HOUSE OF ASSEMBLY

Tuesday 10 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, by message, intimated his assent to the following Bills:

Aboriginal Lands Trust Act Amendment,
Rates and Land Tax Remission Act Amendment,
Warehouse Liens.

MARINE ENVIRONMENT PROTECTION BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I have to report that the managers for the two Houses conferred together at the conference but that no agreement was reached.

PETITION: FREE PUBLIC TRANSPORT

A petition signed by 23 residents of South Australia praying that the House urge the Government to provide free public transport to returned service personnel was presented by Mr Becker.

Petition received.

PETITION: HAMILTON HIGH SCHOOL

A petition signed by 210 residents of South Australia praying that the House urge the Government to review the decision to site the proposed Hamilton High School at Mitchell Park was presented by Mr Brindal.

Petition received.

PETITION: BOOM GATES

A petition signed by 108 residents of South Australia praying that the House urge the Government to install boom gates at the May Street and Clark Terrace railway crossing at Albert Park was presented by Mr Hamilton.

Petition received.

PETITION: LIQUID PETROLEUM

A petition signed by 169 residents of South Australia praying that the House urge the Government to halt the commissioning of liquid petroleum gas tanks at Dry Creek pending a report on their safety was presented by Mr Quirke.

Petition received.

PETITION: SHEPHERDS HILL ROAD PEDESTRIAN CROSSING

A petition signed by 1 335 residents of South Australia praying that the House urge the Government to install a pedestrian crossing on Shepherds Hill Road was presented by Mr Such.

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 48, 59, 78, 86, 98, 101, 111, 114, 116 to 121, 123, 139, 146, 148, 167 and 175; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

MARINO ROCKS MARINA

In reply to **Mr MATTHEW (Bright)** 27 March.

The Hon. S.M. LENEHAN: The Government has acted on the geological report by Dr Preiss. The report was completed at the request of the Department of Environment and Planning and was forwarded to the proponent for consideration in the final design. I should point out that the marina plan referred to in Dr Preiss's report is a preliminary plan only and has yet to incorporate the geological aspects of the site. This is precisely why the geological report was requested.

In reply to **Mr LEWIS (Murray-Mallee)** 27 March.

The Hon. S.M. LENEHAN: The proponent has received the geological report by Dr Preiss and is taking the recommendation into consideration in the final design. It may be possible to incorporate some of the geological aspects of the site as features within the overall marina design. The question of silt and pollution is also a matter for final design. Both the issue of geological sites and the question of pollution have been addressed in the Government's marina guidelines document and would be part of the normal environmental assessment.

DEFAMATION PROCEEDINGS

The SPEAKER: I have a further statement to make on a matter of privilege in the case of *Peter Lewis, MP v Steven Wright and Advertiser Newspapers Limited.* The Attorney-General has again written to me, in the following terms:

Dear Mr Peterson,

I refer to previous correspondence on this matter. The Full Court heard argument in these proceedings on 9 March 1990. It delivered its decision on 29 March 1990. Copies of the judgments are enclosed.

The effect of the decision is that the court has the power and jurisdiction to inquire into the truth and motives of a member of Parliament when those issues are relevant in proceedings initiated by the member. The decision comes to a quite different view of the privileges of the House than that resolved by the House on 21 February 1990.

I intervened before the Full Court pursuant to section 12 of the Crown Proceedings Act 1976. As a result, I have a right to seek leave to appeal to the High Court from the decision. An application for leave to appeal would need to be filed on or before 18 April 1990. I am currently considering my position in the matter, however, am inclined to think because of the important issues of principle involved and the unsettled state of the law that an appeal should be lodged. In doing so, I would be pleased to consider any views that the House or you may have respecting the desirability or otherwise of an appeal.

I now lay on the table the judgments of the Supreme Court. As this is a matter which affects the privileges of the House, I will accept a motion on the matter immediately.

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

That the House of Assembly support the proposal of the Attorney-General for South Australia to appeal to the High Court of Australia from a decision of the Full Supreme Court of South Australia in the case of *Peter Lewis, MP v Steven Wright and Advertiser Newspapers Limited* in so far as it relates to the privileges of the House of Assembly.

I commend this motion to the House.

Motion carried.

PAPERS TABLED

The following papers were laid on the table:

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

South Australian Council on Reproductive Technology—Report for year ended 31 March 1990.

State Clothing Corporation—Report 1988-89.

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

Credit Unions Act 1989—General Regulations.

Supreme Court Rules—Supreme Court Act 1935—Facsimile Transmissions.

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

Road Traffic Act 1961—Regulations—Diesel Engines.

By the Minister of Lands (Hon. S.M. Lenehan)—

Rates and Land Tax Remission Act 1986—Regulations—Entitlement to Remission.

MINISTERIAL STATEMENT: ARREST WARRANT

The Hon. J.H.C. KLUNDER (Minister of Emergency Services): I seek leave to make a statement.

Leave granted.

The Hon. J.H.C. KLUNDER: On 22 March, the member for Davenport raised in the adjournment debate the unfortunate breakdown in procedures which led police in late February to seek to serve a warrant for the arrest of a young man for an unpaid fine imposed by a Victorian court. This caused great distress to the young man's parents because their son had died in a road accident almost three months earlier, and the warrant had been executed and the fine paid more than three weeks prior to his death.

The member for Davenport provided me confidentially with the young man's name and at my request the police have carried out a most thorough investigation into these events. Rather than reciting the entire chronology of the matter, which covered more than 10 months, I think it is sufficient to say that the police report makes it quite clear that a number of errors occurred. First, the South Australian police have no record of advice from the Victorian authorities that the warrant should be cancelled because the fine had been paid by money order. The advice was either not sent or not received. Secondly, there was a failure in communication at Darlington police station which meant that after the young man's arrest for non-payment of the fine, and the subsequent payment of the fine by his father, the 'action' copy of the warrant was not cancelled. Thirdly, the inquiry officer who called at the family's home in February should have verified that the warrant was still current before commencing inquiries more than three months after the date of issue.

I can advise the House that on 19 March, the police commenced implementation of a revised decentralised warrant system which is expected to eliminate problems of the kind which occurred in this unfortunate case. I am informed that this system will be in operation Statewide by 1 July. Further, the commanding officer of the Darlington Division, Chief Inspector Marshman, visited the family on 2 April and offered the parents the sincere apologies of the department and his division for the distress they had suffered. In his report to me, the Commissioner, Mr Hunt, has asked that his apologies and condolences also be offered to the family and to those expressions, I offer my own. I understand that the family now considers the matter closed.

QUESTION TIME

NATIONAL CRIME AUTHORITY

Mr D.S. BAKER (Leader of the Opposition): Is the Premier concerned that the behaviour of the former Chairman of the NCA, as it has now been revealed, influenced or compromised the approach Mr Faris took to the investigation of allegations relating to prostitution and brothels in South Australia and, if not, will he say what action the Government has taken to ensure that the NCA's investigations in South Australia have not been influenced or compromised by the behaviour of Mr Faris and the circumstances surrounding his resignation?

The Hon. J.C. BANNON: I am not aware of the full facts surrounding the circumstances of Mr Faris's resignation. Like the Leader, I can base my information only on the newspaper reports which have been published. I understand that they, in turn, are based on a report of the National Crime Authority. That report was referred to an intergovernmental committee and it is a matter that it must consider and presumably determine what action should be taken, whether it be publication or whatever.

In response to the honourable member's second question, I have no reason to doubt the effectiveness of the NCA's Adelaide office and its operations. I would have thought that was recently underscored heavily by the public hearing and the statements of Mr Dempsey, who is in charge of this phase of the NCA's operations in South Australia. In order for it to be seen to have some influence or effect on the alleged circumstances of Mr Faris's resignation, one would have to know, first, what precisely they were and, secondly, something about the operations here that suggested that the Chairman was in some way interfering in or directing those operations in an adverse way. There is absolutely no evidence of that whatsoever. On the contrary, as Mr Dempsey has made clear, this particular reference has top priority and is being pursued strongly indeed.

ETHNIC SCHOOLS BOARD

Mr HAMILTON (Albert Park): My question is directed to the Minister of Education. Has the Government taken any action to establish an ethnic schools board and, if so, what will be its priorities for supporting ethnic schools in South Australia? The recent South Australian review of ethnic schools made the establishment of an Ethnic Schools Board one of its key recommendations. What progress has the Government made towards implementing this recommendation?

The Hon. G.J. CRAFTER: I thank the honourable member for his question and for his interest in this area of education. The Ethnic Schools Board has been established, and met for the first time last week. It has embarked upon a wide range of initiatives in the area of support and development of programs provided in this State by ethnic schools. There are some 157 ethnic schools in this State, and they play a vital role in enabling young people to gain multilingual skills and to entrench further in our community our policy of multiculturalism.

The strength of language teaching in all our schools will be enhanced by the further strengthening of language teaching and teacher skills within ethnic schools. That will be one of the first initiatives of the board: to advise me on the implementation of the ethnic schools review report entitled 'Future directions for ethnic schools in South Australia.' Further, ethnic school students, teachers and parents will have access to improved curriculum materials and support through a new ethnic schools education centre which will be based at the Education Department's Languages and Multicultural Centre at Hectorville, which is on the site of the Hectorville Primary School. The Ethnic Schools Association is also now based at that centre.

In conjunction with the establishment of the board, the first education consultant has been appointed, based at that centre, to assist ethnic schools. Further, grants to more than 7 000 students attending ethnic schools throughout South Australia have been increased this year from $44 to $50 per student to enhance further our ethnic schools program. It is generally held that the ethnic schools program in this State is the most advanced of its type in this country, and I am sure that these initiatives will help us to continue to lead Australia in this important area of education.

NATIONAL CRIME AUTHORITY

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is to the Premier. Does the South Australian Government still have confidence in the manner in which the former Chairman of the NCA (Mr Faris) handled the report of the Operation Ark investigation by his predecessor (Mr Justice Stewart), and does the Government still endorse the amended report on this investigation provided by Mr Faris?

The Hon. J.C. BANNON: The answer is 'Yes'. There is no reason for us to do otherwise. I point out that that action was the action of the authority and not just of the Chairman. Mr Faris was one of the members of the authority who made the decision: he did not act unilaterally. In any case, I do not understand why, even if events as reported are accurate, they can be seen as affecting those particular references.

TRUCK LOADING HEIGHTS

Mr ATKINSON (Spence): Will the Minister of Transport consider changing the regulations on truck load heights in order to increase the permissible height for stable loads such as wool? At last week's meeting of zone 13 of the United Farmers and Stockowners Association, held at Lucindale, it was claimed that there were discrepancies in the regulation of truck load heights and that, although wool may be stacked to a height of only 4.3 m, agricultural machinery and cars may be stacked to a height of 4.6 m. The meeting was told that carriers in the Kingston and Lucindale area had incurred fines in respect of safely secured loads of wool only 20 mm above the 4.3 m limit.

The Hon. FRANK BLEVINS: I thank the member for Spence for his question and for his interest in the area. I am sure that some members will already be aware of the information I am about to provide. Bales of wool operate under a general exemption, by notice in the *Government Gazette*, to exceed width limits (that is, the legal width is 2.5 m and wool is allowed to be up to 2.75 m wide). The stability of a vehicle and its load depends on both the width and height of the load, amongst other things. I understand the desire to maximise productivity by getting an extra row of bales on the load. However, the safety of other road users must not be forgotten and vertical clearances of 4.6 metre high vehicles are not available universally without incurring additional costs.

The department applies a 10 cm tolerance to height before a report is issued to ensure that trivial offences are not proceeded with. It is therefore most unlikely that a 2 cm (or 20 mm) breach of the legal height limit of 4.3 m would be reported. I will ask Department of Road Transport officers to investigate the specific case if the necessary information can be made available. The Department of Road Transport is aware of the general concern about this issue from the South-East of the State, and has had contact with operators based at Bordertown, Lucindale and Naracoorte. In some cases the remedy has been simple modification of the semi-trailer. The department's general investigations are not yet completed. When they are—

Mr D.S. Baker interjecting:

The Hon. FRANK BLEVINS: I beg your pardon?

Mr D.S. Baker interjecting:

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

Mr D.S. Baker interjecting:

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

The Hon. FRANK BLEVINS: The member for Spence has taken the trouble to bring this problem to my notice. I would have thought that, if the Leader had any concern for members of his electorate, he would have written to me, asked the question himself, or at least not interrupt when I am giving a reply—

Mr D.S. Baker interjecting:

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

The Hon. FRANK BLEVINS: Well, Mr Speaker—

Members interjecting:

The SPEAKER: The Minister will resume his seat for a moment. I remind members that we are in the last days of this session. It would be terrible for someone to be named on the second last day of a session. I warn all members that we will try to get through but, if action is required, it will be taken. I ask the Minister to come back to the subject of the question.

The Hon. FRANK BLEVINS: Yes, Mr Speaker. I was about to conclude. I will certainly be in a better position to advise the member for Spence about what is really a very complex matter which, I might also add, bears on the issue of national uniformity of road vehicle legislation. I just want to conclude on this: I think that all members who represent country seats would have to agree that the Department of Road Transport, at least over the past 12 months and perhaps for a little longer, has given every consideration to primary producers in this State to ensure that they are not hounded and harassed over legitimate and understandable minor breaches of the Road Traffic Act. That has been a policy of this Government for the past 12 months and I regret that, in regard to this question, the Leader has seen fit to take issue with members on this side who have raised a very legitimate question. The fact is that, if people in rural South Australia want action on any of these things, they have to contact Government members because, for the best part of quarter of a century, they have had no effective representation in this place.

Members interjecting:

The Hon. FRANK BLEVINS: I am not surprised that they contacted the member for Spence.

REMM DEVELOPMENT

The Hon. D.C. WOTTON (Heysen): My question is directed to the Premier. Has the State Bank been successful

in offering at least $350 million worth of loans to other banks for the Remm Myer project, as the State Bank announced it intended to do when it undertook to manage the funding of the project; if so, have any of the major Australian banks taken a share of the financial package; and does the State Bank have any additional financial liability in the event that the project costs more than the announced $570 million and, if so, what is the maximum amount of this liability?

The Hon. J.C. BANNON: I cannot answer the detail of the honourable member's question, because that is something that the State Bank would be pursuing in its normal commercial course. As the honourable member would be aware, I do not involve myself in that and, in fact, the Act precludes me from so doing—an Act which was insisted on by members opposite when the Bill was before the House. Be that as it may, as I understand, the financing of the Myer—

An honourable member interjecting:

The Hon. J.C. BANNON: I think that the honourable member who interjected was one of those who took a leading role in that debate and insisted on that division of authority so that the Treasurer of the day or the Government could not instruct the State Bank in its commercial operations; so I am very surprised that he interjected. He has a very short memory.

I understand that the State Bank is satisfied with the financing of the Remm project and, if the purpose of the honourable member's question is in some way to criticise the State Bank for being involved in the financing of this project, I find that quite extraordinary, because how often do we hear the complaint that financial institutions in South Australia are financing or supporting projects outside this State when they ought to be putting their money and facilities into the development of South Australia. That allegation is made.

I would have thought all of us would be very strongly behind financial institutions, whether Government owned or in the private sector, whose customer base is here in South Australia, reinvesting in this State. The implied criticism of the State Bank—the salacious desire to see the State Bank in some discomfort over its involvement in this project—I find quite disgraceful. I am delighted that the State Bank made a commercial assessment which picked up this project and helped make it happen. I hope it sticks with it and I am sure that the project will be successful.

AUTOMOTIVE LPG PRICES

Mrs HUTCHISON (Stuart): Will the Minister of Mines and Energy tell the House why there are such marked differences in the price of automotive gas between different areas of the State? A concerned constituent has given me figures for December 1989 which showed the price per litre in Whyalla at 16c, Port Augusta 32c, Port Pirie 28c, Kimba 37c and Woomera 31c.

The Hon. J.H.C. KLUNDER: The prices that the honourable member quoted for a number of northern and Eyre Peninsula towns seem to reflect the market activities of the distributors and retailers involved. The Office of Energy Planning has had a look at what might be regarded as a 'normal' LPG price for such locations, having regard to the wholesale price, the distributor margin and the margin for the retail operator, and has come up with a figure of about 28c per litre.

The Office of Energy Planning would expect this price to apply to the more outlying areas such as Kimba and Woomera but the quoted Kimba price of 37c per litre seems higher than usual. On the other hand, the quoted price in Whyalla of 16c per litre indicates a significant degree of discounting by the distributor and/or retail operator. Indeed, it may even have something to do with the quality of the local member. Similarly in the Adelaide area, I understand that a current notional retail price for automotive LPG is about 28c per litre. However, the latest information available to me indicates that discounted LPG prices in Adelaide range from about 18.5c per litre to 21c per litre.

The South Australian Government is not directly involved in the determination of retail automotive LPG prices. The Federal Government, through the operation of the Prices Surveillance Authority, is involved in the establishment of a maximum wholesale price, for instance, ex-Port Bonython. The authority is currently undertaking a review of the procedures for establishing this maximum wholesale price and it is proposed that the South Australian Government will be making a submission to this review.

It is also worth noting that, in real terms, the wholesale price of LPG has halved during the 1980s. The current wholesale price of $247 per tonne compares with the price of $250.23 per tonne in 1981 and $269.55 in 1986. This represents a fall in the maximum wholesale price of about 50 per cent in real terms since 1981. In recent years, the South Australian Government has maintained a consistent argument for keeping LPG retail prices at the lowest possible levels, and last month I announced that, following representations by the South Australian Government to the Prices Surveillance Authority, the authority advised that there would be no adjustment to maximum LPG producer prices on 1 March 1990 and that the review of LPG price setting procedures, which I have just mentioned, would take place.

WEST BEACH SEAWALL

Mr BECKER (Hanson): Did the Minister for Environment and Planning initiate a police investigation of members of the Coast Protection Board following the revelation by the Opposition of Government documents relating to the construction of a seawall at West Beach and, if not, who initiated the investigation? On 20 February, when asked about serious problems which had arisen over the financing of a seawall at West Beach associated with the Zhen Yun hotel development, the Minister said she was not aware of any proposed seawall and had not been involved in any financial negotiations. The Opposition was able to produce documents signed by the Minister which demonstrated that she misled Parliament in giving this answer. I have now been informed that there is a police investigation into how these documents were leaked.

One member of the Coast Protection Board has advised that he was telephoned by the police about this matter. The police then visited his home asking to see his board files to establish whether or not he still had possession of the relevant documents. The comment has been made to me that this investigation smacks of the crudest kind of Gestapo tactics.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I remind the House that, as the honourable member has mentioned, questions were asked on 20 and 21 February. They were based on supposed Government documents and, in fact, these documents were faxed to my office by the Leader of the Opposition on 22 February. In view of the fact that Government documents

were obviously at large when they should not have been, the normal processes were set in motion to ascertain whether or not there had been breaches of the Government Management and Employment Act and any other of the respective statutes.

I know that the Opposition—in fact any Opposition—is delighted when it receives leaked documents or other information, but that does not gainsay the fact that in many cases that information is illegally supplied. If breaches have occurred, one just does not shrug and say, 'Bad luck; the law has been broken but that doesn't matter.' To do that would send a signal to all those entrusted with business of any kind in Government—all those who have a duty of responsibility to the provisions of the Act—to say, 'That doesn't matter; you can just ignore it.'

I do not get in a real knot about leaked documents, and so on. It is all very exciting at the time. It is regrettable when these things happen, but they are a part of the process of public life. However, equally, where clear breaches of this kind have occurred, it is quite legitimate for the proper procedures of investigation to take place. I am not aware of police involvement in that, although there would be occasions when police may be involved. I do not know if they were, but the normal practice is what happened: the documents were faxed; I, as Premier, inquired of the Commissioner of Public Employment if he could advise me as to the possible source of these documents; and the Commissioner for Public Employment (as is usual in these cases) launched some investigation. The extent of the investigation really depends, I guess, on the nature and substance of any such documents that have been illegally publicised.

In this case, as I understand, the Government investigation officer prepared for the Commissioner a report on the possible origin of these documents. Whether or not the police were involved, I do not know; they may have been, but I was not informed that they were involved. If they were, it would be purely as a result of following up these investigations. They would be involved only if, in fact, possible illegal acts had been performed. That is partly why it was so exciting to have these documents. If they were legal and public, the Opposition would not be jumping up and down in such delight at having them. The consequences of such action are quite reasonable. As I understand it, no particular findings have been made in this case but, certainly in the Department of Environment and Planning, the Commissioner for Public Employment referred to some procedural deficiencies in the handling of documentation, and these have been fixed.

That is not to say that there will not be other leaks in the future. All I am saying is that those public servants who leak documents do so in breach of their undertakings of employment as public servants, and if consequences are attached to that they will have to wear them. I go no further than that. It is not a case of witch-hunts; it is simply a case of ensuring that the law is respected.

HERITAGE AGREEMENTS

Mr FERGUSON (Henley Beach): Will the Minister for Environment and Planning indicate how many heritage agreements have been entered into by South Australian land-holders to preserve patches of remnant native vegetation throughout South Australia? Furthermore, what efforts have been made to publicise the various methods of on-farm conservation of remnant vegetation and, in particular, has any attention been given to publicising the means of controlling the rabbit population so that the conservation objectives of vegetation retention are met?

The Hon. S.M. LENEHAN: By almost the end of March this year some 370 heritage agreements had been signed protecting some 157 462 hectares of native vegetation in this State. The extension section of the Native Vegetation Management Branch provides information about the value and management of native vegetation on farm lands in a number of ways, which include: written information, contact with the media, newsletters, field days and seminars. I am told that some of these field days are so popular that recently a field day held in one of the outlying areas was attended by almost 150 people. This is an exceptional example of how well this information is being disseminated and received.

This year the permanent staff have been augmented by several consultants paid for by the Federal Government's Save the Bush Grants Scheme and the Murray-Darling Basin Commission Natural Resources Strategy Grants Scheme. Three full-time scientist consultants and two part-time farmer field consultants or officers have been appointed for 1990 to establish and publicise methods of managing native vegetation and its biological values on farms. A number of basic management plans will be developed for farmers with heritage agreements as a pilot program.

The problem of rabbits concerns, I believe, all people in South Australia but most particularly those farmers who have entered into native vegetation agreements with the Government and a number of options are being closely looked at to ensure that we can eradicate rabbits from remnant vegetation in South Australia.

ISLAND SEAWAY

The Hon. TED CHAPMAN (Alexandra): My question is directed to the Minister of Marine. Is disciplinary action being taken against the master of the *Island Seaway* for sailing that vessel between Port Lincoln and Kingscote during the night of 29 March and early morning of the following day without showing its masthead, port and starboard navigation lights; and, if not, why not? The international shipping code, the safety of life at sea law and, accordingly, the Australian National and State Maritime Act require the showing of navigation lights at night and provide severe penalties for failure to do so. I am informed that late on the night in question, the *Island Seaway* rounded North Cape with only limited passenger deck lighting visible by those at the Kingscote wharf awaiting the ship's delayed arrival.

The *Island Seaway* sailed south-easterly across the eastern frontage of Shoal Bay, around Beatrice Island, turned at the spit off Kingscote and then proceeded towards its berthing wharf approaching 2 a.m. on 30 March. About 400 metres from the berth, it is understood that the Kingscote Harbormaster or a member of his staff radio telephoned the ship and informed the duty officer that navigation lights were not showing. It is reported that they were then switched on immediately. The importance of navigation lights is demonstrated by the fact that commercial vessels, such as the *Seaway*, are required by law to carry an emergency set in the event of normal lighting breakdowns so that, in the interests of maritime safety, there can be no excuse for travel at sea without proper lights showing.

The Hon. R.J. GREGORY: I am not familiar with the matters raised by the honourable member. I will have them investigated. If indeed the Master or duty officer were in breach of the uniform shipping law code and other laws that applied at the time, I will have them prosecuted.

HAMILTON SECONDARY SCHOOL

Mr HOLLOWAY (Mitchell): I direct my question to the Minister of Education. Will the Government provide extra funds to support the curriculum to be offered at the new Hamilton Secondary School? Last week it was announced that the Glengowrie High School and the Mitchell Park High School would amalgamate on the present Mitchell Park site and that the new school would be named the Hamilton Secondary School. Will the Minister inform the House how the Government will support that amalgamation?

The Hon. G.J. CRAFTER: It is pleasing to see the enormous degree of cooperation that existed between these two important schools that have served the community in the southern suburbs of Adelaide well now for many years. Last year the Southern Area Office of the Education Department received a request from both those school communities asking whether the department would amalgamate the two schools from the beginning of 1991. The Education Department has been considering the merits of that proposal that was advanced by those two schools. It has been now agreed that the schools should amalgamate from the beginning of the 1991 school year and that it should be located on the Mitchell Park High School site. It has been further agreed that the new school should be known as the Hamilton Secondary School. The school will take its name from the Hamilton family who established a farm in the district in 1838. That farm eventually extended over some 140 acres. The family played an active role in the District Council of Marion for many years.

The Education Department proposes to spend some $2 million on refurbishing the buildings and upgrading the facilities on the Mitchell Park campus so that the students attending the school next year will be adequately accommodated on that site. Indeed, the choice of Mitchell Park—a very difficult decision that education administrators were faced with—was influenced, first, by its suitability for teaching all areas of the curriculum from the beginning of the 1991 school year (at which time some upgrading of the buildings will still be in progress, but there will be minimal disruption to students' work); and, secondly, by the good public transport services to the site. It is served by the Noarlunga and Tonsley railway lines; the circle line bus route; and regular bus services along Marion Road. These transport links will make it possible for people to travel from areas such as Brighton and Edwardstown to attend adult re-entry classes.

The new school will be designated a re-entry school in addition to providing a broad range of curriculum offerings. The Area Director has also indicated to the school communities that the formation of the new school will affect high school zone boundaries that currently exist in that area. So it is proposed to establish a new boundary between Brighton High School and the Hamilton Secondary School. It is very clear that neither of these two schools could have continued to provide the breadth and depth of curriculum offering that is required by students in order to gain the education that is their right, in order to face the challenges ahead. We are now able to offer an excellent opportunity for secondary students in those suburbs as a result of this very important decision.

ELECTRICITY TRUST TARIFFS

The Hon. H. ALLISON (Mount Gambier): My question is to the Minister of Emergency Services. Was an official police inquiry recently put in train in respect of the actions of members of the Coast Protection Board and, if so, was similar action taken when an Electricity Trust document recommending an immediate reduction in tariffs was also leaked to the Opposition and revealed in Parliament last month?

The Hon. J.H.C. KLUNDER: In each of those two cases, the normal procedures were followed.

ONION SMUT

The Hon. T.H. HEMMINGS (Napier): I direct my question to the Minister of Agriculture. Have there been any outbreaks of onion smut in the electorate of Napier in the past year? As the House will be aware, onion smut is a disease which destroys seedling onions. Onion growers in my electorate are anxious to know whether properties near them have been affected by the disease and whether a 15-year quarantine period may result.

The Hon. LYNN ARNOLD: I appreciate the honourable member's question and the seriousness of this matter.

Mr Becker interjecting:

The Hon. LYNN ARNOLD: The member for Hanson asks, 'How many onion growers does the member for Napier have in his electorate?' He does have onion growers in his electorate. and I have onion growers in my electorate. Onion smut is a particularly serious infection of onions which affects an important export crop, both to interstate and overseas markets. Members will remember that, when I launched a brochure last year for the export of horticultural products, onions ranked significantly in that because South Australia is a prime exporter of good quality onions both interstate and overseas. Onion smut is a serious condition that affects seedling onions and other allium species for a long time. Indeed, once it has been identified, the eradication measures require that the particular plot that has been affected be quarantined for 15 years before onions or any other species of allium can again be grown. This is an important issue because, if the disease were to spread, it would have a major economic impact on this State. I would have thought that members opposite would want to treat this issue with the seriousness it deserves.

