not they work. As I said, it is a difficult area but a very interesting one, and I thank all members opposite who have made a contribution. It has been a worthwhile debate and I commend the second reading to the House.

Bill read a second time.

In Committee

Clauses 1 to 3 passed.

Clause 4—'Allowances paid to prisoners.'

Mr BECKER: How will the system work, what will be the rate, how will offenders be assessed and what percentage of offenders will come under this scheme?

The Hon. FRANK BLEVINS: All offenders come under the scheme, and the rate is set by departmental instruction. It applies to all prisoners and, as I stated in my response to the second reading debate, prisoners who cannot work, for a variety of reasons, will receive a certain rate of pay. Remand prisoners who cannot work, by virtue of their being remand prisoners, receive approximately $11 per week; prisoners who work, depending on the job and their performance, receive approximately $25 per week; and those prisoners who simply refuse to work and do not want to do anything receive 10 cents per day.

The jobs are called in our prisons system in the same way as they are called outside: jobs are advertised and prisoners apply for them. I noted in the paper the other day that in Victoria this has been put forward as a great reform. We have been doing it here for many years—with no credit whatsoever. Nevertheless, that is the way the system works.

Mr BECKER: I wanted to clarify what system or method is to be used. It sounds pretty much like the existing operation. The Minister, to some degree, misrepresented what I said. I said that, had we been in government, we would have ensured that everyone who was released from prison got a job. I noted that the Minister quickly turned that around and said that everyone would be applying to go to prison. That is not the system.

If my memory serves me correctly, about one third of those within the prisons system or in Yatala are what I call long-term prisoners, in for more than six months. I think that the bulk of prisoners are in for less than three months. The long-term prisoners I am talking about are those who are in there for several years. Those who are in for up to six months are in mainly for minor offences and drink-driving offences, and do not cause such great problems.

The member for Davenport also missed the point: I do not know whether he is aware of the Northfield pre-release cottages. I am talking mainly about Yatala, because that is where there are problems. However, within correctional services there is a system of assessing and preparing offenders for pre-release. I think that the pre-release cottages concept is an excellent system, and that is what I would enlarge on, because those people now go out and take TAFE courses. Whether that can be done under home detention is another thing. I think the idea is for them to take courses and try out for jobs, and that is fantastic. That is the way we should be going. When we are talking about jobs, that is what I had in mind.

I believe the allegation was that some prisoners can have money deposited by relatives in a bank account to their credit to assist them in purchasing things such as black and white TV sets or stereo units. Will that still happen under the Minister's system?

The Hon. FRANK BLEVINS: Yes, that will not change.

Clause passed.

Remaining clauses (5 to 10) and title passed.

Bill read a third time and passed.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 696.)

Mr INGERSON (Bragg): In principle, the Opposition supports this Bill, which has been brought before the Parliament with the support of the union movement and the construction and building industry to which it applies. It amends the Act by extending the portable long service leave scheme established in 1977 to include the electrical contracting and metal trades industries. The scheme will also allow building industry workers in certain occupational categories, who are paid under the prescribed awards, to be eligible for long service leave benefits on the basis of service to the industry rather than service to a particular employer. At present, while electrical contracting and metal trades workers may be regarded as building workers because they are subject to a metal industry award, they do not enjoy the same leave entitlements as other building industry workers and this Bill will correct this anomaly.

It is apparent from my discussions with industry representatives and union members that this issue is seen as a major concern in that people do not receive leave entitlements similar to those of people doing reasonably comparative work, but more importantly because they are involved

with the totality of the industry. In general, the Opposition supports this argument.

It is proposed to expand the industrial scope of the Act by defining 'work' as that performed by workers employed within the building, electrical and metal trades industries. The structure of the board will change and the title of the board is to be changed to the Construction Industry Long Service Leave Board to reflect the broader coverage. The board will be reconstituted and membership increased by two members; one representing the unions and one representing the employers.

The industry is concerned about the title of this legislation and I will ask the Minister to comment on this matter in his second reading reply. I think this is a small issue, but the industry in general says that the title could be more specific and should include the word 'construction'. This is the only issue brought up by the industry and, if that is the only concern, it is a fairly small one.

The Bill recognises the changes of entitlement to the long service award. So that existing employer contributors to the present scheme are not disadvantaged by the proposed expanded coverage, two funds will be created: one for the construction industry, which will be a continuation of the present fund, and one for the electrical and metal trades industries. This will ensure separate accounting for payment into and out of funds in respect of construction and electrical and metal trades work.

Everyone in industry supports this measure for obvious reasons, as does the Opposition. There will be no up-front costs to new employers; however, contributions to the electrical and metal trades fund will be 2.5 per cent, which is 1 per cent above the current rate for the construction industry fund. The two funds will remain in existence until such time as the new industry liabilities are met. The Bill also deletes reference to occupational categories referred to in schedule 1 of the Act which lists the prescribed awards only. Currently, some workers paid under the prescribed awards cannot be registered as their occupations are not listed under schedule 1.

Other changes are aimed at improving the operational effectiveness. These changes have been proposed directly by the board and we support them. The first change relates to the format of employer returns. As prescribed by regulation the form is to be revised and the number of forms reduced. Any person involved in any industry would be happy if any Government decided to reduce the number of forms; any move in such a direction would be welcomed by everyone in every industry. So, if the Minister gets the opportunity to cut back the number of forms in other industries with which he is directly involved, we would be happy with that.

The second change relates to fines for late payment of contributions. Under the present Act late payment fines cannot be assessed and imposed until the monthly return and associated contributions have been received. It has been stated that the amount of $75 is a bit high. Perhaps the Minister could comment on this matter later.

This Bill has been the subject of consultation with and support from the relevant bodies. If there is nothing else one can say about this Bill, one can point out that it shows that, when the union movement and employers get together, they can come up with a satisfying arrangement for themselves and all workers employed in industry. We support the Bill.

Mr S.G. EVANS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. R.J. GREGORY (Minister of Labour): I thank the Opposition for its general support of this Bill. The member for Bragg raised two matters, the first of which concerned the title of the legislation. The title resulted from general discussions with the industry. Some representatives wanted to include the word 'construction', and some wanted to leave it as it is. I am not fussed about the title, but I believe that the agreement reached with the principal people involved in the negotiations ought to be adhered to. Clause 1 refers to the Construction Industry Long Service Leave Act.

I am aware of the arguments of some employer organisations which think that the Act might then be expanded to include people who work in other industries. That is a matter for Parliament to decide at a future date if and when a Bill is introduced to expand the role of the Long Service Leave (Building Industry) Act, which is the present title, or the Construction Industry Long Service Leave Act, which may be the title after the passage of this Bill through both Houses. This title was sought by the unions and employers who were principally affected by this amendment because it encompasses a broader number of people and they thought that a change of title would reflect a change in the composition of people covered by the Act.

The member for Bragg also mentioned something about a fine of $75 for late payment being too much. I think that something needs to be understood about the method of providing long service leave for workers in the building industry, including the electricians, mechanical fitters and sheet metal workers who will now be covered; that is, this is done on an arrears basis. Anyone who does not pay on time is in arrears. Consequently, they are then causing an additional charge on the fund, because the fund depends on the money being paid as it comes due. If they wanted a period of grace for payments, perhaps we could have a system whereby payments were made annually in advance. Then again, the privilege of not paying annually in advance is that one can pay monthly in arrears. If payment is then not made when it is due, one is then in arrears and should incur a penalty. It also means that the employers who are not paying are bludging on those who are, and depriving the fund of moneys that are there in the name of the workers in the industry. There has been considerable activity on the part of inspectors of the organisation that administers the Act to ensure that employers are paying their fair share.

I can recall that in my employment before I was elected to Parliament one of the constant complaints of the Building Workers Union representatives related to employers who were not paying. That meant that, when the worker who had been in the industry for some time and who was entitled to long service leave went to get it, he or she found that his or her name was not on the list. The employer had not paid; the worker did not get the entitlement; and the employer had an advantage in competing against other employers who were paying, because he could do the job a bit cheaper. Therefore, I think the fines are quite small and, if I am advised that there are constant and frequent or increasing breaches, with employers not paying the money that is currently required, I will consider increasing the fines. That is only appropriate, because it penalises those who are not paying and supports those who do pay.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Application of this Act.'

Mr INGERSON: New subsection 5 (1) *(a)* of section 5 provides:

> that person works under a contract of service in the construction industry.