The reality is that onion smut identifications in this country have been primarily in South Australia. I believe we should treat this disease very seriously indeed. The disease was first identified in 1956 at Glen Osmond; another outbreak consisting of one-tenth of a hectare occurred in the Campbelltown area in 1963; and since then there have been outbreaks at Purnong Landing in 1975, Virginia (which is very close to the electorate of Napier) in 1979, Uraidla in 1985, Summertown in 1988, Gawler in 1988 and Waterloo Corner in 1989 (which is in my own electorate, and which is very close to the honourable member's electorate and close to the onion farmers there).

The only outbreak that I have been able to identify interstate was in 1975 at Griffith in New South Wales. The situation is of legitimate concern to the onion-growing constituents of the member for Napier. It is a matter for concern for anyone who is involved in the onion-growing industry in this State and its economic potential because, if it is found, as I say, the quarantine measures require a 15-year prohibition of the planting of onions or any other allium species. We do not want the disease to spread, and we do not want it to devastate this product's significant horticultural impact.

AUSTRALIS PROJECT

Mr INGERSON (Bragg): My question is to the Minister of Occupational Health and Safety. Were Government occupational health and safety inspectors called to the Australis project site in Grenfell Street last week to investigate complaints which led to a strike? If not, will the Minister have the alleged cause of the strike investigated to determine whether it involves yet another abuse of union power by the Australian Building and Construction Workers Federation?

I have been informed that, last Wednesday, about 200 workers on this site were called out on strike and remained out for some 24 hours. The reason given was the discovery of three small piles of rat droppings in the worksite eating area. I am further informed that this was a subterfuge for an organised campaign now under way to delay the completion of major building projects in Adelaide because of the impending serious downturn in the building industry.

The Hon. R.J. GREGORY: I will have the matters raised by the honourable member investigated.

NORTHFIELD AGRICULTURAL FACILITIES

Mr ATKINSON (Spence): My question is to the Minister of Agriculture. At what stage is the relocation of the Department of Agriculture's research unit from Northfield to the Waite Institute, and when will the relocation be completed?

The Hon. LYNN ARNOLD: I thank the honourable member for his question on this very important topic. I believe that progress is being well and truly made in this area, and we are looking forward to ongoing consultation with those members of the local community who are playing a very constructive part in this issue. However, some members of the community are still running what may be called a guerilla campaign, spreading misinformation and untruths about the relocation project. I will come back to that point within a few minutes.

For those in the local community who are genuinely interested to know what is going on and who want to take part in the discussions, we are seeing very positive results. First, a scale model of the facility has gone on display and has been available for local residents to look at in order to contribute their views as to where particular buildings should be located. I believe that there are three options as to where the prime building should be relocated, and the views not only of the Waite Institute and its staff but also of local residents are being sought on this matter. The issue of what facilities are to be relocated to the Waite Institute is also being canvassed with local residents.

Indeed, a regular newsletter goes out to residents to keep them fully informed of all activities in this regard. I expect that a reference group of local representatives will be formed as a formal mechanism for ongoing consultation and as a conduit of advice back to the Government. The design process will take place over the coming 12 months and will be followed by an 18-month construction period, so that, within three years, we will have an agricultural science park that is a state-of-the-art facility for the agricultural economy of this State.

Regarding the activities of certain local residents, I am concerned to note that some—a minority—are continuing to spread misinformation about this project. I say 'continuing to spread misinformation' because the names on some of the letters I have been receiving lately are those of people to whom I have written previously answering concerns they have raised on previous occasions. The Premier also has written to a number of these people.

One of the issues that has often been raised is the question of broad acre spraying, which was raised by a number of people last year and which was killed off as an issue last year as I stated very firmly that there will not be broad acre spraying activities at Waite Institute as a result of the relocation. Not only will there not be broad acre spraying because of the legitimate rights of near neighbours and because of the spray drift that would occur in that situation, but we are dealing with an experimental situation. The scientists want to gain as much knowledge as possible about the individual effects of pesticides or other growing mechanisms on particular plants.

That is not done, in the situations the scientists will be dealing with at Waite or Northfield, with broad acre spraying, because that would affect, through spray drift, other experiments that are taking place. So, it would be quite futile and inane for agricultural scientists to be broad acre spraying at the Waite site. Where there is a need for that type of spraying to be done for research purposes, it is done outside the metropolitan area at specific locations connected with agricultural research centres. That this matter has been raised yet again by the very people to whom I have written (in some cases not once or twice but three times) and who are still peddling this misinformation can only be described as a kind of guerilla activity on their part to undermine this very important initiative—that members opposite have also tried to undermine. Of course, they remain on the Opposition benches, so this exciting project will go ahead.

I congratulate those other residents of the area who are now taking a constructive attitude towards this issue for taking part in our consultation process. We look forward to hearing about the issues and concerns that they want to raise and we will do our best to take those concerns into account as we develop this program further.

MARINO ROCKS MARINA

Mr MATTHEW (Bright): My question is directed to the Premier. Has the Government sought information from the Melbourne chartered accountants, Ferrier Hodgson and Company, about the current financial status of the proponents of the Marino Rocks marina? If so, what can the Premier report; if not, why not, in view of his statement to the House on 27 March that 'a Government must be constantly vigilant in these matters'?

The Premier made the statement I have just referred to in reply to an Opposition question about the circumstances in which the ownership of this project was transferred following the financial collapse of its first major proponent, the Crestwin Corporation and Mr Bill Turner. Last Tuesday, when I sought information from the Minister for Environment and Planning about the financial status of the current proponents, she evaded the question and said I did not want the project to proceed. I now have in my possession two documents which raise further questions about the financing of this project, because they identify a tie-up between Crestwin and the current proponents.

The first document is dated 21 November last year and reveals that Mr A.G. Hodgson of Ferrier Hodgson and Company is acting as the receiver and manager of Crestwin Corporation Ltd. The second is a letter which is dated 1 March this year signed by the same Mr Hodgson of the same Ferrier Hodgson and which reveals that the company is also acting as agent for the mortgagee in possession of this site. This letter reveals arrangements to provide security

services for the property situated at Lot 40, Hallett Cove, which is a site of some eight acres, forming almost the entire proposed marina frontage and is the site through which access to the marina would be gained. What this second letter also demonstrates is that the current proponents do not have control of that site.

The Hon. J.C. BANNON: I am still trying to work out, as was the Minister last week, whether the honourable member does support or oppose the project.

Members interjecting:

The Hon. J.C. BANNON: I think that he is saying 'Yes', he does. Perhaps I can put it on the *Hansard* record that he does want this project to proceed. I will take the question on that basis and thank him for his interest. I simply say that there is not much that I can add at this stage to what the Minister said last week. There is bank involvement in that part of the land in question and obviously the ANZ Bank, which holds certain rights there, needs to be involved in any development that takes place. By 'involvement' I mean either by transferring any rights or obligations that it has or by being a participant in some way in any such development. There is intensive work—

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order! The Premier will ignore the interjection.

The Hon. J.C. BANNON: It would be better if I ignored the interjection. There is a considerable amount of work going on at the moment as I understand it. Neither I nor the Minister is in a position to make any announcement about it. If we were, we obviously would. I repeat: as we have done at all times, approvals will be granted for a marina project to proceed in that area only if those who are proposing to go ahead with the development are in clear possession—in unencumbered possession—of the area that they propose to use, have demonstrated their financial capacity to do so and have passed the appropriate environmental tests. All those circumstances that we require must be met and I would think that the honourable member in his support of the project would concur wholeheartedly with that.

STATE BALLOT-PAPER

Mr HAMILTON (Albert Park): My question is directed to the Minister of Education, representing the Attorney-General in another place. Will the Attorney-General investigate reforms to the State ballot-paper? I have received from Mr Cappella, a member of the Italian community in my electorate, a request for an upgrading of State ballot-papers. The request states in part:

> We believe that, in upgrading the present voting system, provision should be made on ballot-papers for a candidate's photograph or the political Party's symbol ... We believe that many illiterate, disadvantaged and non-English speaking people in our community would be greatly assisted by these reforms.

I believe that, this being the International Year of Literacy, the Government should consider this request.

The Hon. G.J. CRAFTER: I will be pleased to have this matter referred to my colleague in another place and no doubt he will discuss this matter with the Electoral Commissioner. I understand that it is the practice of the Electoral Commissioner to report on the conduct of each election, and this matter may well be canvassed in the Commissioner's report on the conduct of the last general election.

PORT GILES JETTY

Mr MEIER (Goyder): What action is the Minister of Marine taking to reopen the Port Giles Jetty, which is to be closed for the next three months or more because the galbestos coating on the cladding covering the conveyor belt has broken, exposing asbestos? Besides the one grain ship already turned away from Port Giles, how many other ships are expected to be turned away in the next three months? Will the jetty be closed to the hundreds of people who hope to use it over the coming Easter weekend and during the school holidays? Is the Minister aware that the carting of thousands of tonnes of grain from other regions of South Australia to Port Giles will cease in the next few days unless the jetty is reopened immediately to export shipping?

The Hon. R.J. GREGORY: A dispute notice was placed on the Port Giles jetty by employees of the Department of Marine and Harbors because of the allegation of the presence of asbestos fibres. That was brought about because the asbestos cladding had started to break down.

Mr Lewis interjecting:

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

The Hon. R.J. GREGORY: The default notice was looked into by the Department of Labour and monitoring was undertaken. No fibres were detected in any of the samples that were taken but an improvement notice has been issued on the facility because asbestos fibres could be present in the atmosphere. The department is obtaining the equipment and facilities required to allow for safe working of the plant prior to any removal program and, so far, the bans have led to the diversion of only one ship. Another ship is due on 19 and 20 April and the department is working on procedures to allow that ship to be loaded at Port Giles.

PINE NEEDLE BLIGHT

Mr HOLLOWAY (Mitchell): Has the Minister of Forests seen reports referring to outbreaks of pine needle blight in *pinus radiata* forests in Victoria? If so, does this blight pose any threat to South Australian pine forests and is the department prepared for any such outbreak?

The Hon. J.H.C. KLUNDER: The honourable member was kind enough to draw my attention to an article in the *Age* on Monday 2 April reporting that the Victorian Government is quite concerned, apparently, about fungal outbreaks in the forests in Victoria. The South Australian Woods and Forests Department has been aware of the effects of the pine needle blight, which goes under the name *Dothistroma*, on *pinus radiata* plantations since it was first identified in New Zealand in 1964 and has monitored the development of this disease since that time. Fortunately, to date South Australia has been kept free of the disease.

Analysis of previous outbreaks conducted by Australian forest researchers has revealed that 'epidemics seem to follow occurrences of more than 80 millimetres rainfall for consecutive months and mean temperatures of over 15°C for these same months'. Detailed analysis of the risk of an epidemic occurring in South Australian conditions reveals that the probability appears to be very low. The major risk arises from local outbreaks associated with an early break to the season but are more likely in late spring/early summer. These susceptible times may occur perhaps one year in four or five years. The Woods and Forests Department and Australian forest growers are treating the disease seriously and have established a code of nursery practice to limit the spread of the disease from infected areas to non-

infected sites. uarantine procedures have been implemented to restrict the movement of infected material.

Tree breeding programs include investigation of incorporating genetic resistance to this disease in future growing stock. A meeting is scheduled for 29 May 1990, when members of Southern Tree Breeders of Australia will discuss coordination of the breeding strategy for resistance to *Dothistroma*. Should an outbreak occur, the Woods and Forests Department is prepared to take remedial action including early spraying with copper oxychloride fungicide to limit the spread of the disease.

ALBURY-WODONGA EFFLUENT DISPOSAL

The Hon. P.B. ARNOLD (Chaffey): Will the Minister of Water Resources object in the strongest possible terms to the proposed Albury-Wodonga sewage effluent disposal into the Murray River and, if not, why not? The Minister told the House last Thursday that the Government would be taking the strongest possible action over the proposed extension of Australian Newsprint Mills at Albury-Wodonga because it will significantly increase salt discharge into the Murray. Of equal concern is a proposal for the disposal of sewage effluent into the river from the same area.

The Riverland Local Government Association and the Loxton council have publicly denounced this proposal, which would have the effect of using the Murray as a sewer when the effluent could be effectively used on a woodlot or other land disposal methods.

The Hon. S.M. LENEHAN: Yes, I most certainly will take the strongest possible action to ensure that sewage effluent is not discharged into the Murray River. At the time I answered the question last week, I also indicated to the House that my department was looking at removing treated effluent from the Murray River in the areas over which the South Australian Government has control—west of the border, if you like—and it is certainly intended to do that as quickly as possible. In fact, it will happen, and I will soon be announcing the timetable for that project.

However, I take the point that the honourable member has made. I will be making very strong representation, and I would be delighted to be able to say that I was making bipartisan representation to the Murray-Darling Ministerial Council meeting in June, and that we in South Australia are totally united in terms of what should and should not be put into the Murray River.

The SPEAKER: Before calling the next question, I point out that there is far too much background noise.

STANDARDISED FIRE REGULATIONS

Mr FERGUSON (Henley Beach): I direct my question to the Minister of Employment and Further Education, representing the Minister of Local Government. Does the Local Government Department approve of the standardisation of fire regulations as far as Australian buildings are concerned? The task force headed by Dr John Nutt, set up last October to look for ways of standardising Australian building codes, has already identified one area—fire regulations—in which it says up to $200 million could be saved each year. Dr Nutt states in the *Business Review Weekly* of 30 March:

> In Victoria alone building regulations involve 106 Acts, 210 sets of regulations, 14 Ministries and more than 300 local and statutory authorities—and this situation is repeated in every State.

The Hon. M.D. RANN: The honourable member gave me the courtesy of informing me of his question, and I have checked with my colleague in another place, the Minister of Local Government. We certainly support his view that there is a considerable amount of confusion in this area. The South Australian Government supports the standardisation of fire regulations for buildings, and the Local Government Department has been working towards this goal with all other States and Territories for some time with the development of a uniform technical code called the Building Code of Australia.

Most States and Territories will adopt this code in 1990 and South Australia has made a commitment to adopt it on 2 August. The department recognises also the existence of building related regulations under various Acts other than the Building Act. As part of the adoption of the Building Code of Australia, the Department of Local Government will consolidate all such regulations under the Building Act in an effort to streamline the building process. I have not been able to read the Nutt report but I look forward to doing so in the near future.

MARION COMMUNITY WELFARE OFFICE

Mr BRINDAL (Hayward): Will the Minister of Family and Community Services consider making available additional funds to the Marion Community Welfare Office for emergency financial assistance during the remainder of this financial year? At a recent poverty forum, officers of the Department for Community Welfare at Marion informed participants that the budget allocation for emergency financial assistance this financial year was $63 900. However, spending to the end of March has already amounted to $62 911, and heavy demands on the office are expected to continue for the last quarter of 1989-90. In the corresponding period last financial year, 197 applications were received and the dollar average per adult day paid was $3.01.

In the October to December quarter, 291 applications had been received and the dollar average per adult day paid had dropped to 82c. Already, in the period January to March 1990, 436 emergency financial assistance applications have been paid. Participants at the forum have told me they regard this situation as alarming, both in the escalation of the number of requests and in the contraction of available finance. With only $989 available to service all of the clients of that office for the remaining three months of this financial year, the Minister's urgent attention to this matter is requested.

The Hon. D.J. HOPGOOD: I will take up this matter with the Executive Officer, although I imagine that she has it well in hand. Obviously, the last thing that the department, or indeed the Government, would want to do is discriminate against particular individuals because they live in the proximity of one office rather than another. There is an overall budget for these things and a notional allocation is made to each office, but I am sure that there is enough flexibility in the system to be able to make arrangements to ensure that one office does not run out of money while another continues to dispense services under statute and under the policy of this Government. I will check on this matter for the honourable member and bring back a reply.

MINISTERIAL STATEMENT: STATE CLOTHING CORPORATION

The Hon. D.J. HOPGOOD (Deputy Premier): I seek leave to make a statement.

Leave granted.

The Hon. D.J. HOPGOOD: South Australia's State Clothing Corporation is to undergo a major restructuring. The Whyalla factory, employing 28 people, will be retained but the management of the South Australian Government statutory authority will be transferred to the State Services Department. The restructuring occurs after the closure in December of one of the clothing factory's five production lines following the termination of a major contract for the manufacture of disposable overalls for a large interstate client. The loss of the contract occurred just when the board of management had taken the corporation to a break-even point on operations in the December quarter.

The break-even result in the final quarter of 1989 was achieved after the new board, with Mr John Heard as Chairman and Mr David Suter as General Manager, rationalised production operations at Whyalla and implemented new administrative and financial controls in the business. The loss of the major contract in December last year combined with the difficult trading conditions facing all clothing manufacturers has led to the board of management recommending that the Government take further action to minimise losses within the clothing corporation.

Following a detailed report from the Board, Government has decided to transfer management of the corporation's business to the State Services Department which will bring benefits in terms of reduced overheads. A new board, chaired by Mr Ray Dundon, Chief Executive Officer of the State Services Department, will assume responsibility for the operation of the business until the State Clothing Corporation Act is repealed and the business becomes fully amalgamated with the department. Consequently, the State Services Department will take over all of the corporation's business and will honor all existing contracts. All customers have been assured of continuity of supply of their clothing and linen products. I would like to take this opportunity to thank Mr John Heard, who was appointed as Chairman for 12 months to review the corporation activities, on the completion of his task.

PERSONAL EXPLANATION: ELECTORATE OF VICTORIA

Mr D.S. BAKER (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Mr D.S. BAKER: During Question Time the Minister of Transport made a disgraceful allegation against me as the member for Victoria—

The SPEAKER: Order! The honourable member is well aware that he cannot debate the issue, he can only make a personal explanation relating to the facts.

Mr D.S. BAKER: The allegation was that the electorate of Victoria was not being adequately represented in this House. Of course, that is not correct. As the Minister would know, 72 per cent of the population said at the last election that the member for Victoria represented his electorate very well indeed; in fact, it is the safest seat in South Australia. However, 52 per cent said that they did not want the Minister or the Premier in this place.

The Minister claimed that the Department of Road Transport had been asked by transport operators from Lucindale, Naracoorte and other places to investigate allegations about the height of loads. He claimed that this matter was brought to his attention first, but the fact is that I had meetings with those people several months before. I rang the head of the department, who was unavailable, and I had a lengthy conversation on two occasions with Mr Robert Ide on this very matter, which deals with the fact that these people were being quite frivolously booked for trivial offences. I arranged for representatives of the department to meet with the transport operators concerned at the wool stores at Port Adelaide to discuss the matter. This was done many months ago because I knew that if I went through the Minister no action would be taken.

SUMMARY OFFENCES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 5 to 7 (clause 4)—Delete paragraph *(b)* and substitute the following paragraph:

(b) may be renewed from time to time by a justice for a further period (not exceeding 12 hours).

No. 2. Page 2, line 21 (clause 4)—After 'vehicle' insert 'for the purpose of ascertaining whether the person for whose apprehension the roadblock was established is in or on the vehicle'.

No. 3. Page 2, lines 25 to 26 (clause 4)—Delete 'by the person for whose apprehension the roadblock was established'.

No. 4. Page 3, lines 9 to 18 (clause 4)—Delete subsections (9) and (10) and substitute the following subsections:

(9) The Commissioner must, within seven days after the granting of an authorisation under this section, submit a report to the Minister stating—

(a) the place at which the establishment of a road block was authorised;

(b) the period or periods for which the authorisation was granted or renewed;

(c) the grounds on which the authorisation was granted or renewed;

(d) whether, and to what extent the roadblock established pursuant to the authorisation contributed to the apprehension of an offender or the detection of an offence;

(e) any other matters the Commissioner considers relevant.

(10) The Minister must cause copies of a report under subsection (9) to be laid before both Houses of Parliament within seven sitting days after receipt of the report if Parliament is in session, or if Parliament is not then in session, within seven sitting days after the commencement of the next session of Parliament.

No. 5. Page 4, line 5 (clause 5)—After 'fails' insert ', without reasonable excuse,'.

No. 6. Page 4, lines 8 and 9 (clause 5)—Delete 'A person who enters a dangerous area, locality or place contrary to a warning under this section' and insert:

If—

(a) a person enters a dangerous area, locality or place contrary to a warning under this section;

and

(b) the person is convicted of an offence against subsection (5) *(a)*,

the person.

No. 7. Page 4 (clause 5)—After line 10 insert the following subsection:

(6a) It is a defence to a charge of unlawfully entering a dangerous area, locality or place contrary to a warning under this section to prove—

(a) that the defendant entered the dangerous area, locality or place believing that it was necessary to do so in order to protect life or property;

or

(b) that the defendant entered the dangerous area, locality or place as a representative of the news media believing that it was necessary to do so in order to report adequately on the conditions prevailing there.

No. 8. Page 4 (clause 5)—After line 19 insert new subsections as follows:

(8) The Commissioner must, within seven days after the making of a declaration under this section, submit a report to the Minister stating—

(a) the area, locality or place in relation to which the declaration was made;

(b) the period for which the declaration was in force;

(c) the grounds on which the declaration was made;

(d) any other matters the Commissioner considers relevant.

(9) The Minister must cause copies of a report under subsection (8) to be laid before both Houses of Parliament within seven sitting days after receipt of the report if Parliament is in session, or if Parliament is not then in session, within seven sitting days after the commencement of the next session of Parliament.

No. 9. Page 4 (clause 5)—After line 19 insert new subsection as follows:

(10) This section does not apply if—

(a) a declaration of a state of disaster is in force under the State Disaster Act 1980;

(b) an emergency order is in force under the State Emergency Service Act 1987.

No. 10. Page 5 (clause 5)—After line 3 insert the following subsections:

(6) The Commissioner must, within seven days after the granting of an authorisation under this section, submit a report to the Minister stating—

(a) the premises in relation to which the authorisation to enter was granted;

(b) whether property was taken from the premises pursuant to the authorisation;

(c) the grounds on which the authorisation was granted;

(d) any other matters the Commissioner considers relevant.

(7) The Minister must cause copies of a report under subsection (6) to be laid before both Houses of Parliament within seven sitting days after receipt of the report if Parliament is in session, or if Parliament is not then in session, within seven sitting days after the commencement of the next session of Parliament.

Consideration in Committee.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be disagreed to.

This amendment is opposed by the Government. The Bill as originally drafted allowed for a senior police officer to renew authorisation for a further period of 12 hours. A 'senior police officer' is defined as a member of the Police Force of or above the rank of inspector. The Government considers that a senior police officer would be in a better position to make the decision than a justice, as a senior police officer would be more fully apprised of the actual circumstances surrounding the roadblock and the prospects of apprehending the person by renewing the authorisation.

'A justice' for this purpose would include any justice of the peace. The majority of the United Kingdom royal commission on considering this area of the law took the view that in operational matters such as this a magistrate can do little other than endorse a police request. So, that would provide no real safeguard to the community. The Commission considered it preferable for the police to take responsibility for such decisions and accept the consequences of an improper decision in the normal course of events.

Mr INGERSON: The Opposition supports the amendment, because it believes that it is reasonable to have a justice who is outside the system to take this action after the 12 hour period. We believe that, it is in the best interests of the community that, in respect of the very serious decision of whether or not to have a roadblock, this extra piece of protection should be required for the community in general. We support the Bill. We are disappointed that the Government does not see the logic in doing this. We hope that the Government will reconsider its stance.

The Committee divided on the motion:

Ayes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter (teller), De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Noes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton.

The CHAIRMAN: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote to the Ayes.

Motion thus carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be agreed to.

The Government supports this amendment because it clarifies the power of police to search a vehicle at a roadblock. The amendment provides that a member of the Police Force may search the vehicle for the purpose of ascertaining whether the vehicle is carrying the person for whose apprehension the roadblock is established. The provision will allow police to search the main compartment of the motor vehicle, the boot and underneath the vehicle; it would not authorise a thorough search of the vehicle, for example, the glove box. This is consistent with the rationale for establishing the roadblock. It allows a cursory examination of the vehicle for the purpose of ascertaining whether the offender is in the vehicle. Such an amendment will limit any potential for abuse.

Mr INGERSON: The Opposition supports this amendment.

Motion carried.

Amendments Nos 3 and 4:

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

That the Legislative Council's amendments Nos 3 and 4 be disagreed to.

Amendment No. 3 is opposed. The Government is not convinced that the police should be able to take possession of evidence of the commission of an offence by other than the person whose apprehension the roadblock was established, or possibly an accomplice of that person. The roadblock is established for the purpose of apprehending a specific person. Careful consideration must be given before extending the power to allow any evidence of an offence to be taken. This matter will be the subject of further consideration undoubtedly as this Bill further progresses.

Amendment No. 4 is also opposed. The Bill, as first introduced, provided for an annual report to the Minister. The amendment requires that the Minister be notified within seven days of the establishment of a roadblock. The Minister must also present a report within seven sitting days of receipt of the police report.

It is unusual for the Police Commissioner to have to make regular reports to the Minister relating to the exercise of police powers. The only areas where regular reporting is required by law is where the use of police power represents an invasion of personal privacy which, if the Commissioner was not required to report, would be known only to police, for example, listening devices and telephone interception legislation. A roadblock is established in the public arena and, for that reason, this amendment is opposed.

Mr INGERSON: We support these amendments. We believe that the Government, through the Police Force, should take the opportunity to take extra evidence at roadblocks. We believe that there would be many instances when extra investigation could and should take place. In relation to reports to Parliament we believe, and argued very strongly that, in the case of a roadblock, which is a very special and unique situation concerning traffic on our roads, there should be a special report to the Minister from the Police Commissioner. Secondly, we believe that that report should then be passed on to Parliament so that Parliament can at least note that there has been a significant roadblock on our roads and that the reasons for it were justified; and, if it is

necessary for any debate to take place, it should in fact occur.

Motion carried.

Amendment No. 5:

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

That the Legislative Council's amendment No. 5 be agreed to.

This amendment simply modifies the offence relating to the failure to stop a vehicle pursuant to section 83b. It adopts the 'without reasonable excuse' test found in proposed section 74b *(a)* and *(b)*.

Mr INGERSON: The Opposition supports this amendment.

Motion carried.

Amendments Nos 6, 7 and 8:

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

That the Legislative Council's amendments Nos 6, 7 and 8 be disagreed to.

Amendment No. 6 is opposed because it would require a person to be convicted of an offence against subsection (5) *(a)* before he or she would be liable to pay compensation under subsection (6). This is considered to be too limited. The word 'convict' in paragraph *(b)* is of particular concern. Counsel would no doubt argue against the recording of a conviction in a court of summary jurisdiction because of the potential to pay compensation in a civil action. Different standards of proof would normally apply in a criminal trial as compared to a civil trial. The requirement for conviction would require the matter to be proved beyond reasonable doubt before civil compensation would be payable.

The Legislative Council's amendment No. 7 is opposed on the ground that its inclusion would severely dilute the authority and purpose of the section. The Government does not consider that a defence is the proper mechanism to enable persons to enter an area declared to be dangerous. If any system is to be built into the legislation, the Government would prefer an authorisation system which would enable the police to authorise entry to the area subject to certain conditions. The defence, as worded, is too wide in that it could, in effect, allow anyone access to the area for the purpose of protecting life or property. The Government opposes the Legislative Council's amendment for those reasons.

We oppose amendment No. 8 under which an area declared to be dangerous must be broadcast by public radio or published in another appropriate manner; that is, the declaration is to be made in the public arena. The reporting system provided for in the amendment is considered quite unnecessary.

Mr INGERSON: We support the amendments. As far as we are concerned, there is no question that, if a person enters into a dangerous area contrary to the warning, an offence has been committed. We support that strongly. With respect to amendment No. 7, we have argued that the right to enter, as far as ownership of a property is concerned, is an important concept. We believe that the individual should have that right to enter, provided that under the law they take the risk of so doing.

I am staggered that the Minister should put forward a proposition that authorisation of entry is the way to go. It would be absurd if, during a major fire, an individual who owned a property in the fire zone had to run off to the Minister or to the police to get an authorisation to enter the property. It is staggering that at this late stage the Minister should make that sort of comment.

We believe that the media, if they do their job reasonably, carefully and with the right intent, should be able to report accurately on any particular tragedy. We support the amendments.