Can the Minister explain to the Committee how he sees this provision applying? Does it include some subcontractors and their staff? What does it really mean when it refers to 'contract of service'?

The Hon. R.J. GREGORY: The honourable member needs to read paragraphs *(a)* and *(b)* together. It refers to the person working under a contract of service in the construction industry. A contract of service can mean two things: a contract of employment that is provided for under the award or a contract, such as an apprenticeship, which would apply to any apprentice working in the industry. Also, it has to be an award referred to in the first schedule or the regulations prescribing a weekly rate of pay for work of that kind. If the honourable member reads paragraphs *(a)* and *(b)* together, he will see that it sets out fairly clearly the person who gets paid.

Mr INGERSON: Proposed new subsection (1) *(c)* refers to a situation where the employment involves on site work that makes up that whole, or a proportion of at least one-half, of the period of employment over the whole period of employment; the first month of employment; or any three-month period of employment. Can the Minister explain to the Committee how he sees that provision working, because it seems to me that it involves several different periods. How will that provision work?

The Hon. R.J. GREGORY: It is what is known as the predominance rule. It is a way of working out whether or not a worker has been on the site and ought to be paid for it. It is the whole period of employment on the site. For the first month of employment, it catches the person who first comes onto the site, and it then involves any three-month period of employment. I think that is meant to cover the period of employment on and off the site. Members will appreciate that in the building industry people frequently come to and go from sites. This provision is to catch a predominance of work done on the building site.

Mr INGERSON: That was one of the concerns that some of the contractors put to me in relation to the administration of this area, which will be very difficult for some contractors. Does the Minister see the department putting out some form work—in other words, some simple forms—that can be followed. Having said a couple of minutes ago that I was happy for the industry to get rid of forms, I believe that it would be easier if the department were to put out some instructions in this area, because there has been some questioning in relation to how we will know about the movement of electricians and metal workers to and from site. How will we have a formula to ensure that a contractor is not unintentionally in breach of this legislation? I do not mean intentionally, because that situation will be covered. However, it seems to me that there is an opportunity for someone to breach this legislation unintentionally because of this complication.

The Hon. R.J. GREGORY: There are considerable guidelines for employers as to how they provide the fund, as administered by the board, for payment to people working for them. The board employs inspectors who have a number of roles. One is to inspect and ensure that employers are paying the money for the people working for them and that they are working for the industry so that their proper entitlements accrue to them. They assist the employers to complete the necessary forms, to make the appropriate calculations and to interpret who should and should not be listed for payment. The inspectors are very experienced at doing that, and their role has been expanded lately. More employers who have been non-payers are now paying. Principally, it involves an advisory role and, if the employer digs his or her heels in and refuses to pay, it is an enforcement role.

Clause passed.

Clauses 7 to 19 passed.

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

Clause 20—'Returns by employees.'

Mr INGERSON: I understand that some people in the industry are having difficulty in getting at the benefits which are paid into the fund by their employers. Does the Minister know of any difficulties and, if so, what can these employees do about them?

The Hon. R.J. GREGORY: One of the indicators of the performance of this section of the Department of Labour is the speed with which it can make money available to workers entitled to long service leave. That has been reduced from six weeks to two weeks. In other words, when a worker is entitled to long service leave, the board can provide him or her with a cheque within two weeks. That has been going on for some time. Workers are experiencing problems with their employers in being able to get the time off. The problem has always been getting employers to allow them to take their leave. If any worker is entitled to leave and is not getting it, I would like to know. The people who manage the board would also like to know, because it means that something is wrong somewhere.

Mr S.J. BAKER: The Minister will be aware that, under the building industry long service leave provisions, a person can come in and go out of the industry. How does that affect people who work, say, in electrical machine shops or who are involved in electrical repair work and spend perhaps 5 per cent of their total time on working sites? I understand that they might comply with the rules for long service leave in the building industry, but not with the rules that appertain to the industry in which they work.

The Hon. R.J. GREGORY: Once again, the member for Mitcham demonstrates his lack of knowledge of industry. People who work in electrical machine shops would not be working in the building industry; they would be working on electrical repairs. The electricians who work in the building industry are engaged on the installation of plant and equipment, lifts and electrical controls, and they normally work in that type of industry.

Those who work for the Electrical Contractors Association and the Engineering Employers Association have reached agreement with the Amalgamated Metalworkers Union and the Electrical Trades Union which cover members involved in those two areas. The arrangement is that the facilities of the Act are extended to them. That means that they will enjoy the benefits of long service leave after 10 years instead of 15 years. Arrangements are made for transfer of that benefit. In clause 6 there is the predominance rule which describes what one had to do and how one was able to get the provisions of this legislation. In response to the member for Bragg earlier, I said that if people were entitled to it the money was available within two weeks.

Clause passed.

Remaining clauses (21 to 32) and title passed.

Bill read a third time and passed.

POLICE SUPERANNUATION BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 685.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports this Bill for three reasons. First, it has the complete agreement of the Police Association, or the representatives thereof; secondly, it will reduce the long-

term imposts to the State Government on the Treasury's resources; and, thirdly, it brings it into line with the State superannuation scheme.

This support is not without reservation. There are probably two issues that need to be canvassed in this debate, just as they were in the previous debate on State superannuation. It is not my intention to spend a great deal of time on the Bill, because much of the debate about the principles was undertaken in the previous Bill affecting most public servants. However, it would be inappropriate if I did not again express my reservation about moving from pensions to lump sums in the long-term interests of this nation.

It is well recognised that people will retire, that there will be imposts on the State social security service and that the bills will have to be paid by our children. I believe that action will have to be taken at Federal level to address this issue. I know that the Liberal Opposition, when it achieves the Treasury bench—which I expect will be at the next Federal election—will address the question of how we provide for our future. We cannot have lump sums paid out and used to pay off the house mortgage, the car and take an overseas trip, and they have people coming back on the pension. There are some rules which are being tightened in this regard, but the reliance on the social security system is far too heavy. I have already made those statements to the House, so there is nothing new about them.

The second issue is whether the commissioned officers are properly treated under this legislation. It is well recognised that, compared with their counterparts in New South Wales, they are between 6 and 7 per cent worse off. I understand that this is a superannuation Bill and it is not meant to address salary anomalies. The anomalies that appear in salaries, of course, come into the superannuation scheme for retirement benefits. I have been informed that the previous benefit for commissioned officers was basic salary plus a significant loading for weekend, night time and shift work. The loading was about 24 per cent of the total salary package. It has now been eroded over time to 12 per cent of the total salary package.

I understand that there is some disquiet among commissioned officers, despite the total acceptance by the Police Association, that their benefits could be very little different from some of the senior non-commissioned ranks. The appropriate place to address that situation is, of course, within the salaries negotiations, not within a superannuation Bill, because, as in the State scheme, standard formulae apply which relate to years of service, the level of contribution and the final salary that is being paid at the time of retirement.

Most of those matters are consistent with the State scheme, although there are some variations. So, if the commissioned officers feel aggrieved, as I know they do, they should take their complaint to the Industrial Commission because it is not within the province of Parliament to change the basic formula to take account of particular circumstances. I was a little surprised that the package was accepted by the Police Association, and I can only assume that it was the thought its members may well have to pay an 80 per cent or 100 per cent increase in contributions to maintain the same level of benefits. That must have been the major selling point. Certainly, the Bill represents some area of responsibility.

One other matter that I wish to canvass and ask one or two questions about during the Committee stage is how this will affect the long term future of the Police Force. As is recognised within the system today, the ranks may spend 30 years within the force but, generally, they retire at a much lower age than members of the State superannuation scheme. Under this measure, police officers are encouraged to remain longer within the Police Superannuation Scheme. That may well cause great difficulties. We in this House are aware that police officers face some of the most traumatic experiences of any occupation. We know, for example, that a number of officers will die on duty, that there will be a number of serious injuries on duty, and that there will be enormous stress levels. In recent times, a New South Wales policeman who was at the scene of an horrific bus accident committed suicide thereafter. It should not go unsaid that our police must bear an enormous burden, and those burdens are getting greater every year.

Recently in England, there has been a huge disagreement between the people and the Government over the poll tax, and it is the Police Force that has borne the brunt of that action. Time and time again police are at full stretch in doing the basic tasks that are allotted to them without fulfilling their full range of duties. When there is a break-in in my area, it is difficult for the police to be on the spot immediately because their resources are overstretched.