Mr S.G. EVANS: I support strongly the proposition that people should be able to go onto their own property where, for example, they believe that one of their family members, who may be elderly, is in the home. The authorities may say, 'No, you can't go in there,' but that person may have enough expertise and knowledge of the area to know the dangers they are taking. That aside, any one of us, if we thought that one of our family members was in danger, would take any sort of risk to try to get to them.

What happens if the police say, 'No, you can't go in because of this law'? People who know the area will take other risks, for example—

Mr Ingerson: What about the authority?

Mr S.G. EVANS: Trying to get authority is difficult, as the member for Bragg says. For example, during the second Ash Wednesday fire, I was stopped from going along a road. I believe that some people might have been able to save their home in the first Ash Wednesday fire if they had been allowed to go along some of these roads. I drove through the scrub in my four wheel drive without any authority. If I had been seen, I would have been booked. At least I got to a home where I knew an elderly member of the family was, just in case they needed my help.

It is important for us to realise that it is all right to make the laws as far as criminals are concerned—I did not object to that—but in this other area I believe people have a right to be concerned about their own property or their own family. People who work in the city and have to get back up into the Hills when a fire breaks out should be helped, not hindered. There may be risks, but that is something that that person takes in their own hands, because they think that their family or property is important enough for them to try to preserve.

Motion carried.

Amendment No. 9:

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

That the Legislative Council's amendment No. 9 be agreed to.

This amendment seeks to remove the potential for any conflict between other legislation dealing with dangerous areas, for example, the State Disaster Act and the State Emergency Services Act. Where a declaration or an emergency order is in force under either of these Acts, new section 83b would not apply. I think this must be taken into account when answering the query that the member for Davenport just raised about other powers and in relation to the Ash Wednesday bushfires where a state of emergency is declared.

This legislation empowers, in a much more minor way, the police to declare an area a dangerous area. It does not deny people the right to act responsibly in accordance with the concerns that they be manifesting at that time, but it does provide for the intervention of the police, and their role becomes very significant. The nature of the amendments needs to be understood before the concerns that the honourable member is raising are given further credence, because I think, to a large extent, they are irrelevant to the circumstances that are being described under these provisions.

Mr INGERSON: I support the Government.

Motion carried.

Amendment No. 10:

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

That the Legislative Council's amendment No. 10 be disagreed to.

The police officer who enters the premises will have a warrant authorising such entry. Proposed section 83c (5) requires the Commissioner to keep a proper record of property taken for safekeeping under this section. It is not con-

sidered necessary for the Commissioner to report to the Minister on the exercise of these powers, nor is it considered a matter for parliamentary scrutiny.

Mr INGERSON: Again, we are disappointed that the Government has not chosen to accept this amendment. We believe that the amendment achieves some reasonableness in relation to people who should have the authorisation reported to the Parliament. We accept that there are other ways in which the Government could move, but we believe this is the best way to do it. We support the amendment.

Motion carried.

STATUTES AMENDMENT (VICTIMS OF CRIME) 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

The provisions of this Bill implement that part of the Government's election policy on victims of crime which requires legislative action.

One of the highest priorities for the Government is the protection and security of the community. A vital part of community security is caring for victims of crime.

Since 1985 the Government has taken decisive steps to improve the position of victims in the criminal justice system. Our work has been acknowledged by the National Committee on Violence which noted in a 1989 discussion paper on victims of violence:

> The South Australian Government became the first Australian jurisdiction formally to recognise the rights of victims when it took steps toward implementing the United Nations Declaration.

An increasing number of victims are receiving compensation from offenders as a result of orders for compensation being made by sentencing authorities under section 53 of the Criminal Law (Sentencing) Act 1988. To ensure that courts turn their minds to the question of compensation for victims by offenders, that section is amended to require a court, if it does not make an order for compensation, to give reasons for not doing so.

The Criminal Injuries Compensation Act 1978 is amended, as promised, by increasing the maximum amount of compensation payable to a victim of crime under that Act from $20 000 to $50 000. Provision is also made for the payment of the funeral expenses of a person who dies in consequence of a criminal offence. The amount payable is the actual cost of the funeral or $3 000, whichever is the lesser. The $3 000 limit is in line with the maximum amount payable for funeral expenses under the Workers Rehabilitation and Compensation Act 1986.

Both Acts are amended to provide that no compensation may be awarded under the Acts where an offence arises from breach of a statutory duty by an employer in relation to employment of the victim and the injury is compensable under the Workers Rehabilitation and Compensation Act 1986. This amendment is made because that Act provides a code for an employer's liability to compensate a worker in these circumstances.

A further amendment is made to the Criminal Injuries Compensation Act 1978 to empower the Attorney-General to make *ex gratia* payments to victims of crime even though an offence has not been, or cannot be established. It is quite often evident that a person has suffered injury as a result of an offence but for one reason or another no person is convicted of the offence. In such cases the usual practice is for an *ex gratia* payment to be approved and paid out of general revenue. This amendment will enable the compensation to be paid out of the Criminal Injuries Compensation Fund.

Minor drafting amendments are made to sections 11 (2a) and 13 of the Criminal Injuries Compensation Act 1978.

Clause 1 is formal.

Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 amends the Criminal Law (Sentencing) Act 1988. Section 53 of the Act is amended to require a court that does not make an order for compensation to give reasons for that decision and to make it clear that a court cannot order compensation under the section against an employer in favour of an employee or former employee if the offence arises from breach of a statutory duty related to employment and the injury, loss or damage is compensable under the Workers Rehabilitation and Compensation Act 1986.

Clause 4 amends the Criminal Injuries Compensation Act 1978. Section 7 of the Act is amended to provide that a person who pays or is responsible for the payment of the funeral expenses of a victim may, within 12 months of the funeral, apply to the court for an order for compensation in respect of funeral expenses incurred. The amount that the court may order to be paid is the actual funeral costs incurred or $3 000, whichever is the lesser amount. The section is also amended to increase the maximum amount of compensation payable under the Act from $20 000 to $50 000 and to make it clear that no compensation may be awarded under the Act if the offence arises from breach of a statutory duty by an employer in relation to the employment of the victim, and the injury is compensable under the Workers Rehabilitation and Compensation Act 1986.

Section 11 of the Act is amended so that where the Attorney-General is contemplating reducing the amount to be paid in satisfaction of an order for compensation under the Act in view of other compensation that the claimant has or would be likely to receive apart from the Act and the Attorney-General is of the opinion that the other compensation does not adequately compensate for pain and suffering and other non-economic loss the Attorney-General should not reduce the amount to be paid below the amount that represents the deficiency or $10 000 (instead of the current $5 000), whichever is the lesser amount. The section is also amended to empower the Attorney-General to make an *ex gratia* payment to a person who would be a victim of crime but for some reason (not reflecting adversely on the victim) an offence has not or cannot be established and to make such other *ex gratia* payments as the Attorney-General considers necessary, and consistent with the objects and policy of the Act to compensate harm resulting from criminal conduct.

Section 13 (6) is amended to make it clear that the reference to 'court' is not necessarily the District Criminal Court (which is the definition of 'court' in the Act) but means the court that convicts a person.

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

EXPLOSIVES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WATER RESOURCES BILL

Returned from the Legislative Council with the following mendments:

No 1. Page 4, line 13 (clause 9)—Leave out ', as far as practicable,'

No. 2. Page 4, lines 13 and 14 (clause 9)—Leave out 'management of land and water resources' and insert 'water resource management, Land management'.

No. 3. Page 4, line 21 (clause 10)—Leave out 'The Minister' and insert 'For the purposes of this Act the Minister'.

No. 4. Page 4, line 31 (clause 10)—Leave out pararaph *(g)*.

No. 5. Page 7 (clause 17)—After line 14 insert subclause as follows:

(2) The Council may, if it thinks fit, give the Minister advice under subsection (1) on its own initiative without first receiving a request from the Minister.

No. 6. Page 7 (clause 19)—After line 28 insert subclause as follows:

(2a) The members of a committee must have knowledge or experience that will be of value to the committee in carrying out its functions.

No. 7. Page 7 (clause 19)—After line 37 insert subclause as follows:

(3a) A committee may, if it thinks fit, give the Minister advice under subsection (3) on its own initiative without first receiving a request from the Minister.

No. 8. Page 8, line 38 (clause 22)—Leave out 'not exceeding' and insert 'of'.

No. 9. Page 8 (clause 22)—After line 39 insert subclause as follows:

(2a) On the office of a permanent member becoming vacant, a person must be appointed in accordance with this Act to the vacant office, but where the office of a permanent member becomes vacant before the expiration of a term of appointment, the successor will be appointed only for the balance of the term.

No. 10. Page 11, line 15 (clause 29)—Leave out 'vehicle, vessel or aircraft'.

No. 11. Page 11, lines 19 and 20 (clause 29)—Leave out paragraph *(d)* and insert the following paragraph:

(d) where the authorised officer has reason to believe that an offence against this Act has been, is being, or is about to be, committed—enter or inspect any vehicle, vessel or aircraft and for that purpose give a direction to stop or move the vehicle, vessel or aircraft;

No. 12. Page 13 (clause 31)—After line 7 insert new subclause as follows:

(2) The Minister must endeavour, as far as practicable, to avoid prejudicially affecting the right of a person to take water for domestic purposes or for the purposes of watering stock.

No. 13. Page 15, lines 18 and 19 (clause 39)—Leave out subclause (4) and insert the following subclause:

(4) The Minister may vary or revoke a notice under this section by a subsequent notice published in the *Gazette* and in a newspaper circulting generally throughout the State.

No. 14. Page 15, line 35 (clause 40)—Leave out 'the *Gazette*,' and insert 'the *Gazette* and in a newspaper circulating generally throughout the State,'.

No. 15. Page 16, line 2 (clause 40)—After '*Gazette*' insert 'and in a newspaper circulating generally throughout the State'.

No. 16. Page 16, lines 22 and 23 (clause 40)—Leave out subclause (7) and insert the following subclause:

(7) The Minister may vary or revoke a notice under subsection (1) by notice published in the *Gazette* and in a newspaper circulating generally throughout the State.

No. 17. Page 17, line 31 (clause 43)—Leave out '$100 000' and insert '$1 000 000'.

No. 18. Page 17, lines 33 and 34 (clause 44)—Leave out 'or from land (but not directly into water)' and insert 'land or from land, a vessel or aircraft (but not directly into surface or underground water)'.

No. 19. Page 17, line 41 (clause 44)—Leave out '$100 000' and insert '$1 000 000'.

No. 20. Page 18, line 33 (clause 48)—After 'prove' insert '—*(a)*'.

No. 21. Page 18 (clause 48)—After line 34 insert paragraph as follows:

(b) that the material was stored in a container in a building and that no part of the material escaped from the building.

No. 22. Page 19—After line 18 insert new clause as follows:

Objections to licences

50a. (1) The Minister must not grant or renew a licence until the expiration of one month after notice of the application for grant or renewal of the licence has been published by the Minister in a newspaper circulating generally throughout the State.

(2) A notice must set out prescribed particulars of the application and must invite interested persons to make written submissions to the Minister in relation to the application.

(3) Before granting or refusing an application the Minister must have regard to submissions made under subsection (2) in relation to the application.

(4) If in the Minister's opinion a licence should be granted or renewed urgently so as to give the Minister some control over further entry of material into surface or underground water or over remedial steps to be taken in relation to material that has already entered such water, the Minister may grant or renew the licence without following the procedures set out in this section but, in that case, the Minister must, within one month after the licence is granted or renewed, give prescribed particulars of the licence by notice published in a newspaper circulating generally throughout the State.

No. 23. Page 19, line 23 (clause 51)—Leave out '$100 000' and insert '$1 000 000'.

No. 24. Page 19, line 42 (clause 52)—Leave out '$100 000' and insert '$1 000 000'.

No. 25. Page 20, lines 35 and 36 (clause 55)—Leave out ', in the interests of protecting surface or underground water,'.

No. 26. Page 20, line 37 (clause 55)—Leave out 'escape' and insert 'enter any surface or underground water'.

No. 27. Page 20, line 42 (clause 55)—Leave out 'Division 6 fine' and insert 'Division 3 fine'.

No. 28. Page 20, line 43 (clause 55)—Leave out 'Division 5 fine' and insert 'Division 1 fine'.

No. 29. Page 22 (clause 58)—After line 9 insert subclause as follows:

(2) It is not an offence under subsection (1) to destroy vegetation in pursuance of an obligation under the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986.

No. 30. Page 23, lines 13 to 22 (clause 62)—Leave out subclause (1) and insert the following subclause:

(1) This Part does not apply to, or in relation to, a well of a class specified in schedule 1a.

No. 31. Page 23, line 26 (clause 63)—Leave out 'A' and insert 'Subject to subsection (1a), a'.

No. 32. Page 23 (clause 63)—After line 35 insert new subclause as follows:

(1a) Subsection (1) does not apply to a person in relation to a well if—

(a) that person is the owner of the land on which the well is situated or is the employee or sharefarmer of the owner of that land;

(b) the well gives access to underground water the surface of which is at atmospheric pressure and the salinity of which exceeds 1 800 milligrams per litre;

and

(c) the work is carried out solely for the purposes of maintainance and does not involve—

(i) substantial alteration to the casing, lining or screen of the well or the replacement of the casing, lining or screen with a casing, lining or screen of substantially different design or specifications;

(ii) a substantial repositioning of the casing, lining or screen;

or

(iii) deepening the well by more than 1.5 metres.

No. 33. Page 25, line 41 (clause 69)—After 'an application for the grant' insert 'or renewal'.

No. 34. Page 25, line 42 (clause 69)—Leave out 'to grant or issue the licence or' and insert 'to grant or renew the licence or to issue the'.

No. 35. Page 26 (clause 69)—After line 3 insert paragraphs as follow:

(ba) a person—

(i) who is likely to be detrimentally affected by the grant or renewal of a licence under Part V in relation to the use of water to which he or she has riparian rights or would, but for the Act, have such rights;

and

(ii) who, in a submission to the Minister under section 50a (2), has opposed the granting or renewal of the licence or has expressed the view that certain conditions should be attached to such a licence,

may appeal to the tribunal against the granting or renewal of the licence or the Minister's failure to attach those conditions to the licence;

(bb) a person who is subject to a prohibition or restriction under section 40 (1) in carrying on a business may appeal to the tribunal against the prohibition or restriction;

No. 36. Page 26, line 10 (clause 69)—Leave out 'to grant a licence or' and insert 'to grant or renew a licence or to issue a'.

No. 37. Page 26, line 14 (clause 69)—After 'direction,' insert 'prohibition'.

No. 38. Page 26, line 19 (clause 69)—After 'direction,' insert 'prohibition'.

No. 39. Page 26, line 25 (clause 70)—Leave out 'or direction has been made or given' and insert, 'direction, prohibition or restriction has been made, given or imposed'.

No. 40. Page 26, line 27 (clause 70)—Leave out 'or direction' and insert, 'direction, prohibition or restriction'.

No. 41. Page 26, line 28 (clause 70)—Leave out 'or direction' and insert, 'direction, prohibition or restriction'.

No. 42. Page 29, lines 32 and 33 (clause 82)—Leave out paragraph *(k)* and insert the following paragraph:

(k) prescribed fines—

(i) not exceeding a division 5 fine for contravention of or failure to comply with a regulation under paragraph *(j)*;

(ii) not exceeding a division 8 fine for contravention of or failure to comply with any other regulation.

No. 43. Page 30—Insert new Schedule 1a. as follows:

Schedule 1a

1. A well that is 2.5 metres or less in depth (or such other depth as may be prescribed).

2. A well—

(a) that is not used to provide a supply of water;

and

(b) in relation to which requirements imposed by or under the *Mining Act, 1971*, or the *Petroleum Act, 1940*, are in force.

3. A well of one or more of the following classes if the well is not used to provide a supply of water—

(a) a trench for the laying of pipes, cables or other equipment in relation to the supply of water, gas or electricity or the provision of sewerage or drainage;

(b) a drain that is under the control of the Commonwealth or State Government or a municipal or district council;

(c) an excavation for or in relation to a building or for a swimming pool;

(d) a private mine within the meaning of the *Mining Act, 1971*;

(e) an excavation drilled for engineering or survey purposes if the excavation is not in a part of the State excluded from the operation of this paragraph by proclamation and the excavation is not more than 15 metres in depth;

(f) an excavation for the purposes of a temporary toilet;

(g) an excavation (not exceeding 15 metres in depth) for the installation of cathodic protection anodes or the measurement of pressure by means of a piezometer.

4. (1) A well drilled to a depth not exceeding the depth of the water table nearest to the surface for the purpose of obtaining samples of water for scientific research.

(2) An excavation (not exceeding three metres in depth) for the purposes of conducting an underground test or extracting material for testing.

5. A well of a class declared by proclamation to be excluded from the operation of this Part.

No. 44. Page 31 (schedule 2)—Insert at the end of clause 4 'until the expiration of the period specified in the order or until the expiration of six months after the commencement of this Act whichever occurs later.'

No. 45. Page 31 (schedule 2)—After clause 9 insert clause as follows:

10. A notice served on the owner of land under section 61 (1) *(a)* cannot apply to an obstruction comprising a wall or embankment constructed before the commencement of this Act for the purpose of damming the flow of water in a watercourse.

Consideration in Committee.

The Hon. S.M. LENEHAN: I move:

That the Legislative Council's amendments be agreed to.

The Government has agreed to the amendments: we agreed quite readily to the vast majority of them, but we had concerns about some. These relate to the discrepancies that will now exist with respect to penalties under the regulations. The maximum penalty under the Act will now be $1 million—to which the Government agreed—but the maximum individual penalty under the regulations will be $1 000. That seems to be an enormous discrepancy.

One problem is that, while the maximum penalty under the Act for companies will be $1 million, under the amendments we are still left with the maximum penalty for individuals of $60 000. Again, that seems to be a very large discrepancy. However, I believe that this Bill is so vital that we can in future amend the penalties to move them up the scale to ensure that they fit in with the total overall penalty of $1 million; therefore I am not prepared to delay the passage of this Bill to try to get those penalties into some kind of sensible relationship.

I take this opportunity to thank all members from both Houses for their contributions to this Bill. It will be one of the most significant pieces of legislation to have passed in this House, particularly as we are aware of the importance of the protection and preservation of water resources in this State. This will give us the framework for the future, and will ensure that the management of what I believe is our most precious resource will be carried out in a proper and professional way with a conservation philosophy but, at the same time, with the practical realisation of commonsense in applying the provisions of this new Act.

It is important to put on the public record that the Opposition has supported this piece of legislation and that, in accepting the amendments, I did so in a spirit of consensus and of commonsense, which I think is the way we should be proceeding with legislation of this kind.

Motion carried.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 681.)

Mr D.S. BAKER (Leader of the Opposition): At the beginning of this debate, I put the Liberal Party's position clearly to the House. We will support the legislation to the second reading stage so that it and other matters can be considered by a select committee with wide terms of reference. Such an inquiry has been our first objective since the last election.

If, however, the Government returns this legislation to the Notice Paper in the same form in the budget session, we will not support it, nor will we support any referendum on the strictly limited question of advancing the next electoral redistribution and having subsequent redistributions more regularly.

We take this position for one reason only: the Liberal Party wants a fair electoral system. We contrast our position with the Government's attitude indicated in the second reading explanation of the legislation now before the House. That explanation shows that South Australia has a gerrymandering Government.

It has a Government which does not believe that the Party winning the majority of the total vote at a State election should govern. It has a Government willing to manipulate the electoral system to deny democracy. It has a Government which hides behind the well worn catch-cry of one vote, one value, to claim that it is being fair when, in fact, it is acting undemocratically. During my debate, I will prove my points. I will do so with reasoned debate, not the emotion which has surrounded this issue for so long—far too long, I believe.

Electoral reform is an issue which has dominated South Australian politics for the last half of this century. This is our last chance to get it right—to make it fair—for the next century. On the decisions this Parliament must make over the next few months will rest the electoral system that this State takes into the twenty-first century. Let us all be determined to get it right, to make it fair to all now we have the chance to do so.

For the 20 years between 1950 and 1970, the Labor Party argued that our electoral system maximised the LCL's chances of governing and minimised its own chances. For the past 20 years, the same case has been made in reverse. In considering the validity of each case, I invite the House to delve deeper into history. It is a history dominated by the words and actions of Don Dunstan.

Let me quote some of those words. Mr Dunstan stood in this House on 25 June 1968, in the very place I now occupy, and called for the following:

> ... an immediate electoral redistribution and the holding of a general election in South Australia on a fair electoral distribution (a fair electoral distribution that will allow a majority of citizens to elect the Government they want and to reject a Government they do not want), an electoral redistribution that will not allow, between the voting support for the two Parties, the disparity which now exists in South Australia and which allows the minority Party to take office.

I agree with his key points, namely: first, the Government should be the Party supported by a majority of electors; and, secondly, no Party should be in office if it has a minority of the vote. Six weeks later, this issue was further debated by Mr Dunstan, and here the great confusion, the deliberate distortion of this debate was exposed, for on this occasion, 6 August 1968, Mr Dunstan defined what he said was the first principle for which his Party had always stood on electoral matters in South Australia. Again, I quote his words, as follows:

> Every citizen in this country should have an equal and effective voice in his own government and that, therefore, electoral districts should be so designed as to provide a substantially equal number of voters in each district to elect each member to Parliament.

Here is the great confusion, the deliberate distortion which has blighted this debate for some 40 years. Here, Mr Dunstan grafted on to the proposition he put on 25 June 1968—that the Party with majority support should govern—the claim that this can be achieved only by having, as nearly as possible, equal numbers of electors in each seat. Since he finally achieved an electoral system on this basis, it has produced two Labor Governments elected with a minority of the vote.

Let me demonstrate quite simply how the mathematical equalisation of numbers of electors does not guarantee government for the Party with majority support and does not give one vote one value in the sense in which it should be democratically defined. First, let me take three seats each with 20 000 electors. This, according to Labor, gives one vote one value. In the first seat, Party A at the election wins 9 700 votes, and Party B 10 300. In the second seat, Party A gets 8 000 and Part B 12 000 votes. In the third seat, Party A gets 15 000 and Party B 5 000 votes.

Thus, in these three seats with equal numbers of electors, Party A wins one seat with 54.5 per cent of the total vote, and Party B wins two seats with 45.5 per cent of the total vote. Here there may be equality of representation in the sense of equal numbers in each electorate, but there is no fairness in the overall outcome. The Party with significantly less than half the vote wins.

Let me extend the point by dividing our 60 000 electors so that the three seats differ significantly in numbers of voters. Seat 1 has 25 000 voters—13 500 vote for Party A, and 11 500 for Party B. Seat 2 has 20 000 voters—12 000 vote for Party A and 8 000 vote for Party B. Seat 3 has only 15 000 voters—5 000 vote for Party A and 10 000 for Party B. Thus, Party A wins two seats with 30 500 votes—just over half. Party B wins one seat with just under half the total vote. This is a fairer outcome than the first example with equal numbers of voters in electorates. Labor, through the 1950s and 1960s, called it gerrymandering to have electorates with unequal numbers of voters. But here we can see that this can in fact provide a fairer overall outcome in an election than in the case of seats with equal numbers of voters.

The distinction between equality of electoral representation and fairness in the overall outcome of an election needs to be clearly recognised in this debate. For the benefit of the House, I invite the attention of members to some independent expert advice on this vital point. Dr Colin Hughes, the recently retired Commonwealth Electoral Commissioner, discussed the point at some length in a paper he gave in February 1983 to the Third Federalism Project Conference. These are his comments on equality and fairness:

> Too often these two aspects of representation are muddled. Even when they are not, there is frequently an assumption that their measures will be positively correlated, so that a set of boundaries which increases 'equality' of electors (that is, equality of the enrolments of electoral districts) must also increase 'fairness' in converting Party votes into Party seats in the Legislature, or that a set of boundaries which is low on 'equality' must be seriously 'unfair' to one Party or another, an interpretation which is particularly likely when one Party obtains a substantially higher proportion of the total vote than its rival.

From this, I do not extend the argument to suggest that there should be a significant disparity between the numbers of electors in individual seats, even though this occurs now under the present system. A quarter of the seats already in this State are above or below the 10 per cent tolerance. The largest, Fisher, at the time of the 1989 State election, had 10 518 more electors than the smallest, Elizabeth. Nor do I suggest, in seeking to emphasise the distinction between equality and fairness, that we should have any form of zonal system to achieve both these objects.

However, in devising a system which provides for equality of representation, we must take the further step to ensure that it also guarantees government to the Party winning the majority of the vote. This is a proposition with which no democrat can ever argue. But it has been drowned in the deluge of debate on the electoral system in South Australia over the past 20 years. In this debate the House must have as its starting point the acceptance of this fundamental fact: that equality in the number of voters in each seat, by itself, will not provide a fair electoral system and will not guarantee government to the Party winning a majority of the vote.

This was proved in the 1975 election, when Labor took office with a minority vote. It was confirmed at the last election, which gave Labor office with an even lower minority vote. It can be seen as well in Victoria and Western Australia. Each has a Labor Government elected with a minority of the two-Party preferred vote and, at the recent Federal Election, the Coalition nationally won a majority of the two-Party preferred vote.

In this State, with about 51 per cent of the two-Party preferred vote, the Liberal Party will have at best six seats in the House of Representative with Labor having seven seats. Indeed, because it is so close in Hawker, it may be that we have only five seats with Labor having eight seats, yet we had 51 per cent of the two-Party preferred vote. At the last elections in the States I have mentioned, the results were:

Western Australia: Labor 47.6 per cent—Coalition 52.4 per cent.

Victoria: Labor 49.5 per cent—Coalition 50.5 per cent.

During the 1950s and 1960s in this State, Labor used to say that such results reversed, with Labor gaining a majority of the vote, but not government, meant the electoral system was rigged, and it called it a gerrymander. Now, apparently, it is fair that the Liberal Party in South Australia cannot obtain government with more than 52 per cent of the vote and that Labor can cling to office with less than 48 per cent of the vote.

Last November the Liberal vote exceeded Labor's by more than 35 000—yet this Government remains in office and now tries to compound this sham of democracy. Continuing with the history of this matter, it is difficult to compare election results in the 1950s and 1960s with more recent polls. Now, an official two-Party preferred vote is given by the State Electoral Commission. Earlier, preferences usually were not distributed. There was the added complication of uncontested seats and seats in which one of the major Parties did not stand.

Calculations of the two-Party preferred vote in the 1950s and 1960s had to be made on the basis of a range of assumptions. In this period, Labor's vote was at its highest in the 1962, 1965 and 1968 elections. While its precise two-Party preferred vote at those polls cannot be accurately stated, its support was at about the level the Liberal Party now enjoys in South Australia—a clear majority of the two-Party preferred vote. In 1965, this put Labor into Government after an election campaign in which Labor made electoral reform one of the key issues.

In 1968 when the LCL again formed a Government, the allegations of gerrymander returned and increased. At both elections debate of the electoral system was led by Dunstan, but he had some disciples, some of whom are in this Parliament today. I refer in particular to the Premier and the Attorney-General.

The Attorney was President of the Student Representative Council at Adelaide University in 1964-65, and the Premier immediately followed him in that position. Both also were active participants in the ALP Club at the university. The Premier was its Vice-President from 1963 to 1965 and its President in 1965-66.

For the 1965 election, the University Labor Club distributed 60 000 pamphlets in key electorates alleging that, if Playford were re-elected, he would rig the boundaries for another 20 years. The two architects of this campaign were the present Premier and the Secretary of the Labor Club, one David Combe. The words in their leaflets were so similar to statements previously made in Parliament by Dunstan that the author and chief architect of the campaign was obvious.

The positions held by the Premier and the Attorney-General in the university student movement also allowed them considerable influence over the editorial content of the student newspaper, *On Dit*. In fact, the Premier was its editor in 1964. That paper ran a campaign against the electoral system throughout the 1960s. Typical of its view was the front page story in the issue of 11 March 1965—immediately after the election of a Labor Government with a majority vote similar to that won by the Liberal Party in the 1989 election. In that article, which the Premier may well have authored, is the statement:

Sir Thomas Playford is out of office after 27 years and with his departure our faith in democracy has been restored . . . The LCL which held power with about 40 per cent of the vote could probably have held it with 30 per cent.