It is important to recognise that the police, as a profession, should be considered separately from the rest of the workforce. Other occupations, such as those in the building industry, the timber industry and the heavy metal trades, are subject to physical stress and a large number of accidents. However, in police work, physical stress is combined with mental stress because of the circumstances in which officers find themselves. While Parliament debates this Bill, members should pay a great deal of homage to the quality of police in this State and the fine efforts that they have made on our behalf for many years.

It is true that one or two officers in the Police Force have not measured up to the standards that we expect but the quality of our Police Force makes it the best in Australia and probably one of the best in the world. It is important to recognise that fact when we address the question of police pensions, given the earlier retirement age which has generally been accepted within the work force. With those few remarks, I indicate that the Opposition supports the Bill with the reservations that have already been expressed.

Mr BECKER (Hanson): It is ironic that the first question I asked in this House, on 15 July 1970, was about police penalty rates. In those days, the Government was six weeks or more in arrears in paying those penalty rates. I asked a further question in relation to police pensions on 24 February 1971, as follows:

> Will the Premier urgently review the Police Pensions Fund, and consider supplementing or increasing pensions to retired commissioned police officers? I understand that the average age of the 19 retired commissioned police officers is 71 years. These officers were the founders of the Police Pensions Fund. However, their current fortnightly pensions are at a level that is causing them financial hardship. In view of the 24 per cent increase made to similar retired officers in Victoria about 12 months ago, will the Premier urgently consider this matter?

Don Dunstan, the Premier, replied on page 3535 of *Hansard*, as follows:

> When the alterations to the Superannuation Act were announced and enacted last year, I said that the Police Pensions Fund was under review and that I intended, during this part of the session, to introduce a Bill relating to that fund and to backdate the pension increases to the dates that applied to other Government pensions. That review is taking place currently. I expect to be able to introduce a Bill shortly, when I shall be able to outline to the honourable member in detail what the Government is able to do in this regard.

There have been a couple of reviews, and amendments and alterations have been made to the Police Pensions Fund, and I suppose it is fair to say that it was rejuvenated and made a reasonable fund. In fact, commissioned officers

today concede that perhaps some of the benefits were a little generous. I have received a submission from the commissioned officers of the Police Officers Association of South Australia and it is interesting to note that they are still having some difficulty with the Government in obtaining what they consider to be a fair and reasonable fund. It is acknowledged that the other ranks within the force have done very well and that the fund now makes it possible for those between the ages of 50 years and 54 years and 11 months to retire and take a lump sum, and that can be quite a handsome amount of money.

The average citizen or taxpayer may wonder how and why this can happen and may be critical of any benefit, pay increase or superannuation benefit that is given to public servants. However, I look at it in a different way, because police officers put their lives on the line. It is a very difficult career, given the risks that they have to take. Depending on the classification that officers may want to achieve, there is a considerable amount of work and study involved. There is also the opportunity to go right to the top, and it is wonderful that a junior constable can become Commissioner. This State has been served well by its Police Force, so it is up to us to ensure that they have a reasonable pension fund, which is affordable, yet allows them to retire with dignity.

In summary, the commissioned officers of the Police Association of South Australia submit that:

The benefit offered to all South Australian police is not sufficient. The benefit offered is approximately 6 per cent below benefits offered to New South Wales police.

The Minister knows this and I am disappointed that he has not rectified it. The police officers' submission continues:

We do not in any way attempt to claim the 10 per cent build up offered to non-commissioned officers and other ranks in South Australia or the equivalent build up offered in the New South Wales superannuation scheme.

It is offered to non-commissioned officers in lieu of penalty rates. The submission continues:

We ackowledge that the benefit at 50 to 54 is new and is an added expense to the fund. It is also in the long term a saving because it replaces continuous long-term pension payments. The more members that use the lump sum option the greater the cost saving.

That applies to every superannuation fund that I have been involved in or looked at over the years. The officers' submission continues:

We acknowledge that there has been a 13.8 per cent increase in the benefit payable at age 55. This has been a significant increase to 51.8 per cent but it falls 6.4 per cent short of the comparable benefit offered in New South Wales. At age 60, however, there has been no increase in benefits. The value return for contributions decreases over the age of 55.

Shift work was a minor part of police life in the past but figures supplied by Financial Services show that of 3 368 police officers 2 649 (78 per cent) were classified as shift workers in the 1987-88 financial year. The shift work build-up is not a gesture of goodwill but an entitlement by law. The use of that entitlement to inflate the percentage benefit for non-commissioned and other ranks has created the illusion that they are receiving a similar benefit to the one offered in New South Wales. Any increase to match the New South Wales percentage benefit should have retained the superannuation salary of base plus 10 per cent shift loading.

We acknowledge that the Insurance and Superannuation Commission guidelines at a Federal level have impinged on the structure of the fund. The annual CPI of 133 per cent must be reduced to not more than 100 per cent to comply with those guidelines. This will produce a saving in the anticipated cost of the existing fund. The use of 1 percent of the 3 per cent productivity rise to fund preservation is a recurrent saving each year. New South Wales achieved the total 3 per cent paid as a defined benefit.

The reduction of the annual CPI, the removal of the high/low pension option; the removal of the spouse lump sum benefit upon the death of a pensioner member; and the loss of 1 per cent of the productivity rise have provided substantial savings for the present Government. The task force has presented an offer which has appeared to equal the benefits offered in the New South Wales scheme. We believe that the same percentage benefits offered in the New South Wales Superannuation can be achieved in the South Australian Pension Fund. The extensive and real savings obtained under the restructuring of the existing fund would be only partly lost by the increased percentage offered.

The Commissioned Officers of the Police Association of South Australia are greatly concerned in that the task force has not adequately expressed the true picture in percentage terms, nor has it met its obligations on obtaining mutual acceptance of the New South Wales scheme benefits for all South Australian police. We now ask that the position be reflected in the task force offer so that police in South Australia can retire with dignity.

I do not think that that is asking too much, and it is time the Minister did come up with the original agreement that was to match the New South Wales scheme, whatever it was. I realise and acknowledge that there were difficulties, and that the task force did its best for its members and the association, but there appears to be some small anomaly within the legislation before us. One could have a situation where three officers of different ages joined on the same day and retired after 30 years of service; some could do very well and take a lump sum but the person who retires at, say, 59 or 60, will probably find that he has paid about $30 000 or more for little or no benefit.

There are some errors in the Minister's presentation to Parliament. I do not know how closely the Minister checked his second reading explanation, but on page 3 in the second paragraph under 'Existing Scheme' he states: 'A fixed 25 per cent of the pension is payable as a lump sum of one and a half times salary'. I understand that that should have been 16 per cent of the pension. On page 11 of the Bill, clause 21 (2), the formula is incorrect. There should be an outer bracket and an extension of the inner bracket, otherwise, if one tries to work out the formula given under that equation, it will not compute.

On page 19, line 11 should have an outer bracket and the inner bracket should be placed after the plus sign. When one deals with this type of legislation it can become very technical and boring to listen to or to read, unless one has studied it. However, this is a real benefit and advantage and I hope it will help the Government to achieve what it wants to do, to provide a worthwhile benefit to members of the Police Force, bearing in mind that there is that golden handshake period between 50 years of age and 54 years and 11 months, when an officer can retire and take a lump sum. That worries me a little because the Government has seen it necessary to put in a clause or explanation that it is limited to only 50 members in one year who can retire under that scheme.

I do not know whether the Government anticipates that there will be a plethora of officers retiring and taking a lump sum, but, under the current economic situation, my advice would be to think twice about that sort of proposal. We do not want to lose those officers: we certainly do not want a brain-drain from the Police Force and, at the same time, we do not want to create a false economic situation where people think they will get a nice lump sum on retirement, to go into another business or to invest on the stock exchange, only to find that economically things will not be too bright. We hope they will be, but I wonder why this was necessary. Police work is very stressful; it is a difficult job. We demand much of our police officers and perhaps we demand too much of them. One can certainly understand why men in other ranks or commissioned officers look for a fair and reasonable superannuation scheme, and I certainly support them.

The Hon. FRANK BLEVINS (Minister of Finance): I thank the Deputy Leader and the member for Hanson for

their contributions to the second reading debate and also for their general support for the proposition. I wish to make a couple of comments in response to the points that were made by members opposite. The Deputy Leader expressed some reservations about the provision for lump sums in the Bill, rather than for pensions. I can respond only in these terms: under the present rules (and we do not make the rules; they are made by the Federal Government) we provided for lump sums in self interest. Lump sums are cheaper than indexed pensions and, if the Police Association is happy for that provision to be there, it would be irresponsible of the Government not to agree, because we are talking about taxpayers' money and, if there is anything that I can do as Minister of Finance to ensure that taxpayers' money is saved, I feel that I have an obligation to examine it and, if it is responsible, to agree with it.

Certainly, in the case of lump sums there is no doubt that considerable amounts of taxpayers' money will be saved by paying lump sums rather than paying pensions. So, from the Government's and taxpayers' purely selfish point of view, I hope that police officers do take lump sums rather than have an indexed pension. As for the question of social security payments, if a police officer or anybody else who is entitled to a lump sum takes it, spends it and then has to approach Social Security for income support, that is really a separate question and something that the Federal Government has to deal with. It is not something that this Parliament can deal with. There is no question that a lump sum is cheaper for the taxpayer, and that is why we support that approach.

The Deputy Leader expressed his surprise that the Police Association has accepted this agreed package. I think he ought not be surprised at the action of the Police Association. I can assure members that these days the Police Association, whatever might have gone on in the past, is a highly professional organisation. It concedes nothing to the Minister of Finance or the Government. It represents its members in a very efficient way indeed, and it is accepting this package because it is in the interests of its membership—all its membership, whether they be commissioned or in the ranks—so there is no mystery about why the Police Association accepts this package. As a professional organisation, it knows a good deal when it sees one.

Having negotiated this package, I must admit that I sat there at times and felt under real pressure, and some would argue that perhaps I conceded a little more to the Police Association than was absolutely necessary but, on balance, I do not believe that that was the case: on balance, I believe that professionals negotiated this package, and there has been a little give and take on both sides. The fact that the Police Association is happy and that the Government quite obviously is happy—or it would not be introducing the measure—is a credit to the Police Association and those representatives of the Government who assisted me in negotiating this package.

There is a possibility of some impact on the Police Force, as mentioned by the Deputy Leader. We do not shy away from that. One problem referred to by the member for Hanson was that, after 30 years service in the force, members can retire, and that can be at any age between 50 and approximately 55 years. If all police officers who were eligible did retire at that age, initially problems could arise—there is no doubt about that. I do not believe that that will happen but, nevertheless, with an abundance of caution and by regulation, we can limit the numbers who can retire at that early age at any one period.

Both speakers opposite also mentioned the nature of police work and why Governments throughout Australia feel it is necessary to make special provision for police officers. There is no doubt that it is a very stressful job. Even ordinary police work—if there is such a thing as 'ordinary police work'—is stressful. Everything they do is stressful. They are particularly well chosen and well trained, and adapt very well to the stressful nature of the occupation. The vast majority of police officers thrive in the service because of the nature of the people they are and the nature of their training. It is a credit to them but, nevertheless, Governments have an obligation to recognise the particular difficulty of the occupation and make special provision for them, as we do in other areas such as underground miners and so on—and so we should. It is a far more difficult and stressful job than many others in the community. I have no hesitation in saying that it is a good deal. It is a deal that many other occupations would like to achieve, but it is certainly not overly generous for the amount of service that police officers give to the community, service under very difficult circumstances. The member for Hanson went down memory lane and quoted from his maiden question in the House; it is a credit to his memory that he could remember what it was about.

The Hon. T.H. Hemmings: He has not asked many questions.

The Hon. FRANK BLEVINS: He has probably not asked many questions since. However, he has prompted me to have a look at my maiden question. I have no idea what it was about but I would be fascinated to find out. I am sure there will be a rush on *Hansard* in the corridors after people are made aware of what the member for Hanson has told us. The point that he made was a serious one. Over the years, and certainly since the early 1970s, Governments have recognised the special nature of police work. In many ways, the pension scheme that the police already have is a very generous scheme, and rightly so. It is also a very old fashioned scheme, and we should not be surprised at that; schemes that were constructed 20 years ago cannot be judged in all fairness by today's standards. The Police Association thought that it needed, above all else, a modern scheme, a scheme appropriate for the 1990s, so that police officers were not locked into jobs that they perhaps could no longer do satisfactorily. Neither should they be compelled to be locked into a job because of an old fashioned pension scheme which, on paper, looked generous but which, in effect, meant that many police officers felt they were imprisoned within that job when their talents would be better used somewhere else.

I am pleased to commend the second reading of this Bill to the House, knowing that, despite some quibbles—and I put it no higher than that—from some of the commissioned officers, this scheme will serve very well the Police Association and also everyone in this State for many years.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Mr S.J. BAKER: I wish to ask two questions about the definition of 'salary'. First, I note that it is particularly close to the definition in the legislation covering the State super scheme. However, paragraph *(f)* provides:

> . . . remuneration of a kind excluded by regulation from the ambit of this definition . . .

What did the Government have in mind when it included paragraph *(f)* which does not appear in the legislation covering the State super scheme?

The Hon. FRANK BLEVINS: The Deputy Leader is not quite right. There is a similar provision in the legislation covering the State scheme.

Mr S.J. BAKER: Yes, the Minister is correct—it is paragraph *(e)*. On the matter of salary, how did the Government arrive at a 10 per cent loading? How were the calculations done to arrive at the conclusion that this was representative of the normal working pattern of police officers?

The Hon. FRANK BLEVINS: The calculation was done and it was found that 10 per cent was the average over a police officer's working life.

Mr BECKER: Where does the term 'notional salary' appear in the legislation and why is the definition included in this clause?

The Hon. FRANK BLEVINS: It relates to an invalidity pension, where a notional salary must be struck as, obviously, someone who is an invalid is not receiving a salary.

Clause passed.

Clauses 5 to 9 passed.

Clause 10—'The fund.'

Mr S.J. BAKER: My question relates to the Police Pensions Fund as it stands today. The Minister will be well aware that in previous debates in this Chamber and in another place questions were asked whether the Police Pensions Fund was actually operating efficiently and investing its money in the areas of greatest gain. Indeed, there was an Auditor-General's report plus a range of comments made by members of the Opposition, and the bottom line was that money had been invested at such low returns that the fund was not looking after the interests of the members.

I know that that has changed, but it does reflect on the basic sufficiency of the fund. The comments in the second reading explanation have been noted, particularly those about the fund not even having enough in it to pay for the CPI increments. Will the Minister inform the House of the current state of the fund, prior to transfer, and the long-term liabilities of the fund?

The Hon. FRANK BLEVINS: Not off the top of my head. As regards the quality of investments of the fund, I point out that the earning rate of the fund over the past five years has been 15.7 per cent, which compares more than favourably with equivalent private sector funds.

Mr S.J. BAKER: I ask that the Minister provide the information I seek prior to the introduction of this Bill in another place. It is important that we know the state of the fund before the new arrangement comes in. I should have thought that that was fundamental. The same information was provided in relation to the State superannuation scheme. I expect the Minister to have full knowledge of the operation of this current scheme. Will the Minister please give an undertaking that the information will be available to the other place before its members debate this legislation?

The Hon. FRANK BLEVINS: Certainly, I will supply that information but, having had half a minute to think about it, I believe that the last actuarial calculation was that the fund was several million dollars in the black. That was based on the supposition of the $5 million surplus, which was predicated on the Government's meeting the CPI increases. That, of course, was the commitment given by a previous Government to the police and honoured by that and subsequent Governments.

Mr BECKER: How much does the State Government owe the fund? As we know, the State Government never pays into this fund, the Parliamentary Superannuation Fund or the State Superannuation Fund its contributions as they fall due. In other words, the Government does not match the employees' contributions. Some time ago I was advised that the Parliamentary Superannuation Fund, as an example, was owed about $40 million. The total assets of the Police Pensions Fund, according to the Auditor-General, are about $72.7 milllion but, as I said, the State makes its contribution only when it is liable for that contribution and not when the employees make their contributions. Will the Minister advise just how much is owed?

The Hon. FRANK BLEVINS: I will have the question examined, but I think the answer was given in the question. We pay only as the benefit emerges as required. I am not quite sure how one can calculate what we 'owe' because we do not actually owe anything.

Mr Becker: You do: you're not meeting your obligations.

The Hon. FRANK BLEVINS: We are meeting our obligations as they arise. It is very simple. I think the whole question is a bit of a furphy, anyway, and I do not want to debate it now. Nevertheless, if we had to put money aside for the Police Pensions Fund we would lose the opportunity cost of that money; we would have to borrow that money to put that in at a certain rate and then, probably, borrow it back anyway. It is all a paper transaction, and I think it is a circular argument and nonsensical. However, I will have the question examined.