That was arrant nonsense. Contemporary work on election results in the Playford era since the introduction of compulsory voting in 1944 has shown that, at most, he retained Government with minority support on only one occasion—in 1962. Amidst this rhetoric, however, an *On Dit* article also posed a question which I suggest this House should finally attempt to answer. It asked:

The conclusion that Playford's electoral policy was nothing more than political opportunism and dishonesty presupposes the question—is there any justifiable reason for any other system than one vote one value, and if there is such a system is it practicable?

This is a question—addressed as it was to whether there is any fairer system than single member electorates with equal numbers of voters—that, unfortunately, Labor did not continue to pursue. Instead, Dunstan's disciples at the university continued to express blind faith in the one vote one value catchcry of their oracle. After the 1968 election loss by Labor, the editorial in a special edition of *On Dit* thundered:

South Australia's electoral system, which is the worst gerrymander in the English-speaking world, is a disgrace to Australia.

If that were true then, it is just as true now. Labor claimed that, in 1968, it lost with more than 52 per cent of the vote. The Liberal Party is in the identical position today.

The Hon. B.C. Eastick: What do Labor Party members say now, though?

Mr D.S. BAKER: They will have a chance in a minute and we will see whether they are fair dinkum. I have recounted some of this history because Parliament and the public need to realise that it continues to influence Labor's approach to this issue today. I contrast that with the Liberal Party's position. The Hall Government initiated an electoral redistribution which put its continuation in office squarely on the line. Labor is not prepared to do the same thing now.

Despite his student activism since his election to Parliament the Premier has contributed very little to continuing debate on the issue of electoral reform. Indeed, I can find only one brief speech in the period between his election and the present day. He made that speech on 15 February 1978 and he ended it with this defence of the electoral system entrenched by Dunstan:

We should positively recognise that we are way ahead of other States in our method of deciding this, and that the Act provides that political Parties are not able to manipulate and take political advantage and, by doing so, the rights of the ordinary citizen are protected.

I reject what the Premier said on that occasion because, ever since Dunstan entrenched the present criteria for redistribution, Labor has been manipulating the electoral system to its advantage. I will prove this point later. Let me conclude the historical narrative by urging all members of Parliament to look at this issue afresh—to put to one side catchcries and slogans which may befit university demon-

strations but do no justice or credit to serious debate on this issue today.

I give credit to Dunstan for winning the propaganda war. The present electoral system is his most enduring legacy to the Party he led for almost a decade. But, surely in a debate of this kind, it is time that principle counted for more than propaganda. I urge the House to accept one fact after considering the experience of the electoral system we have had for the past 20 years—a system largely of Dunstan's creation. I urge the House to accept the fact that by itself a single member electorate system cannot guarantee government for the Party supported by the majority and therefore does not represent one vote one value in its full democratic form. We have had some acceptance from some Labor members of this fact.

When the current redistribution criteria were put to this House by the Dunstan Government in 1975, my esteemed colleague, the member for Kavel, began his second reading speech with these prophetic words:

> The Bill is an obvious attempt by the Labor Party to entrench itself in office even though in the future it may enjoy only minority support from the electorates throughout South Australia.

My colleague said that on 7 October 1975. On the same day, Mr Hugh Hudson, a senior Labor Minister, admitted the point. He said:

> That is always a possibility under a one vote one value system. It arises from what the experts describe as the differential concentration of majorities, the extent to which specific parties have wasted votes in having had majorities in specific areas.

Mr Hudson went on:

> Once a single member district is accepted with one vote one value, the consequences of that system must be accepted.

Mr Dunstan tried to counter this point by saying:

> The margin is not likely to be very great, but it is conceivably possible under a single member electorate system. It is unlikely, and the cases in which it will happen will be rare; it is remote, but it could conceivably happen.

Contrary to this assertion, it is a certainty that, under these redistribution criteria, Labor can win with a minority vote while the Liberals must always have a clear majority to have the same chance of taking office.

The Hon. D.J. Hopgood interjecting:

Mr D.S. BAKER: That is absolute ridiculous nonsense, and I will deal with your second reading speech when I get to it, to show the rubbish that you put before this House.

The DEPUTY SPEAKER: Order! Would the Leader please address the Chair.

Mr D.S. BAKER: Between 1976 and 1982, the advantage to Labor was between 3 and 4.5 per cent. In the past two elections it has been between 2.1 and 3.7 per cent. But even now the Deputy Premier is continuing the Dunstan refrain. The Deputy Premier claims that it would be rare for a Party to obtain the majority of the vote and not win. but this has happened twice in the past six South Australian elections, and Labor, under the present system, always can win with a minority of the vote. I would not call that rare. But, more importantly, it should not happen at all. The present Attorney-General also took part in the 1975 debate. Let me quote his words on this point, recorded in *Hansard* of 15 October 1975:

> Once honourable members accept single-member constituencies for the Lower House, they have to accept that, occasionally, because of the concentration of voters in certain areas, they may get a Government that has less than 50 per cent of the vote. That is the price that one pays for accepting single-member constituencies, but one should try to avoid that as much as possible.

I agree with what the Attorney said on that occasion. Government won with a minority of the vote should be avoided as much as possible—indeed, I believe that it should be avoided at all costs. But Labor has not tried to avoid this result. Instead, it now seeks to compound the unfairness of the present system.

The Attorney-General was also challenged in 1975 by the Hon. Ren DeGaris on the fact that equal numbers of electors did not give one vote one value. Mr DeGaris said:

> Suddenly one reads of political journalists, politicians and their supporters, many of whom should know better, proclaiming that a redistribution proposal using single man districts with near equality of numbers means that we are coming closer to the principle of one vote one value. They mean that the proposed distribution comes closer to arithmetical equalisation of numbers in each district. As I intend to show, this has nothing whatever to do with each vote having an equal political value.

The present Attorney-General then interjected, 'It is the first step.' Mr DeGaris repeated the point:

> Mathematical equalisation of electors will not produce a situation where 50 per cent of the people can determine who will govern.

Mr Sumner again interjected:

> It is the first step.

Those words are recorded in *Hansard* of 19 August 1975. Labor, however, has not been prepared to take the extra steps necessary to establish a system in which one vote one value means not only equality of representation but that each vote has the same value in determining who shall govern. By the Attorney's own words, now 15 years old, Labor has not completed the job. We still have the same system which the Attorney, 15 years ago, admitted represented only the first step in establishing one vote one value.

I now challenge Labor to go the rest of the way by agreeing that our electoral system needs much more than more frequent redistributions to make it a fair one. As things stand, judged by the Deputy Premier's lazy, predictable and disappointing second reading speech, Labor has taken a completely inflexible position. There is none of the flair and light promised by the minority Premier after the last election. There is only a determination to maintain a constitutional instruction to the Boundaries Commission to produce redistributions even more favourable to Labor.

Let me now refer to some of the points made by the Deputy Premier, who now has his opportunity to interject. He began by saying:

> There are three fundamental principles which underlie the Government's agenda in the area of electoral reform.

However, in nominating the first two, he stated a fundamental contradiction. He nominated the first two principles as: one vote one value; and, electoral fairness in which the Party which wins a majority of votes in a majority of electorates, wins Government.

Those two points are synonymous only if, from the second principle, the Deputy Premier omits the words 'in a majority of electorates' so that it reads, 'electoral fairness in which the Party which wins a majority of votes wins Government'. To follow the principle as stated by the Deputy Premier, a majority of electorates under the present system is 24. By winning a bare majority of the vote in 24 seats, a Party could take Government in this State under the Deputy Premier's criteria with only about 25 per cent of the total State vote. Does the Deputy Premier think that that is fair? He will have the chance to reply later.

The Hon. D.J. Hopgood interjecting:

Mr D.S. BAKER: That is absolute nonsense and absolute rubbish, and it shows how bereft the Deputy Premier is of electoral knowledge. However, we will have the chance to debate it at some later stage. At least I thought the honourable member would have had the decency to check on his figures before he drivelled them out to this House in his second reading speech. Let me again quote the former Commonwealth Electoral Commissioner, Dr Colin Hughes, to draw the distinction, which the Deputy Premier ignores,

between equality of representation and fairness. In the paper that Dr Hughes gave to the Third Federalism Project Conference in February 1983, he stated:

Elections, and consequently the electoral apportionments which fix certain of their rules, permit the representation of both individual districts and their electors and of electors throughout the polity grouped according to the Party for which they voted on this occasion. I have suggested that discussion will be clarified by speaking of equality when we refer to electors grouped by electoral districts and fairness when we refer to electors grouped by support of a Party. Too often these two aspects of representation are muddled together.

In his second reading speech the Deputy Premier certainly muddled equality and fairness and, I might add, many of the facts. The principles, as he stated them, do not touch on fairness at all. Not content with this muddling, the Deputy Premier then went on to claim:

These principles for over 20 years ensured that South Australia had the fairest system in Australia.

What a joke! The Deputy Premier says that we have the fairest system when it has allowed the Party with a minority of the vote to govern in two of the past six elections. Not only that, this South Australian distribution is the most biased in Australia. Let me quote the expert's figures: the smallest advantage is Victoria with a 1.5 per cent bias to the ALP; the highest in Australia is a 3.7 per cent bias to the ALP in South Australia. Let me again cite the impartial words of Dr Hughes on this point:

In the 1982 South Australian election, the ALP could have won 24 seats despite a loss of 3.6 per cent of its actual two-Party preferred vote. Thus, we can say that the proportion of the total two-Party preferred vote the ALP required to win Government was 47.3 per cent.

Let me also quote from Dr Hughes in his analysis of the outcome of electoral systems elsewhere. He says:

Let's take a starting point. It will obviously be very hard to do such an incredibly elaborate set of sums as those involved in designing boundaries to produce perfect fairness, so it is unthinkable that you could aim to have absolute zero (that is, perfect fairness). But plus or minus 1 per cent is probably a fair target to work towards. How often does that occur? It occured only twice. Only twice have we had boundaries in a series of elections, probably around 40 elections; only twice did the degree of unfairness amount to less than 1 per cent. Suppose, however, we go up to a permissable bias of 1.5 per cent plus or minus; we then find that a few more elections come into it.

The Commonwealth hit it in 1966, but at only one Commonwealth election and we tend to set up the Commonwealth as exemplars of electoral fairness. New South Wales hit it once under a Liberal/Country Coalition in 1976, and Queensland, at the last three elections, 1974, 1977 and 1980, has managed to do it. So, if one is looking for gold stars at the end of the day, one could say, and I must say this despite what I had written earlier, I was mildly surprised myself when these figures came up. The seven fairest elections (that is gold star for fairness) that have been held in the Commonwealth and the three largest States since 1949, Queensland accounts for three of them. New South Wales two, the Commonwealth one and Victoria one.

These figures of Dr Hughes cover all Federal and State elections held in Queensland, New South Wales and Victoria between 1950 and 1980. The myth that South Australia has the fairest system and Queensland the unfairest is adequately exposed. Dr Hughes then continues:

The figures are not here for South Australia and Western Australia, but take my word they're not playing in this sort of ball game at all—they're way out in a different orbit of their own.

Indeed, they are. We join Western Australia in having a Labor Government which won less than 48 per cent of the two-Party preferred vote in the last election. Despite this, the Deputy Premier continued, in his second reading speech, with the following statement:

The Bills now before the House provide for a referendum to be held in accordance with Part V of the South Australian Constitution Act to ensure that the fairness of our electoral system is maintained.

What the Deputy Premier should have said was that this would ensure the Liberal Party would have to win even more than 52 per cent of the two-Party preferred vote to have a chance of governing. In further justification of this, the Deputy Premier claimed:

Part V of the Constitution Act was added to the statute book in 1975—with the Opposition's support.

Let me correct this little piece of history. During that 1975 debate the Liberal Party moved amendments to Part V and criticised, as I have already mentioned, the fact that it would produce Government for Labor with a minority of the vote.

In the Legislative Council the Liberal Party members called for divisions on six amendments. Part V did not have our support then; it has never had the support of the Liberal Party because it seeks to protect Labor's gerrymandered system: it seeks to maximise the Labor vote and minimise the Liberal vote.

This has been occuring ever since the current criteria were entrenched by the Dunstan Government in 1975. On that occasion Labor insisted, against Liberal Opposition, that subsequent redistributions must retain, as near as practicable, existing boundaries. The effect of this, with South Australia's population distribution, is to lock up pockets of Liberal voting support and more evenly spread Labor's. This means that the vote of a person living in Mount Gambier does not have the same value as the vote of a person living in a metropolitan marginal seat in determining who will govern our State. This is because, as I demonstrated earlier, equal boundaries will not produce fair results. Never in Australia has an equality distribution been fair. All have had an advantage to Labor of between 1.5 per cent and 3.7 per cent according to Dr Colin Hughes. But, the Minister has told Parliament:

The Government will not countenance any other system.

Of course it will not, and I hardly have to ask 'Why?' Labor wants to keep the garotte of the one vote one value gerrymander rope around the neck of its political opponents. Labor wants to deny to ordinary citizens their democratic right to elect a majority Government in South Australia.

In saying it will have no other system, the Government says it rejects 'the disreputable and tarnished zonal system in Queensland'. But in Queensland, over the past 20 years, not once has a Party with a minority preferred vote gained power, yet this most undemocratic of results has occurred twice in our State in the past 15 years, and perhaps the Deputy Premier might like to comment on that when he has a chance to reply. It is essential that our electoral system does provide for votes of equal value which cannot be done only by equality of electors in each electorate.

Let me briefly address one method through which this anomaly has been overcome. When Great Britain, France and the United States, after the Second World War, looked at drafting the West German Constitution, a new electoral system was designed to accommodate the many views of these great democracies about what a fair electoral system constituted. It is a system which remains intact in West Germany today. It retains single member electorates. But, any gerrymander factor that emerges in the vote in the single member electorates is corrected by members elected at large. It has been shown to be the fariest electoral system in the democratic world—because a minority can never gain a majority.

I will not debate the West German system at length today because I do not want these comments to be taken, at this stage, as endorsement of it for South Australia. I will not pre-empt the work of the select committee. I do say, however, that the committee should seriously consider its application for South Australia. In saying this, I dismiss the

Deputy Premier's comment, in his second reading speech, that 'the Government believes that the so-called West German system would be unworkable and create two classes of members. In a small electorate like South Australia, this system would not work.'

There is a West German system, worked out and drafted by the three most prominent democracies in the world. A modified version of that system may well correct the imbalance and guarantee a majority government in this State. Also, such a modified system would not be unworkable as claimed by the Deputy Premier. All the system does is to ensure that the Party, or Coalitions, with the majority vote govern: that each vote has an equal value, that is, a true, one vote one value system. Nor would it create two classes of members, as the Deputy Premier cries out. Members at large have the same powers and privileges as single electorate members. There are, of course, currently two classes of members in this House: 23 of them who were elected with more than 52 per cent of the State-wide vote who have no role in the Government of this State, and 24 members in power who represent less than 48 per cent of the vote. The Minister claims that, in a small electorate such as South Australia, this would not work. What he means is that it would not work for Labor. It would not keep Labor in office with a minority vote. This is the real reason for his false argument against the perfectly fair West German electoral system. Like the Deputy Premier, I have reservations about the multi-member electorate system.

But if multi-member proportional representation is the only acceptable way to destroy forever this unfair, unjust and undemocratic system we have now, I would prefer it to a continuation of the most biased electoral system in Australia. The Minister complains that the Opposition has made great play about the difference between electoral equality and electoral fairness. He claims we are quite wrong, that we do not understand and we misinterpret the methodology of Joan Rydon and Dr Malcolm Mackerras. On the contrary, we understand their methodology precisely. We understand not only Rydon and Mackerras, but also Dr Hughes, Dr John Playford, Dr David Butler, Dr Mayer and right back to Edgeworth and McNamara, in the early 1900s. We also understand the modern one vote one value gerrymanders, that is Dunstan, Bannon and now Hopgood.

Given a select committee with wide terms of reference, we will be calling experts in the field so that they can speak for themselves, rather than have the Deputy Premier misrepresent and misinterpret their views. The Deputy Premier also referred to the views of the well known American jurist, Chief Justice Earl Warren. Typically, the Deputy Premier has refered to the modified statement which, as Warren's, is always quoted, namely, 'representatives represent electors, people, not acres, not wealth, not sheep and not space between electors, but electors'. The actual quote, taken from Warren's judgment in the United States Supreme Court case *Reynolds v Sims* was:

> Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities, or economic interests.

Let me also quote other statements made by the learned judge which do not suit the Deputy Premier's case. In the landmark *Reynolds v Sims* case, he also said:

> We realise that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents or citizens or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.
>
> Indiscriminate districting, without any regard for political subdivision or natural or historic boundary lines may be little more than an open invitation to partisan gerrymandering.

This is what South Australia got in 1975 and has had ever since. Judge Warren characterised the goal of electoral fairness as being:

> Full and effective participation of all citizens in the State Government, and fair and effective representation for all citizens is concededly the basic aim of all legislative apportionment.

Before he became Chief Justice, Earl Warren, as Governor of California, also commented as follows about equal electoral representation:

> I have never been in favour of restricting the representation in the Senate to a strictly population basis.

If the Deputy Premier is to embrace eminent advice on this matter, he should not do it selectively. The Minister came to the crunch of the issues we face in this debate by declaring:

> The Boundaries Commission is not hamstrung in being able to significantly change boundaries.

First, let me quote the relevant provisions of section 83 *(c)* of the Constitution Act:

> For the purpose of making an electoral redistribution, the commission shall as far as practicable have regard to:
>
> The desirability of leaving undisturbed as far as practicable, and consistent with the principles on which the redistribution is to be made, the boundaries of existing electoral districts.

Of course, the commission is being hamstrung. This requirement was enforced by Labor in 1975 to take full advantage of South Australian demographics, that is, to lock up the potential Liberal vote in as few seats as possible and to spread the potential Labor vote as widely as possible. Let me further illustrate this point of the locked in advantage to Labor.

At the last election, there were 13 non-Labor seats which polled higher than 65 per cent of the two-Party preferred vote for the winning candidate, one of those, I might add, was the electorate of Victoria. However, only five seats were won by Labor with the successful member getting more than 65 per cent. This is the perfect psephological example of the 'locked in' interest. Of these 13 non-Labor seats, 11 are in the country. At the last election, the non-Labor vote in those seats totalled 146 469. Labor needed about 20 600 fewer votes to win its 13 safest seats than the Liberal Party. Most of this strong Liberal vote is in rural areas. And it is just not possible to re-draw the boundaries according to the current criteria and correct the disadvantage to the Liberal Party of this locked in interest. A redistribution before the next election, which is all the Government wants, will do nothing but compound the Liberal disadvantage. Because of South Australia's peculiar geographic features, it would not unlock for more even distribution the potential Liberal vote in the South-East, the Mid North and the North of the State.

Hence, by itself, the next redistribution is likely to mean that the Liberal Party would need more than 53 per cent of the two-Party preferred vote to have an even chance of winning. The Deputy Premier tried to argue that the commission had flexibility because two elections had been fought on the boundaries drawn by the last redistribution in 1983 and had produced remarkably different results.

In fact, the results were almost the same in terms of the advantage to Labor under the present system. With 53 per cent of the vote in the 1985 election, the Government had 29 members; with more than 52 per cent of the vote in the 1989 election, the Liberal and National Parties have 23 members. Based on the actual vote in November 1989, the Government would have won a majority in its own right with 48.86 per cent of the vote. This would have returned 24 ALP, 21 Liberal/National Party and 2 Independent Labor members. On the other hand, for the Liberal Party to have won 24 seats would have required 53.74 per cent of the two-party preferred vote.

This advantage to Labor is greater than any enjoyed by the Playford Government following the only redistribution

it initiated in 1956. In the 1985 result, the Liberal Party similarly would have required 52.1 per cent of the two-Party preferred vote to win. In 1982, as Dr Hughes has said, Labor would have won 24 seats with 47.3 per cent of the vote. In 1979, the Liberal Party won 55 per cent of the two-Party preferred vote. This was the largest vote for the winning Party in any election in South Australia since compulsory voting was introduced in 1944. This 55 per cent vote returned the Liberal Party only a bare majority of 25 seats. In 1982, Labor won the same number of seats with 50.9 per cent of the vote. These outcomes make patently obvious why Labor wants to retain the electoral system and the criteria which produced them.

I want to make one further point about the so-called independence of the current system. It takes us back into political history, but it is very instructive. Labor tries to hide behind the argument that the commission is beyond any political influence, but the commission can act only according to the criteria it has been set, and those criteria are based primarily on political considerations. When those criteria were brought into this Parliament in 1975, the Liberal Party attempted to move amendments to give the Electoral Commissioners greater freedom and much greater independence. We did this because Labor wanted criteria to give it maximum advantage. In this, I acknowledge that Labor has not been alone. Over the past 40 years, there have been about 90 Federal and State elections in Australia. About 80 of them showed a bias in the result to the political Party which had control of the constitutional criteria for the electoral redistributions under which those elections were held.

The exceptions were the Federal elections of 1949, 1951 and 1954, held following a distribution initiated by the Chifley Government; three West Australian State elections on boundaries set for the 1960s by Brand and McLarty; and, finally, the South Australian distribution initiated by the Hall Government. In nine out of 10 Federal and State elections over the past 40 years, the electoral distribution set by the Party in power has created a bias towards that Party. That can be no accident. It demonstrates, in fact, the fundamental flaw of the single member system in being able to guarantee government to the Party with majority support.

There can be no argument that the current system unfairly favours Labor. The increasing evidence of its unfairness has now shamed Labor into some action. Immediately after the 1989 State election, the Premier rejected our analysis of the result. When my predecessor first asserted that the Liberal Party had obtained 52 per cent of the two Party vote, the Premier dismissed the point. He argued at his poll declaration on 6 December that the outcome would be about 50-50.

An honourable member interjecting:

Mr D.S. BAKER: That is why he is Treasurer of the State! We can see it by the shape the State is in.

An *Advertiser* headline the following day read 'Bannon denies Liberals took 52 per cent of the vote'. In this House on the first day of sitting, when I challenged the Premier to say what the Government intended to do about electoral reform, he again said:

> The Opposition bruits these figures around and keeps talking about this 52 per cent; to arrive at those figures requires a number of assumptions which are not necessarily correct.

The Premier now knows, however, that he cannot continue to defend his Government's position in this way, because we have the official word of the Electoral Department on the election result. The Deputy Premier ignored it in his second reading speech. Let me remind him and the Government that the two-Party preferred vote last November was Liberal—just over 52 per cent—more than 35 000 votes in excess of Labor.

The Liberals would have had to gain in excess of 50 000 votes more than Labor to have an even chance of winning. We, therefore, have a Government under false pretences, a Government which has taken advantage of unfair electoral laws to maintain itself in office against the wishes of a majority of the electors. But what is the Government's response? Does it admit that the current laws are unfair? Does it admit the need for a major review? Of course it does not!

Instead, the Government is attempting the minimum of action to maximise the advantage it has from this unfair system. It proposes only to advance the timing of the next redistribution and to have a select committee which, it hopes, will make only very limited inquiries. Make no mistake: the Government would have had no inquiry at all had I not moved for one to be set up on the first day of this session. I trust that, when the question of the form of the select committee is decided by the House, the majority of members will support the need to ensure a full inquiry into electoral reform. I have foreshadowed amendments to achieve this.

I will summarise. In producing a fair electoral system, we must consider two fundamental issues. First, the system must ensure the effectiveness and equality of local representation; equal numbers in electorates can achieve this. Secondly, we must also ensure that each vote has an equal influence on which Party governs, so that the Party which obtains a majority of the vote does govern, with 50 per cent of the two-Party preferred vote being the pivotal point—not less than 48 per cent as at present. Equal numbers in electorates, by itself, will not guarantee the second outcome.

Labor has demonstrated with its contribution to this debate so far that all it wants to do is prevent the Liberal Party from governing even if the vote we achieve merits that outcome. It clings on to the Dunstan definition of electoral justice. In doing so, Labor is abusing power in a shabby attempt to perpetuate itself in office. This is not the sort of democracy to which we should be aspiring as we approach the twenty-first century. Now is the time for the Parliament to put behind it once and for all the myths, the slogans, the catchcries and the propaganda of the past 40 years.

Let Playford and Dunstan rest in political peace so far as our electoral laws are concerned. Now is the time to seek to begin the next century as we began this one. In the 1890s, South Australia was a pioneering State in granting the vote to women. We were the first State anywhere in the world to do this. In the 1990s, let us for the first time in Australia work to achieve an electoral system which guarantees that the Party winning a majority of the votes will always form Government. This Parliament can have no higher duty than to ensure that its successors are elected under the fairest possible system.

Mr OLSEN (Custance): My participation in the debate will be brief but it will be with some degree of passion, having experienced the electoral result in South Australia in November last. In a detailed way the Leader has clearly demonstrated how the electoral system in South Australia is simply unfair. As a Parliament, we need to ensure that we put in place electoral boundaries that give the capacity to the Party that receives the majority vote to govern.

The position in November last year was like playing a football grand final for four quarters for the four weeks of the campaign. In that instance, the Liberal Party won each week of the campaign, as acknowledged by the Premier, and then at the end of the match had more points on the

board than its opponent but still did not get the premiership flag as the end result. The Liberal Party clearly received 52.04 per cent of the vote compared to the Labor Party's 47.96 per cent. Clearly, the Liberal Party and not the Labor Party ought to be occupying the Treasury benches now.

Further, this result has been brought about by the tardiness of the Government in heeding the warning of the Electoral Boundaries Commission brought to its attention in 1987. I now want to refer to that matter in my contribution to the debate. I understood and hoped that we would have a select committee of the Joint Houses of Parliament considering this matter. However, that is not to be and it will be considered by a select committee of this House. I am disappointed that we are unable to secure the support of the Independents to achieve that objective. I am concerned that in the select committee proposal before the House we have another mechanism by which the Government can delay the review and the changes that need to be put in place, as was clearly demonstrated by the last election (and allow the heat to go out of the circumstances), achieve little change and push it on into the future. That is the Government's objective, and that is what worries me.

To that extent I am particularly concerned that the Independents were not prepared to support the original proposal for a joint select committee of the Parliament, which I believe would have achieved the inclusion of other essential factors.

Members interjecting:

Mr OLSEN: On the question of delay, let me trace the history of that matter, because it is worthwhile quoting a couple of letters I have received in recent years regarding electoral redistribution. On 14 July 1987 the Electoral Districts Boundaries Commission wrote to both the Premier and me and clearly identified how, if no action was taken, there would be a significant malapportionment of the number of electors in electorates in South Australia. The letter describes on page 1 how, unless action was taken, it would be possibly 1994 or 1995 before an order was made for redistribution and change under the current criteria and how, therefore, the matter must be reviewed and action taken now—that is, in July 1987. The commission went on to say:

> . . . the commission is obliged to suggest that the chance of malapportionment between the number of electors per district, is likely to increase with the passage of time. While the 1983 redistribution is still holding firm . . . it is impossible to predict how much longer this situation will remain. Your attention is drawn to paragraph 12 of the commission's 1983 order in which it stated:
>
> > . . . While the commission would hope that as few as possible of the new electoral districts will fall out of tolerance during the life of the commission's order, the statistical materials available to the commission, as a result of periodic reviews of the electoral rolls since 1976, indicate that the variations in enrolments for electoral districts, even over relatively short periods, can be—indeed they have been—of so great a magnitude as to make it virtually impossible to predict what variations in the permissible tolerance are likely to occur in the future.
>
> This view was derived from the fact that in July 1983, 19 of the 47 districts determined in 1976, were outside the permissible tolerance, in some cases by more than 30 per cent.

It then goes on to say:

> Even if only a few districts . . . are seriously out of tolerance, a correction in due course can have a significant 'domino' effect on other districts.