Mr BECKER: I am very pleased that the Minister will take up this point with Treasury, because Treasury can advise him of the figure. I should have thought that the Minister would have that figure available for the Committee, as it is most important that he does. Someone in Government will know exactly how much is owed to that fund, as this is something our forefathers have been doing for many years in relation to the State Superannuation Fund, the Parliamentary Superannuation Fund and this superannuation fund. Whilst it is only a book entry, it is still interesting to know the Government's liability. The Public Accounts Committee is trying to find out for long service leave and other liabilities. It is interesting to know what our commitments are. The fund was investigated by the actuary back in 1986, and it had a surplus of $5.1 million. I wonder whether there is a later figure, whether there is a surplus in that fund and what happens to that amount.

The Hon. FRANK BLEVINS: That is the latest figure available.

Clause passed.

Clauses 11 to 16 passed.

Clause 17—'Contribution rates.'

Mr S.J. BAKER: Why do the contribution rates differ significantly from those under the State scheme? The Minister would be aware of the optimum 6 per cent and the various other contribution levels. I note under schedule 2, (to which clause 17 refers) that the contributions for the new scheme range from 5 per cent to 6 per cent. Will the Minister explain the reason for this?

The Hon. FRANK BLEVINS: The rates are not significantly different from those under the State scheme. There is a significant difference between this and the State scheme in that this police scheme is compulsory, so there is some concession since it is guaranteed that everyone will pay into it for up to 40 years. We know that they will be paying, and that is why we give some concession in the early years. Essentially, it is the same as the State scheme.

Clause passed.

Clauses 18 to 20 passed.

Clause 21—'Retirement.'

Mr S.J. BAKER: I wish to point out the anomalies in the Act in relation to the formulae. I do not know whether it is the Minister's or the Government Printer's responsibility, but there is no consistency in the use of brackets in the various formulae. The same form of formulae is treated differently in the way in which the brackets enclose certain

information. I merely point out that if we are to include formulae in Bills there should be an element of consistency.

The Hon. FRANK BLEVINS: I have no idea why there should be any such inconsistency but even a casual glance will show that the mathematical formulae are consistent.

Mr BECKER: Does the Minister intend to amend line 26 by inserting large square brackets in a position similar to those appearing in the formula on line 13?

The CHAIRMAN: The Chair is prepared to amend clause 21 (1), line 13, by removing the large square brackets and incorporating the parabolic brackets in the correct place. That will be undertaken as a typographical amendment.

Mr BECKER: According to the advice I have received, that is not correct. However, I will leave the matter for now and confer with my colleagues in another place.

Clause as amended passed.

Clauses 22 to 27 passed.

Clause 28—'Retirement.'

Mr S.J. BAKER: I move:

Page 19, line 11—Leave out the line under, '1 + 0.1667 × X' and insert a line under '0.1667 × X'.

If the formula remained as provided in the Bill, after one year's extra service police officers would receive about a hundredth of their normal contributions. I think this is a typographical error.

The Hon. FRANK BLEVINS: It is a typographical error.

Amendment carried; clause as amended passed.

Clauses 29 to 33 passed.

Clause 34—'Resignation and preservation of benefits.'

Mr S.J. BAKER: I move:

Page 25, lines 20 to 22—Leave out '(not being a person who became the contributor's spouse after the contributor's resignation and less than five years before the date of his or her death)'.

I understand that the Minister is willing to accept this amendment which is proposed for a very good reason.

The Hon. FRANK BLEVINS: I am happy to accept this amendment. The words contained in the brackets could result—and I stress could—in an unintended restriction on the benefit to be paid to the spouse, and we would not want that to happen.

Amendment carried; clause as amended passed.

Clauses 35 to 40 passed.

Clause 41—'Division of benefit where deceased contributor is survived by lawful and putative spouses.'

Mr S.J. BAKER: Subclause (5) appears to be inconsistent with the State scheme. Can the Minister explain this difference?

The Hon. FRANK BLEVINS: At the moment, I cannot see the difference. If there is one I will explain it before the Bill is debated in another place.

Clause passed.

Remaining clauses (42 to 52), schedules and title passed.

Bill read a third time and passed.

LIQUOR LICENSING ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

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

That the House do now adjourn.

Mr OSWALD (Morphett): I wish to refer to the question of the amalgamation of Glengowrie High School and Mitchell Park High School. Both of these schools have reached the point where their student numbers are sitting at around 300, and there appears to be very little potential growth for the foreseeable future. A decision has been taken within the Education Department to amalgamate those two schools so that the combined campus—which will be determined and announced shortly, will, it is hoped, have a population of 600 or 700 students. The question of amalgamation is causing considerable concern to those constituents of mine living near Glengowrie High School. It has been put to me—and I cannot prove it—by senior officers in the Education Department that the decision probably has been already taken and that the committee going through the exercise of selecting the site is merely a matter of fine tuning. At this stage, I would like to have an open mind on that.

However, I alert the Minister of Education to some of those concerns being expressed to me by people living near the school, including many parents and, of course, students of the school. Shortly I will read a letter that was sent to the Minister of Education by Mr Jurgen Klus, who sets out what I think are the concerns of many parents. I will make a couple of points before I read that letter. First, we in the Glengowrie area, and certainly myself as the local member, would like to see the Glengowrie High School remain. Secondly, if the Glengowrie High School site is lost to the community we will lose one of the district's most valuable sporting complexes for junior sport. That sporting complex is used by outside organisations such as the Glenelg Football Club, and I am sure that that club does not know of these plans for amalgamation and the possible loss of that oval. The complex is also used for many other sports.

There is also concern that if the Glengowrie High School site is not selected the existing area will be turned over to medium density housing and multi storey flats. This will cause increased traffic congestion in the surrounding streets and, because of the nature of Oaklands Road and Morphett Road, where the Highways Department will not allow any exits from the site for the proposed development, traffic will have to be turned back into the minor streets, increasing the traffic congestion there. If the Glengowrie High School site is not chosen, the next high school site to the north is over the tramline at Plympton. If students are to go to Brighton High School they will find that the school is full and their only alternative is to go to Mitchell Park High School. I put it to the Minister that it is a lot easier for students to come from Mitchell Park, if it is closed down, to Glengowrie High School than it is for students at Glengowrie High School to go to Mitchell Park because of the nature of the major arterial roadways.

With only a few minutes remaining, I will put on the record a letter that was sent to the Minister of Education (Hon. Greg Crafter) on 19 March by Mr Jurgen Klus, who is the parent of students in the area. He sums up the feeling of many constituents who have contacted me, as follows:

I am deeply concerned about several aspects regarding the proposed merger of Glengowrie High School and Mitchell Park High School. I believe that as one campus must close, it should be Mitchell Park High School, with Glengowrie High remaining open. My valid reasons are outlined as follows:

Geographically, Glengowrie High School services the area from Warradale and Morphettville through to Glenelg. It is the only public high school available to service this area within acceptable distances. Alternatively, Mitchell Park High School has a far more limited student catchment area, as Marion High School is located in the adjoining suburb of Clovelly Park. Taking a radius of two kilometres as a standard student catchment area, it can be pictorially seen that there is a large area of over-service due to the close proximity of both Marion and Mitchell Park High Schools.

This does not exist to such an extent in the Glengowrie High School area.

Furthermore, Marion High School has the capacity to cope with higher student numbers. A survey of two local kindergartens reveals that the Glenelg East (Dunbar Terrace) and Ballara Park (Warradale) Kindergartens are fully subscribed. In fact, the Glenelg East (Dunbar Terrace) Kindergarten requires parents to enrol their children one year ahead with still no guarantee of acceptance and they are seeking more staff due to the increasing numbers. Conversely, Oaklands Estate Kindergarten is under review to reducing it from a full-time kindergarten to half-time only. The local primary schools at Glenelg, Warradale and Ascot Park are also showing signs of growth in their junior schools. Glenelg Junior Primary is crowded due to recent growth, together with local kindergarten growth, this points towards the beginnings of the turn-around in the population age distribution of the area.

Ascot Park Primary, some of whose students would attend Glengowrie, is also showing a similar trend. To insist, as the Education Department does, that a regeneration of population in the Glengowrie High School catchment area will never take place is clearly fallacious. Once the only local secondary education facility has been substituted for housing, it can never be replaced. The loss to the community can only be seen as the Labor Government placing access to education in the future as a very low priority for south-western suburbs residents.