It then states:

> . . . you may consider it appropriate to review the legislation. While the commission is not inclined to recommend alternative arrangments to effect more frequent redistributions, the reinstatement of earlier intentions could be achieved by amending the legislation to activate the commission after every second election or 'X' years, whichever is the longer period. Past history suggests that 'X' might be seven years or thereabouts. Were a change to the legislation to be considered appropriate it would need the ratification of the electorate as the relevant provisions are entrenched on the Constitution Act. The commission—

and this is the important point—

> has therefore thought it proper to bring the matter to the attention of the Parliament in sufficient time to allow it to address the problem, if it wishes to do so, during the anticipated life of the present Parliament.

So, the redistribution could have taken place and been in effect for the 1989 State election. In July 1987 the matter was brought to the attention of the Government and the Opposition concerning the need to address the problem. The Opposition responded that it would support a change to the boundaries by redistribution through an amendment to the Constitution Act and would support that change occurring by referendum.

In fact, the Liberal Party Opposition not only responded to the commission but also sought to get the Government to take some action, which it failed to do. The Opposition then introduced its own private member's legislation in an attempt to demonstrate to the electorate that the commission had demonstrated that there was a significant malapportionment of the number of electors within electorates and how that was unfair and unjust, and seeking through the Parliament to redress that situation. However, the Government took no action, and we well know why—because it did not want to change the electoral boundary system which had a significant inbuilt bias towards it. Its lack of action between 1987 and 1989 has enabled it to sit on the Treasury benches since the November 1989 election with only 47.96 per cent of the vote in South Australia.

The Government was tardy—deliberately tardy—because it was to its own advantage. What concerns me is that the mechanism or system that we are establishing will merely maintain that advantage to the Labor Party in the foreseeable future. That is why all members of the select committee have a fairly significant responsibility to look at the current problem and at the range of systems that might be put in place to correct the imbalance to provide equality of representation in terms of numbers of electors within individual electorates and to ensure that a Party receiving 50 per cent plus one of the vote has a reasonable chance of forming Government. To attain the Treasury benches, the Liberal Party needed to gain 53.7 per cent of the two-Party preferred vote at the last election.

The Hon. Jennifer Cashmore: 50 000 more votes.

Mr OLSEN: Yes. We got 35 000 more than the Labor Party. That is nearly a capacity crowd at Football Park.

The Hon. Jennifer Cashmore: One and a half electorates.

Mr OLSEN: In other words, one and a half more electorates voted for the Liberal Party than voted for the Labor Party. That is clearly disproportionate.

The Hon. E.R. Goldsworthy interjecting:

Mr OLSEN: Well, 35 000 more South Australians voted for the Liberal Party than for the Labor Party, yet we are not able to form Government. Having attained 52 per cent of the vote, we needed a further 1.7 per cent to gain the Treasury benches.

The Hon. J.P. Trainer: Rubbish! All you needed was a handful of votes in Todd or Florey.

Mr OLSEN: I hear the painful bleating cry of the member for Walsh. In relation to the need for the select committee to look at a range of options, I draw attention to a letter I received from the Electoral Districts Boundaries Commission in September 1988 in response to my correspondence in which I indicated to the commission that I thought we ought to be looking at a number of options to ensure that the Party that won 50 per cent plus one of the two-Party preferred vote at an election had a reasonable prospect of

forming Government. The commission responded in the following way:

As you would appreciate, there is no action that can be taken by the commission either to activate a redistribution or to implement the principles outlined in the later paragraphs of your letter. These are matters that require parliamentary consideration, but I make the following comments.

The commission believes that it would be very difficult if not impossible to devise or implement a formal criterion that recognises 'the majority two-Party preferred vote' in principle. The commission does not maintain polling booth catchment data but, even with that aid, if it is an aid, it is simply not possible, when electoral boundaries are being determined, to predict how electors will vote at some uncertain date in the future, or what influences or issues will affect that vote, either generally or in particular electorates, including the 'safest' seats. The commission commented on this topic in paragraph 15 of its 1983 report, and the present Commissioners are disposed to agree with those comments. That does not mean, however, that the commission is insensitive to, or unmindful of, the principle for which you contend.

Clearly, in the review that is to be undertaken by the select committee, a range of options need to be considered, as has been suggested and commented on by the Electoral Districts Boundaries Commission, so that we can look at establishing a system whereby the Party that obtains 50 per cent plus one of the vote has a reasonable prospect of forming Government. I hope that a range of options will be explored by the select committee in reporting back to Parliament.

In summary, I refer to two comments that demonstrate the point that I have been trying to make. First, I refer to the comment by Senator Chris Schacht on election night, when I think my colleague in another place, Martin Cameron, remarked that the Liberal Party had 52 per cent of the vote. Senator Schacht responded on air, 'Well, we're just evening up the score for the 1950s and 1960s.' He dropped his guard for a moment or two, acknowledging that the boundaries are not fair or reasonable. Another of my colleagues reported to me that a member of the Labor Party suggested that the problem with the Liberal Party is that it has not learnt how to win with 48 per cent of the vote. We should not have to learn how to win with 48 per cent of the vote: with 52 per cent of the vote, we should have won.

Mr QUIRKE secured the adjournment of the debate.

MINISTERIAL STATEMENT: MARINE ENVIRONMENT AND PROTECTION BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I seek leave to make a statement.

Leave granted.

The Hon. S.M. LENEHAN: I am disappointed that, earlier today, I had to report that the conference on the Marine Environment and Protection Bill had failed to reach agreement. As a result the Bill has lapsed in the Legislative Council. There were 51 amendments before the conference. The Government was prepared to accept 49. The crux of the issue is that the Government is not prepared to relinquish responsibility for the scheduling and budgeting of major public works. No Government in Australia would be prepared to accept such a dangerous precedent. It is contrary to all accepted procedures of the Westminster system. The Government is, however, prepared to state yet again its commitment to stop the discharge of sewage sludge to the gulf off metropolitan Adelaide by December 1993.

In spite of the Opposition's irresponsible actions, this Government will proceed as planned. The first step will be further consultation with industry. The Government is particularly anxious to keep faith with those industries, including BHAS, BHP Whyalla, Mitsubishi and Port Stanvac refinery, which have shown a tangible willingness to support this legislation by engaging consultants and instituting their own works programs to reduce their discharge.

I have already been advised by the General Manager of BHAS at Port Pirie that it continues to share the Government's concern for the marine environment and is proceeding with its environment improvement program. In addition, the E&WS will budget to cease sludge discharge by the end of 1993. Finally, a marine specialist will be incorporated into the Environmental Protection Council.

The Government is prepared to introduce a consolidated Bill tomorrow which will pick up those points on which the Government believed it had reached agreement—some 49 points—and I remind the House that the Bill which I introduced on 8 February was prepared only after extensive consultation with industry and conservation groups. I hope that other members will consider the greater public interest and support the new consolidated Bill.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Mr QUIRKE (Playford): Before we proceed any further with this debate, we should define a few terms. The basic democratic principle upon which I trust all members agree is that one South Australian's vote should be worth the same as any other South Australian's vote. To achieve that, it is not only possible but necessary to make sure that the law creates an electoral system which, on polling day, will reflect that one vote one value principle in the formation of this House.

It is necessary for us to look very closely at not only the events of 1989 but also the events over many years and over a number of elections. Several speakers today illustrated some of the cases very well. In fact, reference was made to the West German system, and I will look at this idea of topping up the electoral process by having a number of members 'at large'. That sounds almost a legal statement—members 'at large'—but I understand that it is a system of some 42 or 43 members elected for single member constituencies, and I presume that means also they will be of equal votes—in other words, 22 000 or 23 000 electors in each constituency—with six or seven other members elected presumably on a proportional representation vote across the whole of South Australia, and that this, somehow or other, magically guarantees a 50 per cent plus one vote outcome for the Party which takes Government.

Well, mathematically, there are a couple of problems with that. In fact, in 1989 we had an election for 47 members of the Lower House and 11 members of the Legislative Council. Those 11 members were elected on a PR ballot which means, presumably, that they would be equivalent to the members 'at large', or however they are described in the West German system. If those 11 Legislative Councillors elected by that system were added to the 47 from this House, the Party which obtained 50 per cent plus one, or 50.1 per cent or 50.2 per cent or the 52 per cent as alleged would be in Government. That is nonsense. In fact, exactly the same sort of result would have been achieved.

One of the real problems is that members opposite will not take responsibility for one thing. In 1988, a number of members on this side of the House took the initiative to make sure that the Commonwealth electoral referendum was carried. The first item was: one vote one value in all electoral systems. But what happened in that—

Mr Gunn interjecting:

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

Mr QUIRKE: We had all these worthy members opposite bagging the Federal Government, bagging the Federal referendum, bagging the whole proposal of one vote one value, but now they are coming in here saying—

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE: Now they are coming in here crying 'foul' because the system is not right. In fact, it is not right because members opposite went out and opposed the referendum in 1988 and, as a result, we now have a situation where some electorates have only 16 000 voters while others have 28 000. There is no doubt that there is a malapportionment of electoral boundaries in South Australia. The fact that some members are elected by 16 000 voters while others are elected by 28 000 decries the urgent need for electoral redistribution in South Australia.

I turn now to another system that has been proposed, that is, the total proportional representation system. The mathematics again work out interestingly. In fact, assuming that we have the same size House—namely, 47 seats—and members are elected across the whole of South Australia, 2.08 per cent plus one vote would be required to achieve a quota. That works out to 49.92 per cent—very close to the 50 per cent mark. In fact, if 50 per cent was the figure we were after, this system probably brings us closest to the mark. However, the problem is, as in many European countries that use this West German system—and I will come back to that—we could have a situation such as occurred in the French Republic, where as many as 179 Governments came and went in a 30-year period.

Stability of Government is also an essential ingredient. We on this side believe in electoral fairness. We believe in one vote one value, and we believe in equal electoral boundaries to achieve those principles. One other absolutely essential ingredient, and the crux of the debate today, is that we believe that the system has to be monitored regularly. A mechanism has to be in place that will achieve equal boundaries at regular intervals. The current time frame is such that an enormous malapportionment of boundaries has come into existence since 1984. From then until 1989 there has been a very serious erosion of the number of electors in some electorates, and the growth of other areas has been such that we seriously must look at when the next redistribution will take place. On current thinking, that is some years hence.

Unless we in this Parliament can achieve a change to that arrangement, we will enter the next State election with a number of electoral boundaries that could match the situation in South Australia in the 1950s and 1960s, where one vote in one district was worth only half the vote in another district. In fact, if a person lived in the then district of Gawler, that person was one of a number of electors whose vote was greatly diminished in comparison with other constituencies that notoriously returned members from the other side of this House.

Returning to my remarks on the West German system, it should be remembered that that system was brought in by the Allies at the time as a compromise between those democracies that used the total PR method of electing multiple members across the whole of their countries and other great democracies such as the United States that used single member constituencies. It was also an effort by the Allies to make sure that the Nazi Party did not rise again. The single member constituency was the mechanism by which that would be achieved.

We need to consider some of the other matters mentioned today. As a number of members opposite (including the Leader) have said, apart from the last Queensland State election, Queensland has not been a State where the Labor Party has achieved 50 per cent of the vote for many years. However, if anyone wants to argue that the Queensland system is fair, I would find that very surprising. In Queensland, the gerrymander did not affect the Labor Party as such, but it was one brand of conservatism doing the other brand in the neck—and it did a very good job! Looking at a Queensland electoral map was very much like looking at a snakes and ladders chart. Every now and again one would come to an area that was circled, and an arrow would take it down hundreds of miles away, indicating that that area really belonged over there.

What they were really saying was, 'This lot votes a certain way and, if we leave them in that area, we cannot guarantee that we will win that seat.' The National Party in Queensland was extremely successful in white-anting and destroying the Liberal Party. I suspect that in many respects the Queensland National Party has set back the Queensland Liberal Party many years. So, at the end of the day it is curious to find Liberal members arguing that the Queensland system is fair. In fact, if we had the Queensland system in this State most members opposite would belong to a different Party; they would be conservative but certainly they would not be members of the Liberal Party.

A few other comments have come across the House today. One is that the Hall Government brought in a system in 1968 that was roundly supported by all members of the Liberal Party. I do not think that Steele Hall has ever been forgiven for what he did in 1968. He and other members of the Liberal Party at that time, including the then Attorney-General (Robin Millhouse), are seen still as pariahs for bringing about a system that guaranteed one vote one value or as close to it as they were prepared to move. At that time, there was a lot of discussion about country weighting and similar hairy arguments.

The present system is by no means perfect but, if we accept what the Leader of the Opposition has said today—and I agree with him—that he sees some merit in the single member electorate, such a system would be worthy of support because members of Parliament are called on to represent and work with their constituents on specific problems and they have a responsibility, hopefully after redistribution, to look after an equal number of constituents. I agree with the Leader of the Opposition on that point. However, the addition of members at large elected on a PR ballot would do absolutely nothing for the results that were achieved in 1989, and I think to suggest otherwise is a furphy.

The basic system under which we operate in a democracy such as this, and which was established largely according to the British Westminster system of democratic Government, is that constituencies should be equal in number. The campaign against rotten boroughs in Britain in the 1900s was designed to root out conservative domination of the House of Commons. In recent years we have dragged the conservatives of this State and this country screaming into the twentieth century.

Mr Groom: I think they've arrived.

Mr QUIRKE: As the member for Hartley says, they have arrived. I am pleased to have this item even placed on the agenda. The born again electoral reformers of South Australia are doing a great service for democracy by jumping up and down and saying that we need to look again at all these issues. Quite frankly, we have a problem and that is that in South Australia some constituencies are much larger in number than others. The Government is urgently doing

something about this matter and I hope that it will be supported by members opposite. When this matter comes down to a referendum, which I understand has to occur to bring about a change in the timing or the mechanism necessary to allow for redistribution, I hope that that will be supported, also. I trust that the Opposition will repent for what it did in 1988 to the electoral possibilities that were opened up by the first item of the referendum. On this occasion, as members opposite will not have to defend their conservative allies in Queensland, perhaps they will take a more reasonable approach to the whole matter and understand that the people of South Australia have come to expect that electoral boundaries will be equal in nature and size.

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE: Listen to the members opposite. To them, 'size' always means the distance from one boundary to the next. On the basis of one vote one value the Government has always taken the view that 'size' refers to the number of electors in a constituency. It is understandable that the members for Davenport and Mount Gambier should be worried about the physical size of their electorates, but I hope that this process of being born again will mean that they will start worrying about the number of electors within their boundaries.

I will conclude my contribution to this debate by saying that it is essential that this House does everything in its power to provide for a redistribution at the earliest possible point so that one vote one value can be achieved at the next State election. Whoever gains more than 50 per cent of the vote will then sit on this side and whoever gains less than 50 per cent will be the Opposition. Single member constituencies are absolutely essential and we need to make sure that the numbers of electors are as even as possible in each electorate. Certainly that is not the case now, but it would have been had members opposite and some of their Federal colleagues not entered into the disgraceful campaign against the referendum in 1988.

Mr S.J. BAKER (Deputy Leader of the Opposition): I can only assume that the member for Playford will improve with time because he did not make one sensible comment in a total of some 18 minutes. I would like to address the question of one vote one value because it seems to be taxing the minds of everyone in this Parliament. I believe that the current system stinks, not only from the point of view that a Party which wins the majority of votes cannot govern in this State but because the people of South Australia are disadvantaged by the present system.

We talk about Governments, but Governments are for the people. That is what we are here for—nothing else. If the system that we operate disadvantages the majority of South Australians, we must change the system. The member for Playford talked about the strength of single member electorates, but there is a huge weakness in this idea. The strength of single member electorates lies in the fact that one person is accountable for the electors within his or her electorate. The great weakness that has become apparent over recent years is the fact that Governments, and particularly Labor Governments, tend to concentrate purely on marginal areas so that the rest of the State does not count in political terms.

So, what we have with a single member electorate system is corruption of the meaning of democracy and the way in which Government operates, and total dishonesty in the way in which the resources of Government are distributed. We know that the Labor Government will tear down acres of trees to service marginal electorates, whether it be at election time or for propaganda in general, but it will not plant one tree in Peake or Price because votes do not count in those electorates. They do not count in Mitcham, either. I know—

Mr Trainer: Plenty of trees in Mitcham.

Mr S.J. BAKER: We do not need any more trees, but more are needed in the electorates of Peake and Price. When the stationmaster was taken from the Mitcham railway station it caused disadvantage. The number of passengers using the railway decreased. Elderly people were too scared to go to the railway station without the stationmaster being there, because they did not get the help they used to get. In fact, the whole of the Mitcham railway station is defaced with graffiti. It is an absolute disgrace. The Government made a decision. It said that the people of Mitcham did not count for making or breaking Government and, therefore, they did not count in terms of resources; the resources were to be directed to the marginal electorates. That is fundamentally wrong.

I am giving examples why I have severe reservations about the single electorate system. People are not equal because they are treated separately and differently by Governments, particularly by this dishonest Government. I have said previously in this House that the process of government must consider the needs of the people across the whole State. We do not have a system like that today. We know that the people in rural areas do not get consideration by this Labor Government. We know that the people in the western and eastern suburbs in the safe Labor seats do not get consideration because they do not count. What we have is a dishonest Government.

I will take up the issue of one vote one value. In his second reading contribution the Deputy Premier said that there are three fundamental principles underlying the Government's agenda in the area of electoral reform. They are, first, the principle of one vote one value; secondly, the principle of electoral fairness in which the Party which wins the majority of votes in the majority of electorates wins government; and, thirdly, the principle of regular redistributions being undertaken by an independent Electoral Boundaries Commission. We do not have any argument about the third point so there are really only two principles involved.

What does one vote one value really mean? We have heard various definitions. To us, one vote one value means the Party that wins the majority of votes must be the Party that gains government. The member for Playford—and I know this view is shared—talked about the number of electors. I have sat in on hearings before the commission, and it is quite clear that the Australian Labor Party does not believe in that view. It asked the commission to take into account that a number of people in the western suburbs were not on the roll and said that, therefore, the commission should set lower margins in those particular electorates because they were really servicing the same number of people. It was argued that the fact that those people were not on the roll should be taken into consideration. That was the argument of the Australian Labor Party.

There is the argument that electorates should contain almost equal numbers of people. The rural seats would be much smaller in geographic terms; there are far more prolific producers in the country. We could say that that system may or may not be fair.

Members interjecting:

The SPEAKER: Order! Will the Deputy Leader resume his seat for a moment. I have in front of me a list of speakers. Some members seem to be having a chat but their names are not on the list. If they wish to speak in this

debate they should let me know and I will put their names on the list. If not, will they please comply with Standing Orders. The honourable Deputy Leader.

Mr S.J BAKER: To me, one vote one value is a very simple concept. It has been twisted and mangled by the Labor Party over a period of time to represent something that it wishes to see in the system which advantages it in South Australia. The Leader of the Opposition put forward a cogent argument as to why the system has to change. Indeed, a number of statistics were put forward about how the Liberal Party has been disadvantaged on a number of occasions.

I do not wish to reiterate that debate but I simply ask the House to note those remarks. It is a very compelling argument. How can the system be fair when the Liberal Party, on a two-Party preferred basis, should have gained government in 1975 and 1989? How can it be fair that the Labor Party, in 1982, with far less of the vote than the Liberal Party gained in 1979, won the same number of seats? The system is wrong.

Let us go back to one vote one value, because I think it is an important matter. Was this myth of one vote one value, as espoused by the Labor Party, met by the Electoral Boundaries Commission last time? Let us look at the facts of the last redistribution. Eight seats—17 per cent—were allocated surplusses or deficits inappropriate to their demographic trends. This means that they were either over or under quota, quite at odds with the way in which the seats were moving in population terms. Because of a whole range of factors the commission might have had to draw a boundary somewhere, and then set the best compromise. But, the fact is that 17 per cent of the seats, in population and elector terms, were set above or below quota in distinct contrast to the population and to elector trends.

Mr Trainer: Which is it, population or elector?

The SPEAKER: Order!

Mr S.J. BAKER: It is both, as the honourable member would understand. The major growth factor in seats is the number of 17, 18 and 19 year olds coming through the system. If he had any knowledge of demographics, he would know that the seats that are growing are those with the largest proportion of people in younger age groups. That is a fact. After only six years 12 electorates lay outside tolerance—25 per cent of seats within six years.

If the Minister is saying that, by having a redistribution every two elections we will achieve equality of numbers of electors, it has simply failed on that basis. Interestingly enough, seven of 11 basically rural electorates are over quota today. Of the 24 seats that could be classified as Labor, 17 are under quota. Of the 23 seats that could be classified as Liberal, 13 are under quota. What does that indicate? It suggests not only that mistakes were made with the redistribution but that there is no account of the huge distances involved in the representation of rural electorates. Is there such a thing as equality of representation? Surely within the 10 per cent tolerance rule rural electors deserve greater consideration than is currently being given them.

It is obvious, from the statistics, that the Australian Labor Party has gained extreme advantage from the redistribution that took place, and the Australian Labor Party wishes to preserve that advantage because it has espoused the principle of one vote one value and the principle of electoral fairness in which the Party that wins the majority of votes in the majority of electorates wins government. Of course, we know that they are competing principles. It has been adequately demonstrated to this House that electorates of the same size do not give the result that even the member for Playford mentioned. The member for Playford said that, if a Party gets 50 per cent plus one, it should be able to govern this State. But, we know that the criteria, as judged by the Australian Labor Party, is in conflict with those principles. I seek leave to insert in *Hansard* a table which shows the electorates and the deviations from quota (which I previously analysed) for the Saturday 25 November 1989 general election in this State.

The SPEAKER: Does the honourable member assure me it is a purely statistical table?

Mr S.J. BAKER: Yes.

Leave granted.

STATE OF SOUTH AUSTRALIA—GENERAL ELECTIONS SATURDAY 25 NOVEMBER 1989

Electors on roll: 941 368 Quota: 20 029

District	No. of electors enrolled as at 6.11.89	Percentage Deviation from Quota
ADELAIDE	18 802	− 6.13
ALBERT PARK	21 304	+ 6.37
ALEXANDRA	22 125	+10.46
BAUDIN	22 364	+11.66
BRAGG	19 907	− 0.61
BRIGGS	19 817	− 1.06
BRIGHT	21 192	+ 5.81
CHAFFEY	20 465	+ 2.18
COLES	18 639	− 6.94
CUSTANCE	18 461	− 7.83
DAVENPORT	19 508	− 2.60
ELIZABETH	16 299	−18.62
EYRE	18 106	− 9.60
FISHER	26 817	+33.89
FLINDERS	18 316	− 8.55
FLOREY	23 348	+16.57
GILLES	17 834	−10.96
GOYDER	21 774	+ 8.71
HANSON	18 977	− 5.25
HARTLEY	19 281	− 3.73
HAYWARD	17 920	−10.53
HENLEY BEACH	20 334	+ 1.52
HEYSEN	21 163	+ 5.66
KAVEL	22 164	+10.66
LIGHT	21 909	+ 9.39
MAWSON	22 884	+14.25
MITCHAM	19 537	− 2.46
MITCHELL	18 576	− 7.25
MORPHETT	18 509	− 7.59
MOUNT GAMBIER	19 685	− 1.72
MURRAY-MALLEE	19 977	− 0.26
NAPIER	19 075	− 4.76
NEWLAND	22 208	+10.88
NORWOOD	18 772	− 6.28
PEAKE	19 533	− 2.48
PLAYFORD	19 626	− 2.01
PRICE	19 836	− 0.96
RAMSAY	24 328	+21.46
ROSS SMITH	18 354	− 8.36
SEMAPHORE	19 603	− 2.13
SPENCE	19 985	− 0.22
STUART	19 153	− 4.37
TODD	20 293	+ 1.32
UNLEY	19 254	− 3.87
VICTORIA	20 125	+ 0.48
WALSH	18 480	− 7.73
WHYALLA	16 749	−16.38
STATE TOTAL	941 368	—

Mr S.J. BAKER: In relation to the magic of boundaries, we all know that boundaries can be drawn in a variety of ways. There is nothing magical about it, unless we encapsulate one community of interest or one particular grouping that is of significance. In the drawing of boundaries that rarely, if ever, occurs. Whenever a boundary is drawn it will encompass people with a commonality of interest with those in the adjacent seat. Part V of the Act insists that the continuity of boundaries be taken into consideration as a major principle in boundary redistribution. We know that

we are not doing any favours for any electors; none whatsoever, because boundaries can be drawn in a variety of ways. Under the Act there should be a reference to the commission that in any redistribution the likely outcome should be taken into account so that the Party that wins 50 per cent plus one of the vote achieves Government. That was rejected in 1975 as being quite impossible to achieve. As a person who has studied statistical and electoral systems over a long period of time, I would say that that is possible to achieve. So, if anyone wants have some assistance to achieve that end, I can assure the House that I can deliver the goods.

Importantly, irrespective of what system we come up with, some difficulties will always occur in terms of representation. That is why we, as a Party, believe it is appropriate that a select committee consider the widest possible means of achieving electoral fairness or equality (whatever one would like to call it) in South Australia. As I previously mentioned, there are strengths and weaknesses in any system. I do not happen to like the multi-member electorate system, because I believe that it somehow takes away from the personal representation that can be provided by MPs who are responsible for a certain area.

An honourable member: They pass the buck.

Mr S.J. BAKER: Of course. We know that it happens between electorates; if people are not getting satisfaction or believe that they have a case and are not getting the treatment they deserve, they go on to another MP. When there are five MPs for a particular area, the possibilities for trade-offs in the system are enormous. There is a lack of responsibility in the system in the same way as for a single member electorate. Let us be quite aware that many people would think that that was a great advantage for a number of people. I do not know how many members in this House have been told by their electors that they would prefer a multi-member electorate system. A number of people have said to me, when they have crossed from a Labor held seat, 'Wouldn't it be nice, Mr Baker, if I didn't have to come over to the District seat of Mitcham and if there was a Liberal representative in my area.' I am sure, by the same token, that a number of members on the other side have had similar things said to them, such as, 'I'm living in a Liberal area and I would like to have some Labor representation.' It just happens to be the nature of the beast.

I will summarise my argument. There is no such thing as one vote one value in terms of electors, because the results have shown clearly that, if that is the prime criterion, it has failed completely in the outcome, given the way the seats were redistributed in the 1983 determination. The system has failed to deliver honesty in government. I have made that point previously. It has failed—and failed miserably—to provide democracy in this State. As far as the world outside cares—and I think most people do care—the Liberal Party should be in government in this State. On two occasions in the past 20 years it has been denied it.

One may well say, 'Well, that equalises the things that happened 20 years prior.' I would hope that we can look forward from where we are today and simply say, 'We note the difficulties with this system. We do agree that there are problems.' We do agree that the basic tenet of democracy is being denied in the way in which the seats are being distributed at present. We will search for a system that will provide all those things which I believe most people in South Australia crave. Indeed, a system which provides a top up or whatever will bring honesty of Government because every vote will count, whereas in Peake, Price, Mitcham or Bragg every vote will be equal. The Party that gains 50 per cent plus one will gain government.

I commend to the House the establishemnt of a select committee and, as a member of that select committee, I will ensure that that principle is adhered to.

Mr BRINDAL (Hayward): While the member for Playford attempted, I think very logically, to define some terms, I thought of doing the same but decided against it for, if we asked every member of this House to define the word 'democracy', I am sure we would get some intelligent and interesting but varied answers. However, whatever our differences I think we could all tend to gravitate towards that well worn phrase: Government of the people, by the people, for the people.

In considering this Bill as the elected Legislature of this fair State, we must keep in front of us one objective and one objective alone, that is, to ensure that any legislation which looks at the process by which we are elected achieves (and I quote the member for Victoria) 'fair and effective representation for all citizens'. The member for Victoria referred to the relevant provisions of section 83 *(c)* of the Constitution Act. The Act provides:

> . . . the desirability of leaving undisturbed as far as practicable and consistent with the principles on which the redistribution is to be made, the boundaries of existing electoral district.

That works most effectively to undermine the ability of the electors of South Australia to democratically elect a Legislature that reflects the will of the majority.

I will not cover the ground which those who have spoken so ably before me on this side of the House have already covered. I would point out that the very existence of boundaries can be held to mitigate against the democratic process. No matter how the boundaries are drawn, I defy any member in this place to draw them in such a way as to create an electorate which has a completely uniform community of interest.

If we could confine all the truly rural people with a common community of interest to a number of seats, all the socio-economically disadvantaged to others and the middle income groups to others, and so on, we might achieve something like democratic process. However, the current situation is not anything like that. Most electorates have pockets of affluence and pockets of poverty and a mixture of culture, of economic and ethnic backgrounds and of educational qualifications. Each and every one of us here tries to represent all of that varied community of electors but, as no one of us can represent all our electors all the time, it is often the case that, in representing some, we occasionally fail to represent others. Where in this House are those who can actually claim to represent the views of Aborigines, of women or of other specific communities of interest? What we have in this State are 'Banniers': artificially and arbitrarily created lines which are drawn in such a way as to ensure not that the democratically expressed will of the people of South Australia prevails but that Premier John Bannon remains in office.

Mr LEWIS (Murray-Mallee): The relevance of the remarks just made by the member for Hayward can be measured as directly proportional to their brevity.

The Hon. D.J. Hopgood interjecting:

Mr LEWIS: Inversely proportional, I thank the Deputy Premier for that. They were very relevant without taking very long. Notwithstanding that point, let me address what I think are the points around which the differences revolve in this debate. We all agree that the electoral system we need in this State should be fair. Some of us think that having electorates with equal populations is the way to achieve that; others of us know that that is simply not so.

Using the plus or minus 10 per cent rule, I have drawn on maps some lines which, when studied in the context of an exercise in geography, would not look at all unacceptable but would give the Liberal Party 38 seats. I could draw lines on the map that provided us with a breakup of population within each of those 47 seats plus or minus 10 per cent and give the Labor Party 34 seats.

Mr Groom: That's why we have an independent Boundaries Commission.

Mr LEWIS: The tragedy is, in response to and in recognition of the interjection from the member for Hartley, that the Boundaries Commission, while independent, did draw attention to the difficulties it confronted in its job when attempting to establish a fair system, because of the constraints imposed on it.

It is independent, but it can only operate within the constraints imposed on it by the law. The member for Hayward drew attention to an aspect of that law around which the differences between those of us in this place contending the point revolve: that is, that the Commissioners shall take account of the existing boundaries. So far as possible, they must leave the existing boundaries undisturbed, yet if they were required to disturb the boundaries in order to redistribute them in a way which would give parts of the State which are stable in population, nearer the median (the average size of numbers of electors in that electorate) we would obtain a much fairer result.

The last time the boundaries were redrawn, a number of inner-suburban seats around the centre of the city were below quota. They were within the limit of tolerance of zero to minus 10 per cent on the median, but their boundaries were not changed, in keeping with the requirement that they should not be changed so long as that condition was met. In consequence of that, we found that the Labor Party, by winning most of those seats, was able to lock up those representatives here with less than the average number of electors that would have been otherwise required to provide that number of seats in this Chamber. At the time of the election in November last year, a number of seats were well and truly out of kilter. It is not good enough to have had a system that left such a long time between redistributions.

The trigger point was the number of years or elections, when it should have been that, if more than 10 per cent of the seats were out of kilter, automatically there should be a redistribution. That ought to have been included as a must, instead of our ignoring it altogether. That would have meant that, where we have an Assembly of 47 seats, the moment five seats got out of kilter (that is, plus or minus 10 per cent deviation from the median) a redistribution should have been called. That was not done and no-one gave consideration to it.

I trust that in future some criteria of that kind will be used as the trigger mechanism for a redistribution, rather than the criteria currently contained in the proposal which the Deputy Premier put to us on behalf of the Government, reducing it to a number of years. That is wrong. Rapid changes in the density of the population in any part of the State, whether upwards (as in the case of seats such as Ramsay and Fisher) or downwards (as could be and has been the case in seats such as Whyalla and other country seats) should trigger a redistribution.

The Hon. Jennifer Cashmore interjecting:

Mr LEWIS: No. I point out to the member for Coles that the seat of Ramsay at the last election had 24 328 electors on the roll, and that the seat of Briggs had 19 817. The following seats (some of which are quite substantial in area) held by the Liberal Party were above quota by more than 10 per cent at the last election: 22 125 in the electorate of Alexandra; 26 817 in Fisher; 22 164 in Kavel; and 22 208 in Newland. Above quota held by the ALP were: Baudin, 22 364; Florey, 23 348; Mawson, 22 884; and Ramsay, 24 328. Of those electorates below the 10 per cent deviation from the median is the Liberal held electorate of Hayward—17 920, which is just less than 80 or so below the 10 per cent tolerance, the median being 20 020-odd; and the Labor electorates of Elizabeth, 16 299; Gilles, 17 834; and Whyalla, 16 749.

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

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Mr LEWIS: Twelve was the number of seats out of kilter at the time we went to the polls on 25 November last year. There is a difference between making a speech to a group of people and responding to the way in which they are comprehending what one is saying, as opposed to reading a dissertation. It is the same difference between using a block and tackle to pull up stumps as opposed to using a D9, where you simply bulldoze straight through, regardless of what kind of stumps they are. I see myself in this instance using a stump puller. The analogy should not be taken beyond that point, other than to say that I have taken a careful walk around the object to be removed and I have examined what I consider to be the strong points of resistance.

I have worked out how I can best defeat them, point by point, without in the process destroying the object itself. In this instance the object is fair electoral redistribution and a reasoned approach to it by members of this Chamber who I trust are going to be invited to participate in a select committee to take evidence from interested members of the general public and experts who have no other barrow to push than their belief that the State deserves for its Lower House a fair system for the election of people to this place to represent them.

Dealing with the table to which I referred earlier, I point out that, based on the analysis that I have done, about 50 per cent (50.47 per cent) of electors live in the 24 electorates represented by members in this place who support the Government. Conversely, 49.53 per cent of electors in the remaining seats tend to support the alternative Government (the 22 Liberals and the National Party member). I then looked at the number of voters—not electors, because not everyone gets to the poll, for whatever reasons—coming from those electorates: 50.54 per cent, with 49.55 per cent in the 23 other electorates.

It is immediately apparent that the number of people in the 23 seats on an individual electorate basis is greater than the number in the 24-seat category. I also looked at the number of formal votes cast in the 24 seats. Altogether, 432 849—50.1 per cent—formal votes were cast in the 24 seats which returned a member supporting the Government, and 430 853 (about 2 000 less)—49.9 per cent—were cast in the 23 electorates supported from this side of the House.

The interesting thing is that whilst there appears to be an equality of people supporting either side of the position as it obtains in this Chamber, it is out of kilter on a seat-by-seat basis. I then looked at the number of people who support members of the Australian Labor Party as elected representatives in this Chamber. There were 400 169 electors (49.2 per cent)—not all voting for the Labor Party—in the electorates that returned ALP members, whereas 413 798 (50.8 per cent) electors were in electorates returning members of the Liberal Party to this Chamber.

That figure begins to illustrate the point that most members on this side are trying to make, namely, that the electoral system is not fair, because more than 50 per cent of the people living in this State reside in those electorates and those people who voted formally in the election reside in electorates returning Liberal members. Indeed, it is over 50 per cent of the people who are on the roll, when we eliminate you, Mr Speaker, as well as the Chairman of Committees and the member for Flinders, from those tallies.

That is the nub of our concern and anger. It simply means that electorate by electorate those people who have returned Liberal members are greater in number than those who have returned Labor members, even though we have 22 seats all. To look at it in another way, on the two-Party preferred basis, we find that less than 12 votes on the two-Party preferred basis for the Australian Labor Party equals more than 13 on the two-Party preferred basis for the Liberal Party across the State.

If that happens, something is crook. It does not have to be intentionally crook, but in this case there is a certain regrettable injustice—that is the word I will use after careful consideration—in the criteria that have to be applied in determining where the boundaries are drawn. It is not legitimate to have a situation where fewer than 12 people voting one way can effectively determine who governs when more than 13 would have preferred the alternative.

As I said earlier, fairness is not necessarily represented in the end result by insisting on an equality of numbers. Fairness ought to take into account other factors. One of the things that must go is the requirement that the Commissioners avoid disturbing boundaries where possible. They must be free to change boundaries wherever they think it is necessary to do so to provide a situation where the Party that wins the majority of the vote has the best prospect of forming Government. There may well be situations in which that will not happen in the future, but we should attempt to do something that ultimately provides for a better result than do the existing criteria.

I turn now to the remarks made by the member for Playford. He introduced a quite spurious and irrelevant argument about the Liberal Party's opposition to the Commonwealth referendum on the so-called fair election system. That was a deliberate mischief on the part of the Australian Labor Party. The question was loaded all the way down the line and would have enabled the Commonwealth to interfere in State affairs and, for instance, insist on changing the way in which boundaries are drawn in the States.

Mr S.G. Evans interjecting:

Mr LEWIS: As the member for Davenport points out, the tolerance could still have ended up out of kilter. We have said that the West German system is okay but we have not supported it. We merely believe that it ought to be considered. Never in my life have I, nor to my knowledge has any other member in this place, said that what obtains in Queensland is fair. For over 15 years I have advocated that the Liberal Party in Queensland should have joined hands with the Queensland Labor Party, formed a coalition, redistributed the boundaries, set up the necessary parliamentary committees and gone back to the people on a fair electoral boundaries system. It is a pity that was not done, because a lot of that mess would have been avoided.

Mr Such interjecting:

Mr LEWIS: Yes. Labor created it and, therefore, Labor should not complain about it.

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

Mr BLACKER (Flinders): Very seldom do we have before us a Bill as short as this. It has two clauses, but it has very extensive ramifications and will involve many hours of debate over the next 12 months. This Bill has arisen because, after the election, the Liberal Party was concerned that, although it received 52 per cent of the vote, it could not govern and it claimed that the system was wrong. It has been well demonstrated that those sort of anomalies crop up in any electoral system and it is a matter of degree how far we as a Parliament are prepared to accept those anomalies and whether anything can be done to minimise their effects.

We should look at why the Liberal Party received 52 per cent of the vote at the last election but is not governing. It gets back to the single member electorate system and the manner in which the people in those electorates vote and the proportion of that vote which is over or under 50 per cent and effectively wasted. As all members know, a candidate needs only 50 per cent plus one vote to win an electorate: therefore, anything over that is wasted when the remainder of the State-wide voters are taken into account.

On a theoretical basis, let us assume that we have a 50 seat Parliament and each electorate represents 2 per cent of the State-wide vote. To win an electorate, a candidate requires 50 per cent of the vote, which is effectively 1 per cent of the total State-wide vote. With a 50 seat House, a Party needs 26 seats to win Government; therefore, 26 per cent is the theoretical minimum for a political Party to win Government. At the other end of the scale, a Party could win 74 per cent of the vote and lose. So, it is within a range of 26 per cent and 74 per cent that the figure would be arrived at with single member constituencies and a 50 seat House. With such a wide range, we are extremely lucky to arrive at an average figure of somewhere between 48 per cent and 52 per cent. It is a matter of principle as to whether we accept that amount of tolerance.

This very issue has prompted the Government to bring in this piece of legislation. The Leader of the Opposition proposed a Joint House select committee to look at all voting systems—not any one system—and to determine whether a fairer system than at present could be devised for the House of Assembly. However, the Government has proposed a select committee of this House and has set down guidelines for the retention of the principle of one vote one value and single member constituencies. The second part of the Deputy Premier's second reading explanation makes mention of the principle of electoral fairness in which the Party which wins the majority of votes in the majority of electorates wins Government. One could be excused for thinking that it is a play on words, but it is the *status quo.*

The third part of his explanation concerned the principle of regular redistributions by an independent Electoral Districts Boundaries Commission. No-one opposes that. With respect to the principle of one vote one value, as long as we have single member constituencies, we will always run into problems because of population changes. The member for Murray-Mallee suggested that, as soon as the number of voters in an electorate exceeds a tolerance of 10 per cent,

there should be a redistribution. Members would no doubt recall that, although the last redistribution was held in 1983, by the time the 1985 election came around, 10 per cent of the electorates were outside the 10 per cent tolerance level.

Mr Lewis interjecting:

Mr BLACKER: The honourable member suggested that it should have been fixed straight away, which would have meant two redistributions between elections. No-one is really suggesting that that is appropriate, but it highlights the complex problems faced by the commission. I have been involved in two redistribution hearings before the commission and I have had numerous contacts with it when giving evidence, cross-examining witnesses and perusing other evidence. In every instance I believe that the gentlemen involved were well-meaning, caring people setting out to do the best possible job within the criteria and figures before them. I know that, privately, they expressed some concern that, because the next election was a further two years down the track, the figures would change. Indeed, they changed almost on a monthly basis, even for the duration of the commission's hearings, making it impossible for the commission to make really accurate predictions.

With 47 electorates and a 10 per cent tolerance, it is very difficult for the boundaries to be accurate for the two elections between redistributions. Whilst I agree with the member for Murray-Mallee's concept, it is not that practicable, and I am sure all members agree with me. Under the present system, it is highly unlikely to get an exact reflection of the vote. In my own electorate, the two-Party preferred vote is about 78.2 per cent or 78.3 per cent, which is at the extreme end of the scale. As I said before, every vote over the 50 per cent plus one is, in effect, lost. The member for Mount Gambier and the member for Victoria know that, in their electorates, which are in the 70 per cent range, part of their vote is lost on an overall State-wide basis. So, we are really playing around with statistics. It is very difficult to put one's finger on whether the meaning of the figures we are talking about has a real significance on the vote.

The principle of the Bill before us is to provide for reference to a select committee. However, from reading it, one knows that the only thing the Government is aiming at is to break the Constitutional requirement to allow a redistribution to take place before the next election; that is clear and obvious, and the Government has been fairly open in what it is all about. The Government's proposal does absolutely nothing other than to alter the criteria and, instead of having the redistribution after the next election, it shall be done before it. All other criteria remain the same. The argument then arises as to whether or not we should be looking at alternative voting methods, and I totally concur that we should look at every available option. If our present system can be improved, let us try to improve it.

Mr S.G. Evans interjecting:

Mr BLACKER: As the member for Davenport said, give the people the opportunity to participate with ideas. There are numerous groups and organisations that, in some cases, make a hobby of looking at electoral reform, but others are very genuine and sincere in their quest for the fairest possible electoral system. Mention has been made of Queensland, and two sorts of debates have arisen. One relates to the unfair single electorate system, and I agree that there are gross anomalies in that system. However, when one looks at the overall State-wide vote and the two Party preferred vote of the State scene in Queensland, it was much better and much fairer than the South Australian scene prior to the last election. At the last State election—

Mr Ferguson interjecting:

The SPEAKER: Order!

Mr BLACKER: Maybe we do. The point I am making is that we are talking about single member electorates and how the vagaries of the system can get so far out of kilter. The total State-wide vote in Queensland was much closer to true representation in parliamentary numbers compared with the State-wide vote than it was in South Australia. At the 1985 South Australian election, the Labor Party returned 53 per cent of the vote but received 61 per cent of the seats. That particular anomaly was not highlighted by the Government in the present debate. We would all acknowledge that it did not set out to do that, but that is the way it came out.

The Hon. D.J. Hopgood: That is the cube law.

Mr BLACKER: The Minister can talk about the cube law, but anomalies can occur. By quoting Queensland and South Australia, we are quoting each end of the spectrum of what could happen. That is the point that needs to be made. Nobody disputes that our boundaries are presently out of balance. As I previously mentioned, they were out of balance even before the first election. Now that we have some electorates at 16 000 and others at 28 000, we all know that they are out of balance. Some action needs to be taken in this area. I will not go on to any great degree.

Mention was made of the percentage of seats that were out of balance at each end of the spectrum as a result of the enrolments at the time of the last election. Those figures in themselves should be taken into account when trying to work out 52 per cent versus 48 per cent, because a series of electorates from one side of the political fence might be at the lower end of the spectrum—in other words, minus 10 per cent—and that could have a varying degree on the State-wide vote compared with electorates on the other side of the fence. I will leave further debate to the select committee, but will listen to all other options that will be put before the committee. I support reference of the Bill to a select committee.

Mr GUNN (Eyre): I am pleased to take part in this debate.

Members interjecting:

Mr GUNN: I am not surprised at members opposite, because all they want to do on this occasion is to get this matter put to a referendum and hope that it will be carried so that they can have a far more unfair electoral system than currently applies in South Australia. Let me say to Government members that that will not occur because the Opposition is absolutely determined that, unless the select committee comes up with a fair and reasonable electoral system, this Bill will not be carried on the third reading.

Mr Atkinson: You tell us what is a fair system.

The SPEAKER: Order!

Mr GUNN: If the honourable member would care to listen, I will try to get through to him. He is not particularly bright, so I will endeavour to explain it to him.

An honourable member interjecting:

Mr GUNN: I will certainly not be told by the member for Albert Park how I will address my remarks, and I will take as long as I want to in this matter. In a free and democratic society, one can make a judgment whether the Government of the day really has democracy at heart by the manner in which it has electoral boundaries drawn. Governments entrench themselves in power in two ways: first, by rigging the electoral system and making it difficult for the Opposition of the day to gain Government; and secondly, by providing itself with excessive staff and facilities and by indirectly using the public purse to fund its campaigns and media activities. This Government has done a bit of both.

Under the guise of one vote one value Labor Party style, the Government has allegedly put forward a system which has equal numbers in every seat. That is meant to be fair and just. According to the Dunstan ethic, if electoral districts of equal numbers are created, automatically there are fair and equal elections. Everyone in Australia knows that that has not been the fact. Further, a Government can provide itself with armies of press secretaries and the most sophisticated equipment to support it while denying the Opposition adequate and reasonable assistance. We have heard the Premier and his predecessors stand in this Parliament and on platforms throughout the State harassing the ill-informed community that the Labor Party stands for—

Members interjecting:

Mr GUNN: Well, that is a fact. Unfortunately, the community at large is ill-informed when it comes to electoral matters because it does not have the opportunity to make an in-depth study and it is easily led by flowery tongued orators and others who set out to mislead people, and we on this side of the House are now the victims of those campaigns. We have had former Premier Dunstan, Max Harris and others standing on the backs of trucks spruiking *ad infinitum* about the fairness of the South Australian electoral system. It was so fair that they entrenched it in the Constitution to ensure that no Government could ever again, without the permission of the community, interfere with it. They cleverly put together this proposition knowing full well that it would advantage the Labor Party. If the Labor Party is sincere, if it wants to see a fair and reasonable electoral system in South Australia, all matters of concern should be open for consideration by the select committee. It should—

The Hon. J.P. Trainer: Do you want to reduce the size of the House?

The SPEAKER: Order!

Mr GUNN: All matters should be open for debate and discussion by the select committee. I say to the member for Walsh that, if he wants to know my views on the subject, I suggest he read the speech I made during the last Parliament when this matter was debated at some length. I made a lengthy contribution about my views, particularly in a sophisticated democracy. I believe that it should not be the preserve of a few to have the opportunity of becoming a member of Parliament; it should be open to all citizens to not only participate but have the ability to be elected to Parliament.

Only when we have such a situation will we have a fair and reasonable electoral system. If we are not careful when drawing up a system we can easily deny the average person the opportunity to get into Parliament. As you well know, Mr Speaker, it is not easy to be elected to Parliament when well organised groups campaign against us. The larger the constituency the more difficult it is for individuals to be elected because the powerful political machines can marshall their forces in such a way as to make it very difficult.

I believe that we have the opportunity in South Australia to put in place once and for all a fair system that will guarantee that the political Party or group that receives 50 per cent of the two-Party preferred vote may form a Government. I do not believe that is an unreasonable, unfair or unjust system, but the current arrangement of single member constituencies as currently drawn creates a situation where the Party with the majority of votes cannot form a Government. If this Government had any good grace it would willingly admit that it has no right to be the Government of South Australia.

Members interjecting:

Mr GUNN: If 52.04 per cent does not constitute a majority in the view of the electors of this State, I do not know what does. Obviously, once and for all, members opposite have indicated clearly to this House and to the people of South Australia that they believe in having a minority Government.

The Government put forward the hapless member for Playford to try to defend the present undemocratic and unfair situation. The honourable member laboured on, but he did not make a great fist of it. He made some quite disparaging remarks about the West German and other systems without fully understanding how those systems operate. Many members have looked at those situations. The Leader of the Opposition in the course of his excellent speech explained clearly that the Opposition believes that a select committee should examine a concept based on the West German system. If such a system were in place, the member for Custance would be the Premier and all the policies for which the overwhelming majority of the people of this State voted would be put into place.

The member for Playford was given the job of trying to discredit that particular policy; he knows full well that in the last 20-odd years Liberal Governments should have been in office in this State on at least two occasions, but the Liberals were forced to remain on the Opposition benches. That is supposed to be a fair and reasonable system. I believe that we have the opportunity to correct this anomaly once and for all and put in place a fair and reasonable electoral system that will maintain the concept of single member constituencies. It will not be important to have them equally balanced, because a top-up arrangement will guarantee that the majority will of the people is put into effect.

I will not support a referendum, because if it is based on the current 47-member districts the Liberal Party will be even more disadvantaged than it is at present. We will not be party to such a situation. Furthermore, it is not necessary to have a referendum. That will cost at least $3 million of the taxpayers' money—which is about half as much as it has cost to mess around with the dolphins—when that particular problem can be overcome.

I believe that there has to be full and frank participation by all involved. There needs to be a very close examination of section 83 of the Constitution Act which deals with matters that must be considered by electoral commissioners. The current situation that operates in relation to Federal redistributions should be examined very closely. In such situations, the Electoral Commission puts forward a draft set of recommendations and maps are displayed in post offices. This allows people to examine the recommendations and make comments, which are considered by the Electoral Commission. This system has a lot to commend it and I sincerely hope that the select committee, when established, will examine this matter.

I do not have any real objection to multi-member electorates although I believe the best system is that of single-member constituencies. I would be concerned about rushing headlong into a system of multi-member districts. If that were the last resort and the only way in which we could achieve a fair and reasonable electoral system, I would not be opposed to it. I believe that all other systems should be examined by the select committee, because we run the risk of minority groups having more representation than their votes actually depict. We all know what has taken place in European countries which have a proportional representation system—they have unstable governments and we do not want to go down that track.

I draw to the attention of the House that there are 300 000 more electors on the rolls in South Australia than when the boundaries were drawn in 1970. That is why I have put forward a contingent notice of motion that will allow me the option to move other matters if necessary at a later stage.

I strongly believe that people who live in isolated communities should have reasonable access to their member of Parliament. As someone who has had the privilege of serving in this place and representing a very large district, I understand the difficulties faced by those people in making contact with their member. We must be very careful in any electoral system to not allow large towns in any one part of the State to defranchise isolated and other groups in the community. This can take place where electoral commissions use the wagon-wheel principle or other electoral systems which have been used to disadvantage groups in the community.

I sincerely hope that when the select committee examines these proposals it will do so on the basis of what is in the long-term best interests of the people of this State. I hope that this will be done not on the basis of trying to advantage one particular group in the community but on the basis of endeavouring to ensure that once and for all we have a fair and reasonable electoral system. Unless very radical changes are made, that will not occur, and if the Government wants to see changes made, it will have to be prepared to give way on a number of issues. Otherwise, this legislation will not pass in this Parliament, because members opposite know as well as I do what will take place.

I remind the House that, when the Labor Party first started talking about electoral matters back in the days when Mr Walsh was Leader, ALP members prevented the Playford Government from having a redistribution and altering the size of the House. At that time the Labor Party's policy was to have 56 members in the House of Assembly.

An honourable member: And no Upper House.

Mr GUNN: That certainly would be an undemocratic system. For years the Labor Party in this State has talked about abolishing the Upper House, but in the same breath it has complained most vigorously about the situation in Queensland. That is the only State in Australia which does not have an Upper House—it has Executive Government. If we do not have an Upper House we run the grave risk of having Executive Government. This would mean that once the Cabinet has made a decision, the Parliament becomes a rubber stamp. That in itself is not only very bad but undemocratic and certainly an unhealthy situation. It is not a situation that I believe would be in the best interests of the people of this State. I will support the Bill to its second reading. I have read very closely the Minister's second reading explanation. His opening remarks are interesting. He said:

> There are three fundamental principles which underlie the Government's agenda in the area of electoral reform. They are:
> the principle of one vote one value;

That can mean absolutely anything. In Labor Party terms it is a so-called 'equal numbers', and we know how unfair that can be. He continues:

> the principle of electoral fairness, in which the Party which wins a majority of votes in a majority of electorates, wins Government—

and the Liberal Party won the majority of votes, yet we are certainly not in Government—

> the principle of regular redistributions being undertaken by an independent Electoral Boundaries Commission.

There can be an independent commission but, unless its terms of reference are right, it is shackled and it cannot bring into effect a fair and reasonable electoral redistribution. The Minister's second reading explanation concluded:

> The Government seeks, through these Bills, to restore electoral balance and electoral fairness to South Australia's electoral system. I commend the Bills to the House and urge all members to give them their utmost consideration to resolving the important issue of electoral imbalance.

Of course, the Bills currently before the House do not do that: they aim to entrench the Labor Party in power for another eight years. If the 47 electoral districts, as is currently provided under the Act, are to be maintained, and if those 47 electoral districts are to undergo redistribution the unfair situation will only be exaggerated. I do not intend to support that situation. I am sure that my colleagues will not support a course of action that will entrench or advantage the Government.

I believe that the select committee has to look very carefully at this. The notice of motion of the Leader, which opens up a full debate on the systems of elections and the number of members of Parliament, involves a course of action which the Parliament itself will have to debate following the select committee. The select committee will have time to do a thorough job. There is no hurry. It is about four years until the next State election. There is ample time for adequate research to bring to the Parliament a fair and reasonable electoral system.

I have strong views on a number of other matters, and I will raise them in Parliament, if that is appropriate, following the considerations of the select committee. If I do not believe that its recommendations are fair or reasonable I have left the way open so that I can take various courses of action that I believe will be in the interests of all South Australians, will provide electoral fairness and will ensure that isolated communities are not further disadvantaged. I have already taken that course of action. I will be following the progress of this legislation and the select committee with a great deal of interest. I want to see a fair and reasonable electoral system in place. I do not want to see a situation that is blatantly unfair or a situation where the Opposition, as it is today, is forced to remain on the Opposition benches when it should be in government. That is not a healthy situation.

In my view, the current arrangements are not fair. Therefore, I support the second reading but certainly will not support the third reading unless radical changes are made to the Bill.

The Hon. H. ALLISON (Mount Gambier): We are examining this Bill under three basic precepts outlined by the Minister when he introduced it: one vote one value—the catchcry; equality of numbers; and an independent Electoral Boundaries Commission. I will address the one vote one value issue first. I suggest to members of the House that this is now a populist and emotional phrase coined as it was by former Premier Don Dunstan and the present Premier John Bannon during their university days, and further pursued most effectively by Premier Dunstan when he came into Parliament. In hindsight, it has proved to be really of little worth, I am sure members will agree (and I will explain why in a moment), in producing fair electoral results in South Australia. It really is yesterday's phrase—although the Minister and his Government continue to use it—and it is inadequate to modern needs.

I suggest that the matter of equal numbers can be held in question simply because, as all members of this House know—and the Leader and others have outlined the reason why—numbers can be locked into what are considered to be safe electorates for both Labor and Liberal, leaving no guarantee at all that the majority of South Australians will

ultimately decide who governs. The Leader enumerated the number of so-called 'safe' Labor and Liberal electorates, although I discount my own electorate as a 'safe' electorate, even though I have almost 75 per cent of the total vote and 68 per cent of the primary vote because, when one compares the State and Federal result, one realises that there is a substantial differential in voting at the two levels. So, I would never make the false assumption that my own electorate was safe any more than the former Minister of Education, Hugh Hudson, should have done when he lost his electorate with a 10 per cent majority at the time.