The Education Department has not seen fit to inform the local community of what is going on, what discussions have taken place, their impact on the area, or on what population predictions they are based. Student safety would also be compromised by students being forced to travel long distances along major roads if Glengowrie High School is closed. The community would also lose the only large recreational facility it has, a facility used by many local sporting bodies.

The lack of involvement by a broad, representative base of people to discuss the wide-ranging issues involved, taking into account all available ideas, issues and knowledge is in direct contravention of the accepted 'Janis/Mann' model of decision making. Simply put, the bases of the working party and the site selection committee are too narrow. I argue that these people, although well intentioned, may not be aware of, or consider, the full ramifications of their deliberations, which will affect the fate of education in this region for ever.

The Mitchell Park High School site should not be completely demolished, but rather the Adult Re-Entry Scheme should be broadened. Also, the administration, which is currently housed there, could remain. Access to a new housing development is far more flexible than at Glengowrie and the development would ensure the long-term future of both Marion High and Mitchell Park Primary Schools.

In times of economic rationalisation, it simply makes no sense to have services such as schools only one kilometre apart. It is far more prudent management to eliminate the clusters. Again Minister, I urge you not to make the wrong, short-sighted, inflexible decision, but rather arrive at a decision which will provide a better geographic spread of educational facilities, that is, keep Glengowrie High School open.

In closing, I wish to add that I do have two young children who I wish to be able to send to our local school in the future. Thank you for reading my submission and taking my points and thoughts into account.

The letter is signed 'Jurgen Klus.' I hope that the Minister will carefully consider that letter. I would like the Minister to understand that there is considerable concern in my electorate at the loss of Glengowrie High School. There is also concern that the decision to amalgamate the two schools was kept under close wraps until after the State election. Obviously, some people had knowledge of it, but it was not made public until after the election. Having been made public, there has been very little discussion in the broader community. Certainly some education officer has been sending out newsletters informing the school community, but those newsletters have not been widely read elsewhere. The parents are concerned. I have had many deputations, phone calls and letters. There is considerable heat in the district at this move. It is not a popular move. I urge the Minister to take this letter into account and to ensure that when the decision is taken all factors are analysed carefully. On balance, Glengowrie High School should remain and Mitchell Park should be the one that goes.

Mr HAMILTON (Albert Park): Over the years that I have been in this place I have received numerous representations from my constituents about matters that clearly do not lie within the jurisdiction of Federal or State Parliaments. I refer to matters that pertain to local government. Like many parliamentarians, I receive complaints about local government issues, and what I want to grieve about tonight relates to that situation.

Yesterday in particular, and again today, I received a deputation from four residents who live in the area. They justifiably complain about three or maybe four Rottweiler dogs in the property adjacent to where they live. It is alleged that those dogs bark continuously and roam in the adjacent streets. I am advised that they cause considerable concern to elderly people, some of whom have lived there for about 40 years. They live in Housing Trust homes in an area which has been quiet and has not been disrupted. Unfortunately, the people who have allegedly moved in next door do not control these dogs. I am advised that the stench from the dogs, the faeces, and so on, in the backyard required them to contact the local council, which acted promptly and had the matter addressed; but, in terms of the dogs themselves, they tell me that they receive little respite from the barking, particularly at weekends. They have complained to the local council and been advised that it does not provide anyone at the weekend to catch these dogs.

Upon investigation I found that under the Act councils are required to police this area with regard to roaming dogs. Section 7 of the Act provides:

> At least one person who holds an appointment as an authorised person for that council must—

I emphasise 'must'—

> be engaged on a full-time basis in the administration and enforcement of this Act within the area of that council unless the Minister consents to some other arrangements.

Clearly, in my area the local council does not provide a service to people at weekends. As has been put to me by my constituents, it would seem that the people next door know that there are no dog catchers on duty at the weekend and they allow their Rottweilers, which are very large dogs, to roam the streets. As there are young children in the area, there is considerable concern.

My constituents further advise me that they contacted the police and were somewhat annoyed that the police did not turn up until seven hours later. I hasten to add that I do not blame the police in any shape or form, because, in my view, it was clearly the responsibility of the local government authority in that area. I am aware that section 8 of the Act provides that a member of the Police Force may exercise the powers of an authorised person under this Act in any part of this State, but I believe that that is unfair: the police have enough to do without having to round up dogs. Clearly, the responsibility lies with local government.

I advised my constituents to contact their ward councillors and ask them to make representations to the person in charge of the Woodville council, Mr Jim Olds—a fine man with whom I have always got on well—and ask that the council provide such a service to its ratepayers. I believe it is wrong to ask police officers to exercise their powers under section 8 of the Act. Clearly, as the Act states in section 7, the council must engage someone on a full-time basis for

the administration and enforcement of the Act. I believe that the Minister should take up this matter with the local government authority to ensure that it provides this appropriate service. I am advised that the Animal Welfare League and the RSPCA do not have the resources to meet this service. I believe it is long overdue for councils to provide this service.

I am advised that two councils do provide such a service: one is Tea Tree Gully and the other is Brighton. I do not know whether that is true, but, if it is, I commend them. Members of Parliament receive numerous complaints, many of which pertain to local government issues, and most of us are busy enough without having to take up the issues of local government. That is not a criticism of local government, but it is one area at which the Local Government Association and the Minister should look very carefully.

Now that the State election is over, another matter that I wish to raise is the question of the type of ballot-papers that are issued to voters. As we all know, this is the International Year of Literacy and, whilst it is easy for members in this place to read and write, for many people who do not know how to read or write it is very difficult to endorse a ballot-paper on polling day. It is my view that the Electoral Commission and the responsible Minister—the Attorney-General—should look at amending ballot-papers. Symbols indicating the various political Parties should be put on the ballot-paper enabling illiterate or disadvantaged people to vote for the Party they choose. I understand that ballot-papers could also include a photograph of the candidates. I know from speaking to some Italian people—

The Hon. Jennifer Cashmore: On the ballot-paper?

Mr HAMILTON: Yes, indeed, on the ballot-paper, and I can thank the member for Coles for her interjection. I see no good reason why a photograph of the candidates or a symbol of the political Parties should not appear on the ballot-paper. It is very easy for us who can read and write, and who understand the political system and the voting system but, for people from some parts of Europe, for example, and for Australians who cannot read or write there should be an easier way for them to register their vote. Why not have a photograph of the candidates on the ballot-paper so that voters can register their support in that way? I believe that my suggestion is worthy of investigation and I have written to the Minister asking him to look at this proposition, because illiterate and disadvantaged people in our community would be greatly assisted by such a reform.

Mr SUCH (Fisher): I will address a matter of concern not only to the women in my electorate but also to women and girls throughout South Australia: rape. For too long in our society it has been a taboo subject, but it is time it was brought out into the open and, to use the words of the Rape Crisis Centre, 'Break the silence of sexual violence'. I realise that it is not only women who are subjected to rape and other forms of sexual assault but, tonight, I will focus my attention on rape as it affects women and girls.

Rape is often portrayed as a problem for women. I put it differently and suggest that it is a problem for men, because men are the offenders and it is time that men faced up to that fact. The problem of rape should not be left for women to highlight. It should be fronted squarely by men. All men are potential rapists; fortunately, most men are not rapists. It is the coward's crime and recently it was highlighted to me, and possibly other members, in correspondence from the Adelaide Rape Crisis Centre, when a letter and other material under the hand of Dot Casey, the Coordinator of services at the centre, came to my attention. In a letter dated 8 March this year, Ms Casey said:

> I am enclosing a copy of a recent post-out which we sent to all principals and school councils of suburban secondary schools and colleges, voicing our concerns about recent contacts to us of adolescent current rape. I am sure your response will be similar to ours—that of outrage—especially when viewed in relation to similar statistics for the same time last year and the fact that, in the last week since this post-out, we have had a further three current rape contacts from the same age range.

Dot Casey went on to point out some of the functions of the Rape Crisis Centre, indicating:

> As a Rape Crisis Centre, an important priority and major focus of our work is the prevention of rape. To this end, we expend a vast amount of time, energy and resources working with younger people to explode the traditional mythology surrounding rape, and to reverse negative attitudes towards women.