I remind all members of the House that in 1962 and in 1968 the Labor Party was disadvantaged; it was denied Government when it won a majority of votes in South Australia under the Playford-mander. In 1975 and 1989 the Liberal Party was denied Government under the Dunstan-mander. As a matter of light information for the House, I call them the Playford-mander and the Dunstan-mander—and we also have the Joh-mander in Queensland—and suggest that they are correct terms. It should be the Petersen-mander, the Dunstan-mander and the Playford-mander. *The Complete Oxford Encyclopaedia* states the history of the term as follows:

> In 1812, while Elbridge Gerry was Governor of Massachusetts, the Democratic Legislature, in order to secure an increased representation of their party in the State Senate, districted the State in such a way that the shapes of the towns forming such a district in Essex county brought out a territory of regular outline. This was indicated on a map which Russell the editor of the *Continent* [newspaper of the day] hung in his office. Stuart the painter observing it added a head, wings and claws, and exclaimed 'That will do for a salamander!' 'Gerrymander!' said Russell . . .

So, 'gerrymander' became the proverb of the day and has continued to the present time. So, I suggest that the use of the surname plus 'mander'—part of the word salamander—is the appropriate term to be used in future.

I had a personal interpretation, which was proved incorrect by the *Oxford Encyclopaedia* when I examined the *Concise Oxford* and saw that 'salamander' was in fact a skillet used in the United States for browning hash browns on the stove. I thought, 'cooking; cooking the books; cooking the electorate'. However, my cynical assumption was wrong; it was simply the name plus 'mander'.

All members will realise that the Liberal Party is handicapped additionally by having to gain 53.7 per cent of the popular vote in order to achieve a single seat majority in the House. We failed to do that by one seat at the last election because we only got about 53 per cent, but that was 50 000 more votes than the Government obtained. In 1985 the ALP, with only 53 per cent of the votes, came across with a landslide. So, the advantage of the present electoral system to the Labor Party compared with the Liberal Party is there in the statistical evidence produced after each election by the Electoral Commissioner himself.

Oddly enough, that much maligned Queensland electoral system has, according to Dr Colin Hughes (himself a former Federal Electoral Commissioner), produced three of the last seven fairest elections held in Australia since 1949. That information is contained in a substantial paper delivered by Dr Colin Hughes (a copy of which I have for members to peruse should they wish to do so) to the Seminar on Queensland's Electoral System, at the Parkroyal Motel in Brisbane on Sunday 5 September 1982. Of course, Dr Hughes is now on the committee, which was specifically appointed (by a Labor Government, incidentally) to investigate the propriety of the Queensland electoral system as it stands at present. It is, by demonstration, one of the fairest electoral systems in Australia. The commission itself, independent—

An honourable member interjecting:

The Hon. H. ALLISON: The honourable member can laugh. The member for Eyre has 80 per cent of the State to look after, and the honourable member refers to size, when some of the Adelaide electorates would hardly make up a good handkerchief. So much for the wisdom of the honourable member who spoke earlier and who laughs now in derision. The terms of reference before us in this Bill for the holding of a referendum—and perhaps for the establishment of a select committee of inquiry—are far too narrow and far too restrictive to allow for a fair election result to be provided. By 'fair', I mean that, if 50 per cent plus one is available to a party, 50 per cent plus one should provide Government. That is a basic principle that all democratically fair-minded electoral boundary redistributors and psephologists (those who study the science of electoral boundary redistribution) are looking for: 'fairness' is 50 per cent plus, which gives Government. The terms of reference will only serve to further entrench, as has been said several times, the present Labor Government in South Australia to maintain the grossly unfair Dunstan-mander. It is not appropriate for an earlier boundary redistribution (that is, one brought on in advance of the scheduled time) to be held simply on present criteria, because those present criteria will simply further entrench the Labor Party in Government. It will not produce a fair election result. Why? Because the criteria, especially the one calling for adherence—that is adherence as closely as possible to the present boundaries—are extremely restrictive. The 10 per cent tolerance can be used to either alleviate or compound the present unfair system. I would suggest that at the last boundaries redistribution it certainly did not alleviate the unfairness: it further enhanced it, making it difficult for the Liberal Party to win Government.

So, to suggest that an independent boundaries review committee will come up with a fair result, one has to look only at the last boundaries redistribution to realise that that is an erroneous assumption. I am not implying that the Commissioners themselves have any malfeasance in mind. Indeed, they did not; they did the best they thought they could do under the circumstances, because they themselves said that the criteria were restrictive. A wide range of alternative actions could be taken and alternative systems examined. A few of them are: increase the size of the House, as some members will advocate (I heard not howls of enthusiasm but I certainly saw nods of approval from the other side when the matter was bruited a little while ago—there are other members in the House who I know for a fact would sooner see a smaller House, and perhaps members of the public would support that principle); a modified West German system; a multi-member electoral system; the Hare-Clarke system from Tasmania; full proportional representation, such as is already in widespread use in the Legislative Council in this Parliament and in the Senate (in Federal Parliament); and first past the post (in that home of democracy that the honourable member who laughed in derision a little while ago quoted), which gives absolutely no preference at all to the people whose members lose out. In fact, one can win Government with a small proportion of the primary votes, provided one gets first past the post, as the Thatcher Government will testify.

An honourable member interjecting:

The Hon. H. ALLISON: On the question of racehorses, the honourable member may be far more alert to that situation than I am. First past the post is certainly the case in a race, but there are always grounds for protests, as the honourable member would realise, and this is my protest.

These are just a few of the systems that I am suggesting apply. However, not all of them—I suggest very few of

them in fact—guarantee fair electoral results. In fact, several of them deny the close relationship of a member to his or her electorate: multi-member systems, the proportional representation of the Upper House where they do not represent an electorate; they simply represent the State. Where is the familiarity, the closeness, the intimate knowledge of electorate problems that should be the basic tool of trade of a member of Parliament? They are not there with certain systems. However, the terms of reference of a select committee should be—I plea to members—as wide as possible. The committee should be able to bring down a report commending a system more likely to produce a fair electoral result: that is, 50 per cent of the votes plus gives Government.

An honourable member interjecting:

The Hon. H. ALLISON: All we are looking for is fairness. You have lost out twice. What do you want? You have lost out twice in the past 30 years; we have lost out twice in the past 30 years. Had any of those been a different decision, the whole of the governing of South Australia might have been in a totally different state of affairs. The State might have been quite prosperous now, had we been in Government earlier. Under present and past systems, both major Parties—

An honourable member interjecting:

The Hon. H. ALLISON: I know that the honourable member who is interjecting now is closely involved in Party politics. He should be involved with the people first and the Party second, as I am. My people in the South-East know that politics comes second and that people come first. I suggest that that is what will keep you in your seat—if you look at that and forget about the Mareeba situation.

Under present and past systems, both major Parties have been twice deprived of office. Under the present system, the Liberals are more disadvantaged than ever. Labor is entrenched. One vote one value is, in fact, a lie (and members opposite smile with their tongue in their cheeks when they say otherwise); it produces falsified electoral results; it needs review and change. The present Bills before us (and I know that members on the Government side of the House know darn well that what I say is true) do not guarantee fair elections: they guarantee entrenchment of their own Party. One vote one value is spurious coinage now; it is political dross, and I simply say that calling the referendum, in itself, could be a very costly exercise which does not realise the claimed public intention of members on both sides of this House to produce a fair electoral result. In fact, it would produce much the same recipe and the same result.

The Leader has already made a well argued and a fine impassioned plea for a select committee to be established with terms of reference broad enough to allow for a fair electoral system to emerge in South Australia. The catchcry 'one vote one value', I suggest, has the tarnish now of the Dunstan-mander. The electoral system needs a clean and polish. The Leader of the Opposition is the one who first proposed a review of the electoral system; that is why the Government has adopted this call for legislation. I support the Leader, who first solicited establishment of a select committee in his pleas for a fair, broadranging list of terms of reference, and I also support this Bill to the second reading in the hope that members on both sides of the House will heed my call for a system which will produce fair government, bearing in mind that both sides have suffered equally over the past 20 or 30 years.

Mr S.G. EVANS (Davenport): At the outset I say that I am a supporter of a select committee. I will not support a referendum on the Bill as it is now presented, as it is nothing but a farce. I ask the Government what is its fear of a select committee trying to come up with a fairer system? There must be something in the minds of Government members of which they are fearful. Is it fear that the fairer system will come about and that they might lose Government? Is that the reason? It can be the only reason, because if the Government believed in a fair system it would say, 'Let a select committee examine this.' I said in this House, after the last redistribution—and I was warned not to say it outside—that I thought that it was a bad redistribution, that it was biased towards the ALP and that it was, in fact, shonky. I said that in this House long before the last election was held.

I said it because no-one could justify putting Mount Osmond in with Clarendon and Old Noarlunga in with Mount Barker and say that that was a way of creating a fair distribution of boundaries. We could see the community of interest was not there. Who at Mount Barker had much contact with anyone at Port Noarlunga? When we put places such as half of Upper Sturt and Clarendon into Davenport and Kangarilla into Heysen, which runs all the way from the sea to the other side of Mount Barker, it is obvious that the criteria the tribunal had to work with restricted it to bringing down a bias in favour of the ALP.

That was the truth of it. There was nothing fair about it: it was not intended to be fair, because it was thought up by a political Party and went through the Parliament in which that Party had the numbers. The Government set about entrenching clauses, and the only way they could be removed was by referendum. Why did the Party go to that extreme? It was to protect itself, because it knew it had the criteria drawn in such a way that it would be guaranteed Government on most occasions, except when the Opposition—or a group of Parties which came together as an Opposition—had to poll over 53 per cent of the vote to govern.

Where were the cries from Dunstan supporters, including Hudson and Virgo, that it was unfair? They all sat down and quietly said, 'We did a great job. We gave our mates a free ride.' Under the system we have now, we guarantee that people in country areas and certain parts of the metropolitan area do not receive a fair share of the cake. Marginal seats, which are the most likely seats to decide who will govern, receive extra money for such things as schools, child-care centres and school crossings, compared to other seats.

Why cannot the member for Kavel get a school crossing for Nairne—because he is in a safe seat. Why cannot the school children in Clarendon get one—because it is considered to be a safe seat. And so the argument goes on. When we look at expenditure, we find that is the case. A school receives its allocation the year before it is required, because an election is coming up, as happened in 1985. I was on a high school council in a marginal seat when that occurred, because the school took in children from both a marginal and a safe seat.

If we institute a system that guarantees Government to the Party (or group, if not a Party) that wins more than half the vote, we guarantee that a vote is just as important in Oodnadatta, Springfield or Port Adelaide as in Fisher, Tea Tree Gully or anywhere else. We then guarantee that Governments will spend money and make resources available fairly. It will not be a shonky system.

Why should country people be denied many of the services city people have, just because the ALP has drawn the boundaries to suit itself? We heard one or two questions recently about disease in pine trees or loading wool on trucks, which shows an interest in the country, but there is not much interest otherwise—and we know it. Earlier, when

the member for Mount Gambier was speaking, someone interjected and said, 'Tell us how to do it.' We are not about to tell the House or the State how to do it: we are saying to the House 'Give us the right to a select committee and let the select committee try to find a fairer system.'

We will make representations, as can every member of the ALP, every member of the public and every member of any other political Party or independent group, if they so wish. All we want is a fair system—equal numbers so-called in electorates. You can never get equal numbers in electorates. Look at what happened last time in the electorate of Fisher—one of the most rapidly growing areas in the State. The numbers in that electorate were put virtually on the criteria. Anyone with any commonsense at all knew that that electorate would grow rapidly, and should have been put at 10 per cent below. That did not occur.

It was the same in the country electorates of Flinders, Eyre and Murray-Mallee. The numbers should have been on the minimum, 10 per cent below, but that was not done, either because that would have given the Liberal Party a slight advantage or because the Commissioners found the criteria too difficult to handle. There is no justification for having those seats so near to the mean, and we all know it. The Deputy Speaker represents a seat in the metropolitan area with nearly 10 000 fewer voters than another metropolitan seat, yet fewer than many country electorates, and everyone knew when those boundaries were determined that that would be the case.

That is why I said in the House that it was not fair—that it was shonky. I am not saying that the Commissioners themselves were shonky, because I do not know what went through their minds as a tribunal. However, I do know that the criteria tied them so that they could not bring in a fair system. Why should they have to consider existing boundaries? Because politicians passed the damned Bill and brought in the Act; because politicians had an interest in their own areas. It was nothing to do with justice, fairness or fair representation for the community. That was not a consideration at all.

The Hon. P.B. Arnold interjecting:

Mr S.G. EVANS: It was self-preservation, as the member for Chaffey says. Let us look at that. What advantage has any person who wishes to stand for a minority Party or as an Independent under that system? He or she does not have the resources of an electorate office and everything else to help him, nor the contacts gained over the years as a sitting member. The sitting member should not need the advantage of having the existing boundaries considered; it is not necessary. We all have views, and I have expressed mine in a previous debate, as to how we would like to see the State cut up as far as boundaries are concerned, but I am not pushing that argument tonight. All I am saying to my colleagues on both sides of the House is: just think about fairness and admit that we do have a bias and a self-interest; that our Party machines behind us have a self-interest. Let us put it to a select committee on which we are represented and to which members of the community will have the right to put their point of view.

Back in the beginning there was anger at what was called the 'Playford-mander', because of the huge discrepancy in the numbers of electorates. In that emotional situation it was hard to obtain reasoned debate. We have had a period of 'Playford-mander' and 'Dunstan-mander' and now we have a 'Bannon-mander'. Let us say that from now on we are all prepared to have a select committee look for a fair system. Let us ensure that the dollar spent in South Australia is fair to all electors; that a vote cast at Oodnadatta, Springfield, Port Adelaide, Happy Valley or Tea Tree Gully is of the same value in the end result—at least to a greater degree than it is now. When members opposite say, 'Tell us how,' I do not and cannot, because any view I have would be different from theirs, just out of Party pigheadedness.

An honourable member interjecting:

Mr S.G. EVANS: 'Cussedness' is perhaps not as kind as 'pigheadedness'. But we all have a bit of it because of our Party and our Party machines. Put it to a select committee and let it be tested. However, if the Bill as it stands goes to a referendum I will oppose it and do everything I can to defeat that referendum, since all the ALP is trying to do is guarantee itself a larger benefit than last time around, when it polled less but took the Government benches, then had the temerity to say, 'It's all right; it was fair; it was just.' That is different from what Don Dunstan said before he was given the title 'honourable' by this House. The same applies to the others: they attack the Queensland system, but it is no better in South Australia than it was in Queensland.

The Hon. E.R. Goldsworthy: It's worse.

Mr S.G. EVANS: I say that it is not better, and every member of the Government knows that. I support in the strongest terms reference of the Bill to a select committee.

The Hon. D.J. HOPGOOD (Deputy Premier): I have listened to the debate with a great deal of interest, and two things have made it particularly interesting to me. First, it may be that I am becoming a little slow after nearly 20 years in this place: it has taken a while for the penny to drop. The penny finally dropped that the Liberal Party does not really know what it wants. It really does not have a position that it can put to this House.

Secondly, I tried hard to discern from the speech of the Leader of the Opposition at least something close to a position. If the Leader of the Opposition did not know what he wanted I thought perhaps I could work out what I could put a punt on, what the short odds were as to his position, and I think I finally discerned something through it all. It was interesting that the members opposite who followed the Leader proceeded to demolish his argument, at least to the extent that I could make some sort of fair sense out of it. However, I will return to that later, because I want to start with the member for Custance.

It is now clear that the member for Custance, in political limbo as he is at present, has cast himself in a particular mould—the mould of Gough Whitlam. The member for Custance is standing there in Canberra addressing the mob and saying, 'Maintain your rage. Do not let that clever Bannon or Hopgood, the latter-day Malcolm Frasers, continually delay this so that your temperatures drop to ambient temperature and all of the venom goes out of the debate. Maintain your rage.'

Let me assure the member for Custance that the Government is as anxious as he is to have this matter resolved. I do not know how we could better establish our *bona fides* in this respect except by, at the earliest opportunity in the first session of this Parliament, introducing this legislation and referring it to a select committee. Furthermore, we have been prepared to a degree to put on the line what we think would be a reasonable outcome from the select committee, and I will say a little more about that in a minute. If the member for Custance did not want delay, if he wanted his supporters to maintain their rage, the last thing he wanted was that which was brought into this place by his Leader by way of a private member's motion, that is, a select committee of both Houses of Parliament with virtually no terms of reference.

If ever there was a recipe for delay, it was that. If ever there was a recipe for getting on with the job, it is what has been placed before this House by this Government. Let us not hear anything more about delay. I am quite willing, as the putative chair of that committee, to have the first meeting tomorrow afternoon, if it can possibly be arranged. There are three possible outcomes of the exercise into which we are now moving. There is a fourth, of course, but it would not find any favour with any member in this House. The fourth outcome is that there be no change, that we go to the next election on the same boundaries as we have at present.

I assume that no-one in this House would support that position. I guess theoretically that that is one possible outcome, but no-one supports that—that we go to the next election on the current boundaries. Of the other three possibilities, the first is that we maintain the substantial *status quo* but with new boundaries. That is a possibility. I would include in that a change to the number of seats. That does not really change the *status quo* all that much. It would certainly be a different way of setting up new boundaries, but it would still basically be the system that we have at present. The second outcome is that we retain substantially the existing system but with a change in the criteria, or having no criteria at all. The third is that there be some really fundamental change in the system to admit of PR or a modicum of the same. The Opposition has not made it clear what it wants of those three possible outcomes. The Government has put its position. The Government's position is not inflexible, otherwise we would not have agreed to the select committee in the first place.

Mr D.S. Baker interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: The Leader of the Opposition should not be so sure about that. We put our general proposition, something into which the select committee can put its teeth, that is, that we should immediately move to change the boundaries but basically on the same system that has been operating. Where is the Liberal Party in this whole business? Is it reconciled to the one vote one value system as the Labor Party and most commentators mean? There has been much playing with words in this debate. People have been happy to conveniently redefine terms to suit their particular purposes. Everyone knows what those terms mean. It is what is intended in the present Electoral Act, and everyone knows that. There is no need to fiddle with words, because we all know what one vote one value means, and we have known it for a long time. It is the system—

Mr D.S. Baker interjecting:

The Hon. D.J. HOPGOOD: Obviously, the honourable member is deaf because I disobeyed your order, Mr Speaker, and responded to his interjection. If I can return to my speech—

Mr D.S. Baker interjecting:

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

The Hon. D.J. HOPGOOD: I did not hear the interjection, but it is clear that everyone understands that one vote one value is substantially what the Act presently intends.

Mr D.S. Baker interjecting:

The SPEAKER: Order! I name the Leader of the Opposition. The honourable member has been named; does he wish to explain or apologise for his actions?

Mr D.S. BAKER: Mr Speaker, I wish to apologise for my actions if they were in any way discourteous to you. I was merely asking the Minister to explain what one vote one value was.

The Hon. B.C. EASTICK (Light): I move:

That the Leader of the Opposition's explanation to the House be accepted.

The SPEAKER: Is the motion seconded?

An honourable member: Yes, Sir.

The Hon. D.J. HOPGOOD: I rise on a point of order, Mr Speaker. It is not unusual for the Speaker to indicate to the House whether he feels the explanation given is reasonable. As the Leader of the House I see my role as supporting you in your role in this Chamber and, in that circumstance, I would be happy to accept advice.

The SPEAKER: I was about to comment when the member for Light rose. I come back to my comment earlier today that we are at the end of the session. It has been fairly torrid and members are tired. I did warn members. I suggest that we look to our actions. I accept again on this occasion the apology from the Opposition for its actions, but I would ask all members to take careful heed of their actions in this Parliament for the remainder of the session.

Motion carried.

The Hon. D.J. HOPGOOD: Thank you, Sir, and let me not be any more provocative than I need to be. Let me not use terms which affect the sensibilities of members opposite. Let me simply reword what I was saying by indicating that it is not clear from this debate whether the Liberal Party in a system of single member electorates—which many Opposition members say they support—is reconciled to a system where there is a substantial equality of electors in each electorate. Now, we all thought that that matter had been dead and buried in the early 1970s, that we had reached a bipartisan political position on that but, after hearing what some members opposite said today, I am not too sure that my confidence was all that well placed in that particular respect. I am not sure that, after all, the lessons of the 1970s were learnt.

I listened in vain for an indication that the Liberal Party supported or rejected single member electorates. Some Liberal members said they did, and some seemed to leave it open. I listened in vain for an indication that the Liberal Party supported or rejected proportional representation or some modicum of that. Some Liberal members seemed to be groping for it, and some made clear that they did not want to have a bar of it.

I listened in vain for an explanation of how the criteria set out in the Act necessarily advantage the ALP. Why should community of interest, as a criterion, necessarily advantage the ALP? Community of interest, which is not an overriding principle in the Constitution Act any more than any of these criteria are overriding principles, says, I guess, that wherever possible all farmers are enrolled in one electorate and, within the overall primary producing community, one electorate is basically pastoral and another is basically agricultural. All industrial workers are placed in one electorate, and so on. That is what community of interest is all about. I fail to see why that, as a criterion on its own, necessarily advantages the Labor Party, the Liberal Party or any other political Party. Yet, members opposite seemed to be arguing a bit that way.

I fail to see why a consideration of existing electoral boundaries, whatever they be and whenever that distribution takes place, again necessarily advantages the ALP. The concept of existing electoral boundaries being one of the criteria—again, it is not an overriding consideration—was introduced in the redistribution of the early to mid 1970s. What were the existing electoral boundaries at that time? They were the boundaries brought down under the premiership of Mr Steele Hall—something the Labor Party had nothing to do with. Surely it is not being suggested that,

somehow, the way the boundaries were drawn in 1969 advantaged the Labor Party.

I fail to see how allowing for demographic change should necessarily advantage the Labor Party. The whole principle here is that, within the overall tolerance of 10 per cent either way, we should try to ensure that those electorates that are becoming depopulated should be kept at the top end of that 10 per cent and those that are having an increase in enrolments should be at the bottom end of that 10 per cent. That is not an unreasonable proposition. Otherwise, even under the Bill before us, the boundaries are likely to get out of kilter before the next redistribution. How on earth does that advantage the Labor Party or the Liberal Party?

So, when we go through each of these separate criteria, I fail to see how anyone has established that any of them somehow give an entrenched advantage to a particular political Party. I listened in vain to determine what the size of the House of Assembly ought to be. We know what the member for Eyre has in mind: he obviously wants to increase the size of the House of Assembly. Prior to the election, the member for Custance wanted to reduce the size of the House of Assembly. Again, we have absolutely no indication of where the Liberal Party stands on this particular matter.

To go on, I tried to be as fair as possible to the Leader of the Opposition. If there was no clear indication coming through as to what his position was on these things, what on balance was probably his position? What would I want to put a bet on as to what he was really saying? He did not really lay it on the line. He sort of flirted with the West German system but, in flirting with that system, what is he really trying to remedy? What is he trying to remedy which he says cannot be fixed up by the present system? It seems to me that he is caught between two analyses. On the one hand he is hinting at a problem which he thinks is insoluble within the present system. At one point he seems to be saying that there is no way that we can devise a single member electorate system that will not disadvantage the Liberal Party. That is one possible conclusion that can be drawn from what the Leader had to say.

On another point, he seems to be saying that the system has been fiddled, that someone has been most unfair in how the boundaries have been drawn. That came through at various points of his presentation. Of course, that is not impossible. Other members have talked about history; let me not be left by the wayside. The very first time the word 'gerrymander' was used in a polemical way about the South Australian electoral system was in 1913 in relation to a redistribution brought about by the Liberal Government whose Premier was Archibald Henry Peake, who is glaring down at us all from the wall. One of the reasons his Government was accused of gerrymandering was that it did not bother to put the matter to an independent commission. The Government sat down and drew the boundaries itself. Talk about asking for trouble! The irony of it was that the Labor Party won the next election in 1915. Nonetheless, it illustrates that gerrymandering is possible and, if you are going to do it yourself, you will inevitably be accused for doing it.

However, no politician drew any of the boundaries with which we are dealing; nor have politicians done so for a very long time. It seems to me that the Leader of the Opposition is sort of swinging between these two arguments. He was like a pubescent youth on a dance floor, caught between two possible dance partners and not sure which one he should choose because his mother had warned him against both of them. On one wall was the strident siren who was saying, 'You can't win with the present system.' On the other wall there was her more scandalous sister who was saying, 'Well, the system could be okay but it has really been fiddled.'

Nobody has fiddled the system. Nobody has deliberately drawn boundaries in such a way to advantage himself. The commissioners have been impartial and they have been empanelled under a system which ensures that they are impartial. The Leader knows this and I am trying to be as fair as possible to him. So what he is saying is that there is no justice for the Liberal Party and we will have to go outside the system in order to get redress. That must be what the Opposition means if we are to make any logical sense out of all that the Leader said.

The problem is that, once the Leader left the Chamber, his own members proceeded to demolish that very argument. I know that when the cat is away the mice will play but I really think that he should have stuck in here and kept an eagle eye on them, and one or two people in the precincts of the House who disappeared during the afternoon should have been here as well.

The member for Murray-Mallee made no bones about it. About 15 minutes into his speech he said, 'If you want me to draw some boundaries that will advantage one side or the other, I'll do it.' He said that he sat down once and, with a red pencil in his hand, worked out how on the present system he could get 38 seats for the Liberal Party and, perhaps on a fee for service basis, he could get 34 seats for the Labor Party. I am not sure why it is more difficult to get a greater number for us: I will not draw any conclusions from that. However, it just demolishes the argument that the Liberal Party is not able to get justice under a single member electorate system in this State. I believe the member for Murray-Mallee. I am sure that he could do that redistribution.

Similarly, the member for Mitcham, the Leader's own deputy, quoted some figures that simply cannot be denied. They are in the record because we allowed them to be put in. He said that a lot of Liberal seats are over quota and a lot of Labor seats are under quota at present. Nobody can deny that. The point is that there is a remedy to the whole problem, and the remedy is in the Bill. The remedy is that which the Government is currently triggering, or is inviting members to trigger.

The member for Eyre said that the very last resort for him would be to depart from a system of single member electorates. He obviously believes that he can get a fair result for his Party and for the Labor Party with a system of single member electorates. There were a number of great arguments for this Bill on the part of the so-called supporters of the Leader of the Opposition. They know that the Bill provides a remedy for the problems as they see them, and I assume for that reason they are prepared to support it to the select committee.

In summarising, and to anticipate a couple of things that will happen, I have already indicated that the Government will be asking that this be put to a select committee. I am also aware that the Leader will be requesting that some additional instructions be given to the select committee. I will not canvass what they are but I will say that the Government will not oppose those additional instructions being given to the select committee, because we want an unfettered committee. We want the committee to be able to take evidence from whoever comes before it, but we thought it was only reasonable that we put a fair position to the House and to the committee.

Bill read a second time.

The Hon. D.J. HOPGOOD (Deputy Premier): Pursuant to contingent notice of motion, I move:

That this Bill and Part V of the Constitution Act 1934 be referred to a select committee.

Motion carried.

Mr D.S. BAKER (Leader of the Opposition): Pursuant to contingent notice of motion, I move:

That sections 27 and 32 of the Constitution Act 1934 be referred to the select committee.

Motion carried.

Bill referred to a select committee consisting of Messrs S.J. Baker, Blacker, Eastick, M.J. Evans, Ferguson, Groom and Hopgood (of whom four shall form a quorum); the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to have power to sit during the recess; and to report on the first day of the next session.

REFERENDUM (ELECTORAL REDISTRIBUTION) BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 681.)

Mr D.S. BAKER (Leader of the Opposition): The Opposition supports the Bill.

Bill read a second time.

The Hon. D.J. HOPGOOD (Deputy Premier): Pursuant to contingent notice of motion, I move:

That this Bill be referred to the select committee on the Constitution (Electoral Redistribution) Amendment Bill and Part V of the Constitution Act 1934.

Motion carried.

JAMES BROWN MEMORIAL TRUST INCORPORATION BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 1185.)