She acknowledged that Governments and legislative bodies are also devoting significant resources towards this goal, and urged me, and others, to take immediate steps to encourage prevention programs in my electorate and elsewhere. That is one of the reasons for raising this matter tonight. Accompanying her letter was a statement which, as she indicated, was sent to schools. It reads:

> To all concerned persons, the Adelaide Rape Crisis Centre is alarmed that 20 initial contacts since the beginning of 1990 (61 days) have been from young school age adolescent girls who have been raped recently, and an additional 11 contacts for current rape have been just outside the high school age group. This fact is very concerning to us, especially as we are only one of the agencies in Adelaide who would be contacted by rape survivors or their supporters immediately after the rape. The level of sexual violence towards women and girls certainly does not appear to be in decline and we are angry. We feel the most positive thing we can do with this anger is to arm women and girls with the information and skills to protect themselves. We strongly suggest that it is the responsibility of parent groups and school personnel to make appropriate coordinated programs available to the whole school community—teachers, parent groups and female students—together with programs for male students to question their personal and social responsibility in the fight against violence towards women and girls.

She recommends that schools initiate such programs and offered some information about how schools could go about that. I certainly concur with what Dot and other members of the Rape Crisis Centre have indicated. I feel a sense of anger, too. It is outrageous that, in our community, women and girls, and at times men, cannot move around or be safe in their homes, free from the fear of sexual assault.

It is outrageous that women and girls cannot move freely about the community or be safe in their own home. We should not accept that situation. I am not talking about mere statistics. It is easy to talk about rape victims and we do that because their names are protected for justifiable reasons. What I am talking about are wives, mothers, sisters, daughters, nieces and cousins. When it is put into that perspective, males can appreciate the situation much more clearly. I am not talking about an anonymous sex object that we can prey on, leap on, jump on, attack, or seek to take advantage of; I am talking about over half the community who happen to be, as I said before, wives, mothers, sisters, and so on. I feel a sense of shame that, in our community, women must undertake self-defence courses. I do not blame them for doing that, but I feel a sense of shame that they must do so to defend themselves against men who wish to impose their sexual will upon them.

When I followed up the letter from the Rape Crisis Centre and spoke to Dot Casey at some length, canvassing these issues with her, she responded with a letter to me on 16 March in which she said:

> Dear Bob, Many thanks for your positive response, that of outrage, inquiry and thoughts about resolution of this massive societal problem. I was heartened by what you said, and the direction of your thoughts.

She enclosed some material and went on to say:

So much research has been done yet, as you said, the attitudes are maintained, and thus the violence towards women and children continues. I agree that it is a massive problem, and would further agree with you that, until men start doing something about it, take up the challenge of changing their own attitudes and being part of the educative process of the next generation of men, nothing perhaps will alter.

So, I believe that what we have to do is confront the problem squarely, admit that there is a problem and not hide it; within ourselves make sure that our attitudes are appropriate and that we do not perceive women as mere sex objects; and inculcate particularly in young males—our own sons and lads at school—a respect for other people and, in this particular context, respect for women. I believe that in recent times there has been a decline in respect for women. I am not suggesting that we wrap women up in cotton wool and treat them in some fairy floss way, but I believe that respect for women has declined in recent times and that we need to restore that level of respect.

Within our schools we need to do more to explain, not only the physiology of sex but also the emotional aspects. Many young males do not understand the sexuality of women (and I use that term in the broad sense to encompass emotions, feelings and so on). That ignorance and those misconceptions and misunderstandings, particularly on the part of young males, lead many of them into the path of sexual assault. We need to address that problem within our schools. I realise it is a difficult task for many teachers; they are embarrassed to raise the subject of sexuality and, in many cases, they are not trained to do it and I believe we should address that. It is most appropriate that it be done often on the basis of male to male. It should not be left to women and girls to raise that matter. It should not be seen purely as a female problem; it is a male problem and it should be addressed by males, and I am speaking on behalf of slightly less than half the population— the male population.

I believe it is important to highlight this issue. I take this opportunity as a representative of the community to do that and look forward to a time when we can not just reduce rape in our community but eliminate it so that women can move freely about our community or be within their homes without the threat of being assaulted by males.

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

Motion carried.

At 9.3 p.m. the House adjourned until Wednesday 4 April at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 3 April 1990

QUESTIONS ON NOTICE

GOVERNMENT MOTOR VEHICLES

11. **Mr BECKER (Hanson)**, on notice, asked the Minister of Transport: What Government business were the drivers of the following motor vehicles attending to in the Super K-Mart car park in Port Adelaide on Wednesday 29 November 1989 between the hours of 9.50 a.m. and 10.15 a.m.—UQU 488, UQK 324, UQU 399, and UQK 264?

The Hon. FRANK BLEVINS: The replies are as follows: Vehicle UQU 488 is operated by the Department of Agriculture and meets the joint needs of the Commonwealth and State plant quarantine services.

At the time described the driver was in the process of:

(1) delivering Commonwealth documents to the Australian Customs Service whose building adjoins the Super K-Mart car park; and

(2) purchasing from a newsagent in the supermarket complex a BP road map for use by State plant quarantine officers.

Vehicle UQK 324 is registered in the name of the Department of Marine and Harbors. On 29 November 1989 the vehicle was being used by a member of the department's transport section. In the course of his duties on that date, the driver had cause to call into the Super K-Mart at Port Adelaide to replace a damaged item of personal equipment. This action was only a minor deviation from the normal route and was considered reasonable under the circumstances.

Vehicle UQU 399 was parked at the Port Adelaide Super K-Mart on Wednesday 29 November 1989. On occasions, adolescent support workers have assisted the volunteers conducting work programs in transporting young prople to various Social Security offices or DCW locations for financial assistance. On the morning in question, a worker from the team had accompanied a young person to collect assistance from the local DCW office and then to K-Mart to purchase clothing to attend an employment interview. This is an essential component of both the work program and the adolescent support team. Given the nature of the client group and the duties of the team it is not unusual for DCW Government vehicles to be parked in shopping centres, near banks or at locations where their presence could seem unusual to someone unfamiliar with the department's adolescent at risk programs.

Vehicle UQK 264 is the Toy Library van located in the western region of the Children's Services Office. At the time that the vehicle was seen in the car park at Super K-Mart, Port Adelaide, the driver of the van was purchasing by Government order a 'Club' vehicle securing device. This purchase is intended to reduce break-ins to the vehicle.

SEXUAL REASSIGNMENT ACT

28. **Mr BECKER (Hanson)**, on notice, asked the Minister of Health:

1. Did the Minister of Health receive a letter dated 15 January 1990 from Dr R.J. Lyons concerning the Sexual Reassignment Act and, if so, when, and what was the reply?

2. Which hospital will be used for operations and, if not decided upon, what is the reason for the delay in appointing the hospital?

3. Who are the authorised medical practitioners to undertake the work required?

4. Why has there been a delay in establishing this procedure?

5. Has a meeting been held between the Government, the South Australian Health Commission, and certain psychiatrists concerning this issue and, if not, why not and when will such a meeting be held?

6. When will the legislation be operating?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. Yes, a letter was received on 23 January. It was acknowledged and a meeting with Dr Lyons, some of the other signatories and Health Commission officers has subsequently occurred and at least another one is planned.

2. Under the Sexual Reassignment Act hospitals must be approved by the South Australian Health Commission to undertake sexual reassignment procedures. No hospital has thus far sought approval.

3. No medical practitioners have yet been approved to undertake the work.

4. See answer to 2 above. Discussions are proceeding.

5. See answer to 1 above.

6. The legislation has been in force since 15 November 1988.

LAND TAX

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

1. What is the basis for valuation of $160 000 on a retail property at 336 Unley Road, Unley, in the light of its sale at auction recently for $120 000?

2. What land tax rebate will be given to the former owner of the property who paid $1 828.34 this year as a multiple property owner, when the new owner is a single property owner and required to pay at the rate of $285 for this year, and, if none, why not?

The Hon. J.C. BANNON: As a matter of policy the Government does not disclose information that is private or confidential other than with the permission of the person or persons involved. In addition, in relation to land tax matters the Land Tax Act imposes secrecy requirements.

Generally though, in circumstances described, a revaluation of the property can be sought from the Valuer-General. Any subsequent reduction in valuation results in an automatic recalculation of land tax for that year. If land tax has already been paid on the basis of the higher valuation, the difference between the tax payable on the higher valuation and tax payable on the lower valuation is refunded.

MARINELAND

50. **Mr BECKER (Hanson)**, on notice, asked the Premier: Have the Animals Ethics Committee and the Animal Welfare Advisory Committee been consulted in relation to the existing conditions and proposals to relocate the dolphins, sea lions and other marine animals at Marineland and, if so, when, and what were the findings and, if not, why not?

The Hon. J.C. BANNON: The Animal Welfare Advisory Committee was consulted and on 18 May 1989 advised that, subject to a veterinary assessment, the Marineland animals be moved to a similar facility without delay. Under the Prevention of Cruelty to Animals Act 1985, this matter does not fall within the province of an animal ethics committee.

PATAWALONGA REDEVELOPMENT

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

1. When were the plans for a canal or outlet pipe linking the northern end of the Patawalonga with the sea conveyed to West Beach Trust, West Torrens council and Glenelg council and, if they have not been conveyed to any of them, why not?

2. Is the Government investigating the possibility of an inland boat marina at the West Beach portion of the Patawalonga and, if so, why, and would the Patawalonga Golf Course be affected by the proposal and, if so, to what extent?

The Hon. J.C. BANNON: The replies are as follows:

1. Following the decision in 1988 to not proceed with the Jubilee Point proposal, a number of investigations and options have been canvassed for the Glenelg and Patawalonga environs. Some of these have involved installations of new outlet pipes and canal diversions. These investigations have been of a preliminary nature and have not been given any formal status. Therefore, only informal discussions have been undertaken with the local councils and the West Beach Trust.

2. The Government, in conjunction with the Glenelg council, has released a prospectus seeking registrations of interest from the private sector for development opportunities in the Glenelg and Patawalonga environs. This prospectus draws on the investigations outlined in 1. above and the site referred to in the prospectus could include portions of the West Beach Trust area. Registrations close in May 1990 after which an assessment process will be conducted.

WILDWATCH

58. **Mr BECKER (Hanson)**, on notice, asked the Premier: Did Wildwatch approach the Government for financial assistance to establish and maintain the Granite Island proposal or any other project concerning the Marineland animals and, if so, why, and how much did they seek?

The Hon. J.C. BANNON: No.

FUEL TAX

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

1. What is the formula for distributing fuel tax in South Australia and how are priorities established?

2. When will undulation of the road surface at various intersections in the metropolitan area be repaired?

3. What is causing this damage and, if the reason is not known, will a study be commenced before the situation is made worse by winter conditions?

The Hon. FRANK BLEVINS: The replies are as follows:

1. Pursuant to section 31 of the Business Franchise (Petroleum Products) Act 1979, the Treasurer is required to make monthly contributions to the Highways Fund out of the moneys collected by way of licence fees. Subsection (4) of that section states:

> The contributions referred to in subsection (2) must be such as to amount in aggregate, for each financial year, to no less than the amount paid into the Highways Fund, out of moneys collected under the Act, in respect of the 1982-83 financial year.

Accordingly, an amount of $25.726 million has been paid into the Highways Fund each financial year since 1982-83, for use on essential road works. The remaining funds generated pursuant to this Act are applied, together with receipts from other taxation and revenue-raising measures, towards other services provided for the community. The priorities for allocating these funds are determined during the budget process in accordance with Government policy and having regard to its commitment to a wide variety of services, including public transport, health, education, etc.

2. Repairs to rutting at metropolitan intersections are carried out on an *ad hoc* basis. Consideration is given to factors such as rideability and skid resistance when determining whether repairs are necessary.

3. Rutting at intersections is the result of movement of the surface layers of asphaltic concrete and is caused by vehicle braking, acceleration and oil spillage which affects stability of the surface. In repairing these areas, the Department of Road Transport now uses modified binders in the asphaltic concrete. These have a greater resistance to rutting than normal asphaltic concrete.

5DN

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

1. Has the Government through SGIC or the State Bank been approached by the proprietors of First Radio 5DN (Limited) to provide funding for the establishment of an FM licence and, if so, on what terms and conditions?

2. How many shares has SGIC acquired in First Radio 5DN (Limited) and what percentage does this holding represent of its total paid up capital?

The Hon. J.C. BANNON: The replies are as follows:

1. In respect of SGIC, no approach has been made. In respect of the State Bank, the Government is advised that First Radio 5DN (Limited) is a client of the State Bank and that the bank is unwilling to release details of any confidential client/bank relations.

2. Shares numbering 3.9 million have been acquired in First Radio 5DN (Limited) representing 30 per cent of total paid up capital.

GOVERNMENT MOTOR VEHICLES

112. **Mr BECKER (Hanson)**, on notice, asked the Minister of Transport: Is the driver of Government motor vehicle registered UQU 399 entitled to use the vehicle to travel to and from his home daily and does he have permission to use the car to take children to school in the city?

The Hon. FRANK BLEVINS: Vehicle No. UQU 399 is based at the Department for Community Welfare's Central Metropolitan Adolescent Support Team and is not regularly used on a long-term daily basis by any staff member on the team. The conditions under which staff take home Government vehicles are:

(1) if staff work late into the evening;

(2) if staff are required to attend early morning appointments.

There are occasions, sometimes for periods of two to three weeks, when staff are involved in particularly intensive programs requiring both evening and early morning intervention, particularly in the case of the schools behavioural program or where an adolescent is suicidal. The above vehicle has been used by a particular staff member in the aforementioned circumstances. He has permission to transport his dependent child to school on these occasions.

113. **Mr BECKER (Hanson)**, on notice, asked the Minister of Transport: What Government business was the driver of the vehicle registered UQS 283 engaged in on

Saturday 17 February at 11 a.m. in the Super K-Mart carpark in Port Adelaide?

The Hon. FRANK BLEVINS: The driver of the vehicle UQS 283 was rostered 'on call' and under the provisions of this system must be able to be contacted at all times but not necessarily remain at home. The driver advised that he had used the vehicle to travel to K-Mart to purchase a product for personal use. As this is not part of the 'on call' arrangement, the driver has been reprimanded by officers the Department of Housing and Construction.

RARE EARTH PLANT

134. **Mr S.J. BAKER (Mitcham)**, on notice, asked the Minister of State Development: How many applications/expressions of interest has the Department of State Development received to establish a rare earth plant at Port Pirie utilising the tailings from the old uranium treatment plant and when is it expected that all the allied environmental research will be completed?

The Hon. J.C. BANNON: The Government received two seriously documented expressions of interest for the development of a rare earths industry at Port Pirie. The proponent companies were Currumbin Minerals NL and SX Holdings Limited. Applications closed in May 1988 and Cabinet appointed an interdepartmental committee to review and recommend a course of action on 27 May 1988. That committee recommended in favour of the SX Holdings submission and on 3 October 1988 Cabinet approved that recommendation subject to various controls and conditions.

Stage I of the project, which involves the *in-situ* leaching of tailings, was considered to be adequately covered by existing controls and an EIS unnecessary. Stage II, which involves the processing of imported non-radioactive concentrates, was similarly approved. Stage III of the project, the ongoing rare earth production facility based on the cracking of monazite/xenotime is subject to an environmental impact statement, which is currently in an advanced stage of preparation. The consultants for that impact statement are Kinhill Engineers, who have advised that they are now targeting 30 April 1990 as the public release date for the draft EIS document.

RIYADH ZOO

127. **Mr BECKER (Hanson)**, on notice, asked the Minister for Environment and Planning: Has the Adelaide Zoo applied to the Federal Government for an export permit to transport sea animals from Marineland to the Riyadh Zoo in Saudi Arabia and, if so, why and what guarantee is there that marine animals will survive the conditions at that zoo?

The Hon. S.M. LENEHAN: The replies are as follows:

1. Yes. Applications are being resubmitted by the National Parks and Wildlife Service.

2. To enable relocation to suitable institutions, which could also accept the animals.

3. The animals will not be sent unless the zoo is assessed as suitable and accredited by the Federal authorities for Australian sea lions and fur seals. Transfer would be carried out in accordance with provisions of the Wildlife Protection Act (Regulation of Exports and Imports Act 1982). According to the Australian Trade Commissioner in Saudi Arabia, the Riyadh Zoo has had five harbour seals for at least 12 months and these are in excellent condition.

MARINELAND

128. **Mr BECKER (Hanson)**, on notice, asked the Minister for Environment and Planning:

1. How many and what kinds of animals are there at Marineland?

2. How many penguins were there when the receiver took over Marineland from Tribond?

The Hon. S.M. LENEHAN: The replies are as follows:

1. Six *Tursiops truncatos* (bottlenose dolphin); 13 *Neophoca cinerea* (Australian sea lion); one *Arctocephalus pusillis doriferus* (Australian fur seal); and nine *Eudyptula minor* (little penguin).

2. Eleven.