Mr SUCH (Fisher): I rise to support this Bill. I note the report of the select committee which examined this Bill and I concur with the committee's assessment that it is an appropriate measure and that it be passed without amendment. The Bill seeks to broaden the operating charter of the James Brown Memorial Trust by allowing for the provision of care for the aged and infirm or those in need of charitable assistance, regardless of their financial position. As members would realise, currently the trust operates the Kalyra nursing home at Belair, including two blocks of hospital units catering for approximately 50 people and a number of pensioner flats in various suburbs in Adelaide. The Bill reflects the wishes of the trustees of the James Brown Memorial Trust and, therefore, the Opposition is happy to support it.

It should be noted that Kalyra was previously a hospice and rehabilitation care unit. Its functions were discontinued by the action of the State Labor Government. Whilst the Opposition supports the Bill, I make the point that a State Labor Government acted in a most disgraceful manner in its treatment of the facility at Belair by removing Kalyra from the list of recognised hospitals, thereby ending its role as a hospice serving the community. That disgraceful act caused much heartache and distress to many people in the community, but the Government continued with that action which was, I believe, to the detriment of the community at large. Fortunately, the James Brown Memorial Trust wishes to continue its community work and has therefore sought amendments to its charter. As I indicated earlier, this Bill will allow it to provide care for the aged and infirm and those in need of charitable assistance, irrespective of their financial position. The Opposition supports the Bill and I commend it to the House.

Mr S.G. EVANS (Davenport): I support the Bill and congratulate the select committee that met briefly and brought down its report supporting the broadening of the terms for operation of the James Brown Memorial Trust. Because it is a semi public and private institution, and because it is a hybrid Bill, a select committee had to consider the matter. The cottage complex at Crafers, was recently renamed the Philip Woodruff Elderly Citizens Homes, after Dr Philip Woodruff, a former Director of Public Health in this State. The James Brown Memorial Trust recognised the many years that Dr Woodruff contributed to the board, the support he gave the board and his knowledge in the area of health care, particularly for the aged, as well as the backup support he received from his wife, Mrs Lindsay Woodruff, in her work with him and with Meals on Wheels in the local community.

Tens of thousands of people signed a petition in relation to the ALP's attack upon Kalyra by closing it and transferring certain sections of it to other hospitals. It was a setback to the Kalyra Hospital and a slap in the face to a very well organised, very professional and very dedicated board and staff at an institution that was really a home to many people. The many letters written to the newspapers by relatives and friends of patients (and by the patients themselves) who appreciated the services provided by Kalyra, were an indication of the respect for Kalyra and high esteem in which that institution was held by the public. Once many of the areas of activity were taken away from Kalyra by Government action, either because of a very determined Health Commission or a Minister who did not really understand the feeling that was held for the services provided, the board had to look at some other area.

I congratulate the board on the actions taken in trying to have its terms broadened so that it can pick up care for the aged, the infirm and those who may be handicapped and require care but not necessarily in any great financial need. I hope that the action of this Parliament in passing this Bill gives the James Brown Memorial Trust, in particular in relation to Kalyra, the thrust it needs.

I recognise the great support that that trust has received from the local councillors, the mayor and aldermen of the City of Mitcham. Over the years when it has needed help, in whatever small way, the council was always prepared to help. I also recognise the many thousands of hours worked by volunteers in the shop, not only selling to those who live within Kalyra but also to the local community. Their voluntary work in raising funds to help Kalyra should not go unrecognised.

To the James Brown Memorial Trust I say, 'Congratulations on a great effort. Good luck for the future.' I know that the trust will be grateful once this Bill is passed that it will have a more open charter.

Mr S.J. BAKER (Mitcham): I endorse the remarks of both the member for Fisher and the member for Davenport on behalf of all of those who remember the battle that took place. Since becoming the shadow Minister of Health, I have noted that the hospice facilities promised by the Government have not come to pass in a form with which we would all feel comfortable. Even though I am relatively new

to the portfolio, a number of people have said, 'We do not have the facilities'—and we do not. Kalyra provided an essential, caring, loving and dedicated service, as has already been pointed out by the member for Davenport.

It is one of the great shames of this Parliament and this Government that Kalyra was not allowed to continue with the marvellous work it was doing at the time. I believe that we will all have to pay a price for that, particularly those who are very infirm and require that level of support and dedication. The James Brown Memorial Trust is a wonderful organisation. It is comprised of people whose aim is to help others. They worked diligently and hard for Kalyra and for general organisations. I, too, wish them the very best. By the expansion of the charter so that it can look to the wider needs of the elderly and infirm, I believe the South Australian community will be the great winner. However, I cannot forget what this Government did to Kalyra and the marvellous service it provided.

The Hon. G.J. CRAFTER (Minister of Education): I thank the members who have spoken in this debate and indicated their support for this Bill. It is a hybrid Bill and, as a result, was the subject of a select committee in another place. The report of that select committee was transmitted to that House. This allows for this now historic trust in South Australia to broaden its sphere of activities to provide for persons other than those who, in the current terms of the trust, are limited to the poor and destitute, or to those suffering from lung diseases. As such, the work of the trust has been limited and, to that extent, quite dated.

The reference to lung diseases relates to the role of Kalyra as a sanitorium for those many people in our community who, unfortunately, were sufferers of tuberculosis. Now that that is not a disease of any great prevalence in our community, there is other important work for the trust to perform. It is interesting to note the changes that are now occurring with respect to the present use of Kalyra. It is many years since the trust quitted the Estcourt House residence at Tennyson. That was acquired in 1893 and in 1955 was transferred to the ownership of the Adelaide Children's Hospital.

As members have said in their brief contributions this evening, the trust has performed a valuable role in this State over many years, and will continue to do so. I am pleased that the amendments before the House will enable the trust to continue that important work.

Bill read a second time and taken through its remaining stages.

LIQUOR LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 1187.)

Mr INGERSON (Bragg): We have noted that in the other place there were significant amendments to this Bill. We are glad that that occurred, because it means that we need to cover a much narrower range of items in this place. The Bill deals with administrative amendments and covers live entertainment in particular, as well as entertainment by prerecorded amplified music in a discotheque. I think that the majority of people who today are involved with and who have been into modern hotels would accept that that is a change that needs to be looked at, and there should be support for that sort of amendment.

We also note that there are significant changes in relation to 'sham meals'. That is an area about which many people in my electorate have been concerned. There is no question that the hotel industry itself is concerned that the definition needs to be much tighter and more clearly explained so that hoteliers are not caught up in a definition that is too wishy-washy. This Bill does that and we recognise that provision.

The Bill recognises that a producer's licence may also be granted to a genuine winemaker who will be establishing his own winemaking facilities at or adjacent to licensed premises. It seems to me that, if we are to encourage industry in this State, we need to encourage not only large industry but also the innovative groups, and that includes people who want to start at the ground level. So, any amendment to this Act which enables producers to obtain their licence much more easily but within reasonable controls is something that the Opposition supports.

The Bill also widens the grounds on which local councils may intervene in proceedings, and that includes proceedings to determine whether, if an application is granted, public disorder or disturbance would be likely to result. There is significant concern in my electorate about this matter. The Norwood Parade is just outside my electorate but it is frequented by my constituents, particularly by the younger members of the community. The residents of Norwood and those in my electorate are concerned about the problem of noise in this area.

Several of my constituents have talked to me about the problem of whether hotels are open too late, whether they should be closed at an earlier time and if they are closed at an earlier time, where their children would go, and so on. This whole area of local council control over opening and closing hotels is of significant community concern. As the member for Henley Beach has said clearly tonight, 'What has happened in my electorate?' I have an interesting set-up because there are only three hotels in my electorate. One of them is at the top of the Eagle on the Hill and the other two are below the hills. The concern in terms of disturbance during late hours is less in my own electorate. However, my constituents' children go into neighbouring electorates and complain about young people's ability to go into hotels and purchase liquor.

It is an area of concern: we recognise that and support the Government's argument that local councils should have more control. We put on record the concern that many constituents have. As I said, it was only last week that a lady constituent complained about the number of hours that the hotels were open. That concern was not so much about the noise, because it was not directly affecting her, but she strongly put the point of view that the length of time hotels were open was of major concern to her. So, if a local council can discuss with local hoteliers questions such as the times that hotels are open, that must have a significant advantage for the community.

The next section of the Bill empowers a member of the Police Force to require a person who is on licensed premises to provide evidence of age. This is a very controversial area because the argument as to whether we should have identification cards has been before this Parliament several times—whether it involve drivers' licences or any other significant area of identification. I hold the strong personal view that we ought to have identification cards for young people, particularly as it relates to licensing and their age. If it is possible that we can produce a card which displays their age from the point of view of both driving a motor vehicle and drinking on licensed premises, I think we ought to be encouraging the Government—

Mr Ferguson interjecting:

Mr INGERSON: You be quiet, the member for Henley Beach. We will talk about the Australia card another day. I

believe that we ought to be encouraging the Government to legislate for only one card; otherwise we develop these magnificent bureaucracies for which the whole of the community ends up paying. It is an important area of identification and an important area of concern from the hotelier's, the community's and, just as importantly, police's point of view. I am glad to see that the Government has decided to give the police more power in terms of requiring provision for evidence of age in respect of licensed premises. There will be difficulties in this area: having had young children who have the ability to move cards around and, knowing that young children can look physically similar, I see this as a major area of concern. However, having said that, I still believe it is essential for us to support the Government in facilitating identification.

The next section of the Bill deals with the offence of purchasing liquor at the request of a minor in those circumstances where the request is made by a minor on licensed premises. Whilst in principle I support this section of the Bill, I believe there will be tremendous difficulties for the police, the hoteliers and the community generally in policing this provision. I acknowledge that we must recognise the problem and do something about it. However, unlike an identification card, which facilitates identification of an individual purchasing liquor, an offence in which someone else has purchased liquor for a minor will be, in my opinion, almost impossible for the police, the hotelier or anyone else to detect. I do not think that this change will necessarily help the Government in what it is attempting to do in this regard.

The next provision in the Bill is for an objector or an applicant to vary his or her objection or application, as the case may be, from the date of lodgment to the determination of proceedings. We support that argument and do not have any concerns about this at all. However, we have certain concerns about clause 7, which allows the Licensing Court to award costs against a person who has frivolously or vexatiously brought proceedings, or who has exercised the right to object to an application. We are concerned that it may include a council, a local citizen, a hotel or other licensed premises, and in Committee we intend to oppose that clause.

We support the rest of the Bill in principle. Again, I think that the Opposition's major area of concern is in the area of young people being involved in drinking during the late hours of the night and early hours of the morning. We are concerned with the controls that the hoteliers and the police are expected to have in this area and with the identification they require to exercise those controls.

There is one other issue I want to speak about before concluding my remarks, and it relates to gaming devices in the hotel environment. It is the opinion of the Opposition that if we are to have gaming devices in hotels, or for that matter in any licensed premises, we should have a system which recognises that a rule should be set for all young people in the area of gambling. In another place, we have proposed, in relation to Keno, that only people over 18 years should be able to gamble in licensed premises, which is the specific area we have been discussing tonight.

I recognise that that creates a problem for us generally in our overall attitude to gambling. No doubt, the community generally supports the notion that young people under the age of 18 can go into a newsagency, pharmacy or other agency of Keno, X-Lotto or any Lotteries Commission office, and buy a ticket, yet the Liberal Party has argued strongly in another place that in hotels or licensed premises there should be a restriction to the age of 18. It is an inconsistency and an area at which we as an Opposition will be looking during the break, studying ways and means by which we can remove that inconsistency.

The Opposition argues that the right of individuals to win or lose their own money should commence at the age of 18. We strongly support the view that people under the age of 18 should not be gambling in hotels, licensed clubs or any licensed premises, whether that gambling be X-Lotto, Keno or anything else. Whilst we have argued strongly for that proposition, I am happy to recognise that it is a general inconsistency and should like to signal to the House during this debate that this is an area of concern to us and that the Opposition will be moving that way at a later date. I support the Bill.

Mr LEWIS (Murray-Mallee): My view of what should happen does not differ from that of the member for Bragg, the Opposition spokesman on these matters, although I wish to draw certain matters to the attention of the House. The first point relates to the nature of the second reading explanation. The Minister of Education was given leave to incorporate the second reading explanation in *Hansard* without his reading it. The cursory canvassing of the matter prior to the explanation of the clauses contains nothing whatever about the consequential regulatory introduction of Keno into hotel premises and the way in which that was done.

It is the first time in this Parliament that we have had an opportunity to comment on Club Keno played in pubs, and the way in which minors might get hooked on gambling as a consequence of participation in that game while in hotels. Prior to this legislation, it was no offence if a minor played the game in a hotel after the Government introduced it, and that is crook. It is a measure of the deceitful way in which the Government has set about expanding the forms of games of chance offered to members of the public through Government agencies, quangos and other media licensed for the purpose. This Government is hooked on the revenue it now derives from gambling—and that is sick! There has been a substantial increase in the number of bankruptcies over the past three years, in no small measure, I believe, as a consequence of the impact of the casino on the finances of people involved in small business ventures.

People indicate a willingness to participate in risky ventures by virtue of their involvement in small businesses, and in their minds their participation in games of chance is not much different from their participation in enterprises of chance. They have sought to get themselves out of financial trouble by gambling but have only got themselves so deeply in trouble that they have ended up bankrupt—with no counselling provided.

However, in the context of clause 47 of this legislation, we see sanctions which make it an offence for a minor to participate in the game of Keno when played on licensed premises. I do not know what the section fine is, but I am annoyed to discover that the game has been introduced without its having been made an offence for minors to play and for managers of licensed premises allowing them to do so. At the present time it is not unlawful, and until this legislation sees the light of day it will continue to be lawful for minors to engage in that nefarious, in my judgment, activity which is very detrimental to their long-term interests. It is no credit whatever to the Government to have done this in such a fashion.

The next point to which I wish to refer involves extending the regulations, building the bureaucracy and increasing the problems of the police in trying to control the sham meal practice for Sunday night discos. Clearly, people operating licensed premises need to know that the future is one in which local government through planning ought to deter-

mine who does what, when and on what premises, rather than through the Licensing Act. I have said before and say again that as far as I am concerned the sooner we repeal the Licensing Act *in toto* the better. Any entrepreneur who thinks that it is a good investment to buy a licence at the present time is very much at risk and ought to be put on notice that an investment in a licence to sell liquor anywhere is foolish if it does not have the capacity to be serviced in open market conditions where the only laws that would prevent the sale of liquor from any premises would be planning laws.

The Licensing Court is an unnecessary and expensive luxury. It does more to prop up vested interests than to regulate desirable social behaviour. There are other means of doing that. This legislation in no small measure starts to signal that fact to the people involved in the enterprise. I want to depart from what might be considered normal practice and as a private member draw attention to the fact that, notwithstanding the remarks made during the second reading speech about the practice of serving sham meals, we only have to look one paragraph further down the page to find that a greater measure of prerogative decision-making will be handed over to local government.

I am sure that that is the direction in which we will all be going, and people involved in the sale of alcoholic beverages need to recognise that the Parliament is gently, quietly but certainly serving notice on them that the Licensing Court (and its functions) is an unnecessary bureaucracy in our society. It is better to leave it to local government and the police to fix the problem; through planning decide where it can be done and by law decide what may be done on the premises. We do not need the extra bureaucracy.

Before I conclude my remarks, I wish to commiserate with the police. I see the difficulties with which they will be confronted in attempting to enforce the provisions where they relate not only to drinking under age but also to gambling under age, and the sooner we have established the means of identifying people photographically, along with certification as a measure of integrity, the better.

The penalty for a breach of this legislation ought to be linked to the capacity of the individual to continue driving, because in South Australia we recognise that it is desirable to get the young citizen at age 16 to learn to drive before they are allowed to drink, so that they do not do those two things at one and the same time.

Driving must be done in a sober state. No-one should contemplate entering a motor car and attempting to put it into motion while they are in any way under the influence of liquor. Once they have accomplished that, later at the age of 18 they can learn to drink socially away from home. That is the way our law is. I think it is desirable and sensible. I make the point that we ought to link penalties for people who are drinking under age not only to a fine but also to their right to hold a driver's licence prior to the time that they turn 18. The other housekeeping comments I wish to make to Parliament at this time relate to the second reading explanation at page 1187. In the third paragraph there is a bad typographical error in respect of clause 41. The explanation cannot be understood. It has nothing to do with the argument about the legislation; it is just in the record.

Mr Ferguson interjecting:

Mr LEWIS: Whatever the case, and I know of the member for Henley Beach's interest in printing and his former involvement with that union. However, I cannot understand what is meant in respect of the explanation to clause 41. The explanation in respect of clause 60 states:

> Five new matters are to be deemed proved in the absence of proof to the contrary . . .

I note these because I think it is legitimate. The five matters are:

> . . . an allegation in the complaint that a person is a minor, that a licence is subject to specified conditions, that a person is a manager of licensed premises, that a person occupies a position of authority in a body corporate and that a person is an inspector.

Unless those allegations or statements can be proved to the contrary, the court shall hold that they stand as part of the allegation and as fact I do not mind that and, as I retire from the debate, I underline and emphasise my belief that society in future no longer needs the existence in this State of this Liquor Licensing Act and the court it has established, which may have served the State well for 60 or 70 years but which now in my judgment will provide unnecessary future bureaucracy.

Dr ARMITAGE (Adelaide): I support the Bill as the member representing the electorate that probably contains more hotels than any other electorate. The member for Bragg tells the House that he has three hotels in his electorate. I have four hotels within a Greg Norman seven iron of my electorate office.

Mr Ingerson: How far is that?

Dr ARMITAGE: Not far. I support the Bill in principle and I support the areas highlighted by the member for Bragg. I support the Bill in principle because in my view it does tighten the existing legislation. My query is whether it goes far enough. Looking at the Bill *in toto*, I specifically support the expansion of the definition of 'live entertainment' and I draw the attention of the House to the Minister's speech in another place, where the Bill is said 'to accommodate the common and popular discotheque where the entertainment comprises pre-recorded amplified music.' I emphasise 'amplified'. To those residents in the district of Adelaide, amplified music is a major problem. I also applaud the Bill's curbing of the 'sham meal' concept. As we all know, that is a sham.

I draw attention to the Bill's role in relaxing provisions to grant a producer's licence for a genuine producer who will in due course establish winemaking facilities, and I ask whether it might not be appropriate to have a sunset clause in respect of the producer's licence to catch the potential non genuine producers so that after a time the licence might be revoked if winemaking facilities are not established.

Mr Lewis interjecting:

Dr ARMITAGE: Indeed. I also applaud and support the expansion of grounds on which a council may intervene in proceedings before the licensing authority to include the question of whether, if an application for a licence were granted, public disorder or disturbance would be likely to result. It is that aspect that I wish to address at greatest length, and I hear the member for Henley Beach agreeing with me.

Mr Lewis: And me.

Dr ARMITAGE: And the member for Murray-Mallee and probably members who have constituents close to hotels. As I said, as the member for the State seat of Adelaide, my electorate is the natural focus for people from around the State.

Mr S.J. Baker interjecting:

Dr ARMITAGE: Yes. Many people live in the area and many people complain to me about the problem in respect of the difficulties involving hotels in residential areas. My anxiety about this provision is whether a local council is necessarily the best body to assess this. I wish to quote to the House the example of one hotel which has applied for a licence for 1 000 patrons. That will make it the second largest entertainment centre in this State. I believe the hotel has 93 car parks. Whilst I am delighted that the industry is

going so well that it can afford to expand to this extent, it is inevitable that parking from this hotel will expand into the neighbouring areas with an unfortunate coincident decrease in residential amenity. I wish to quote examples about what happens in connection with hotels in the electorate of Adelaide, as a result of this.

Many residents are unable to get into or out of their driveways because of cars parked across them. No consideration is given whatsoever to local residents. Many residents tell me about bottles and condoms and the like being thrown over their fence at all hours of the day and night. This in itself is a worry, but I am potentially more anxious about the people who advise me about the number of syringes deposited over fences, particularly late at night.

Recently, we all received notification from the Federal Department for Community Services and Health indicating that up to 50 per cent of intravenous drug users may be HIV positive. I can see no reason why law abiding citizens in the electorate of Adelaide should be subjected to the potential danger of AIDS. Another reason why I wish to draw the attention of the House to the danger of poor behaviour related to licensed premises is that often people in my electorate in the city are elderly and are certainly not in the best of health.

They have often lived in these areas for 30 or 40 years in quiet dignity. They now find their residential amenity invaded by modernised hotels. I make it clear that I support the entrepreneurs in modernising hotels. I say, 'Good luck' to them for their enterprise, which I support wholeheartedly. I would also like to make it clear that the majority of licensees in the electorate of Adelaide are totally conscious of the residential problems that may emanate from their establishments.

I will quote as an example the case of a recently mooted large pub crawl in the area of North Adelaide, which was raised by a number of constituents. I contacted every publican in the area and they were distressed that the residents were upset about this. In fact, many of them have instigated manoeuvres such as withdrawing all beer from sale as soon as a large pub crawl arrives in the bar. The publicans are working hard to improve the residential amenity, and Parliament should give these hoteliers firm guidance.

It has been brought to my attention that many of these modernised pubs employ three or four bouncers. That is marvellous because, theoretically, it has decreased noise and nuisance. However, many of my constituents have informed me of the unfortunate side effect of those disgruntled patrons who are refused admission. It is fine for the publican or the licensee but the residents find that these disgruntled patrons often go on a mini rampage, involving major incidences of vandalism. In many cases, residents have worked hard over 30 or 40 years to make their homes places of dignity and rest but, with this vandalism, windows are broken, doors are pulled off, gates are broken, fences are pulled down, locks are pulled off cars, 20c pieces are scratched along the sides of their cars, radios are stolen and aerials are pulled off. In addition, when the hotels close, the licensees, understandably, try to clean up, and my constituents complain to me that they often hear bottles being stacked and other cleaning up activities dragging on for several hours after closing time.

Because the hotels in my electorate of Adelaide are a major focus of entertainment, I receive many complaints from constituents. However, I must congratulate many licensees on their lovely premises and I am fully supportive of all the effort and work they put into them. I believe that these hotels beautify Adelaide and are one of its unique features. However, the problem I draw to the attention of the House is the unruly behaviour of patrons after they leave these hotels. They often buy bottles, stubbies and cans just prior to closing time and then proceed to 'maintain the rage', to misquote Gough Whitlam. Unfortunately, they maintain their rage in the car park. If they do not find the floodlit car park conducive to their 'fun' the tendency is for them to congregate in the streets nearby and create havoc.

I emphasise that the only people put out by this behaviour are the long-suffering, law-abiding residents nearby. These residents make the point that they did not worry about the existing hotels when they bought their home. However, they are anxious about the small local hotels that undergo modernisation and cater for five or 10 times the number of patrons. I have a solution for the Minister to consider. In the case of one hotel in my electorate, which recently changed hands, the new owners were keen to placate the neighbours and employed their own security patrol. To all intents and purposes, and from every report I have received, this improved the situation greatly and my constituents were not as distressed by the noise of people leaving the hotel. However, I am sorry to report to the House that the hotel's resolve has weakened, the security patrols have decreased and the situation has reverted to its previous state.

Section 114 of the Act states that 'where the behaviour of persons making their way to or from licensed premises is unduly offensive, annoying, etc.,' a complaint may be lodged with the Commissioner. Given the outrageous examples of public disturbance that I have referred to, I suggest that Parliament should not deflect its responsibility for the maintenance of public standards to the Commissioner or leave it in the hands of local government. I suggest that attention be given to proposals that require some form of security patrol as a prerequisite for the granting of a licence. I quote from the shadow Attorney-General's second reading speech in another place, as follows:

> It has been suggested that some consideration ought to be given to wider powers, whether through the police or private security guards, to bring that sort of rowdy and disruptive behaviour to an end. That has some difficulties, but it is an indication of the concern that is felt in some communities that they are considering that the extension of powers would be an appropriate way to deal with this problem.

It may be difficult but, as legislators, I believe that we should signal to the community that Parliament will oversee community interest. The housekeeping clauses in the Bill have my support and, by speaking to this legislation, I signal to my constituents that I hear their complaints and that I will continue to attempt to improve their lot.

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

POLICE SUPERANNUATION BILL

Returned from the Legislative Council with an amendment.

SUMMARY OFFENCES ACT AMENDMENT BILL

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

That Standing Orders be so far suspended as to enable consideration of a message from the Legislative Council concerning the setting up of a conference of managers on the Summary Offences Act Amendment Bill to be considered during the consideration of the motion that the House do now adjourn.

Motion carried.

ADJOURNMENT

The Hon. D.J. HOPGOOD (Deputy Premier): I move:
That the House do now adjourn.

Mr FERGUSON (Henley Beach): During this adjournment debate, I wish to refer to a monument in my electorate that I believe is deserving of greater support from Government agencies than it has received in the past. I express the point of view that the future plans for this monument need to be supported by both the State and Federal agencies. This monument is the Charles Sturt Cottage, called 'The Grange', after which the suburb in which I live, Grange, was named. The cottage should be a national monument to one of Australia's greatest explorers. Not only was he one of Australia's greatest explorers but he was the most influential person as far as the colonisation of South Australia was concerned.

Recently, the Henley and Grange council commissioned a conservation study of The Grange by McDougall and Vines, architectural and heritage consultants. They have come up with a series of recommendations as to what ought to happen concerning Captain Sturt's cottage. I take this opportunity to mention the recommendations of the heritage studies.

Recommendations for the house and cottage.

The main house requires a more dynamic presentation and reinstatement of elements removed before and during the 1966 restoration. It is recommended that Sturt's House be maintained and reinstated to its early appearance (c.1850s), including the re-erection of the eastern verandah. The interior of the house should be reassessed and a new decorative scheme developed based on contemporary sources of the period to provide an appropriate context for the display of Sturt family items.

The Grange requires the establishment of an interpretive centre to assist with the understanding of the significance of the buildings and Charles Sturt's significance in South Australian history. It is recommended that this be sited within the attached cottage which was totally rebuilt in 1966. This small building would then become the logical visitor entrance to the house.

It is recommended that a separate caretaker's residence be designed for the site.

Recommendations for the site.

It is recommended that the garden and areas close to the house be relandscaped to create a suitable early Victorian setting for the house based on early photographs and documentary evidence.

Carparking and access to the house should be reassessed as part of the re-establishment of the original landscaping.

Management Recommendations.

It is recommended that the Charles Sturt Memorial Museum Trust and the Henley and Grange council seek advice from the History Trust of South Australia to assist with the correct management of The Grange (as a house museum) and the associated interpretive centre.

It is recommended that a management structure be developed which will clearly define the roles and responsibilities of both the Charles Sturt Memorial Museum Trust and the Henley and Grange council.

It is recommended that the staging of physical works be carefully considered to allow the redevelopment of the house and site to progress in a logical manner.

It is recommended that a maintenance program be drawn up immediately to maintain the condition of the house, prior to any major works being undertaken.

It is recommended that the tourism and educational potential of The Grange be coordinated with the activities of other tourist attractions within the region.

The colony of South Australia was established because of the work of this great explorer, Captain Charles Sturt. The publication of his journals in London in 1833 led the founding fathers to establish the province of South Australia and he in fact served the province he founded for 12 years.

The South Australian colonisation was attempted, as most people know, under the Wakefield scheme, but Wakefield himself never visited South Australia, even though we quite rightly pay homage to him in the naming of various South Australian properties and assets. However, Charles Sturt lived and worked in South Australia for more than 12 years.

I believe the whole matter is more than adequately summed up in the words of Dr Suzanne Brugger of the Constitutional Museum, when she says about Captain Sturt:

We have now had more than 150 years since the publication of *Two Expeditions into the Interior of Southern Australia*—Captain Sturt's journals from his first two journeys of exploration. Few books have been as important for Australia as a whole and for South Australia in particular.

When Sturt set out from Sydney in September 1828, the interior of the continent was still a mysterious region. By the time the explorer returned from his second expedition in 1831, though much of the mystery still remained, the Murray River had been discovered, its course navigated to the sea and a vast tract of country charted. Sturt's journals recapture the excitement and the hardships of exploration, making them absorbing reading even today. South Australia's first colonists hailed Sturt as the discoverer of their province and his reports of the region did much to encourage its settlement.

Few men have left a better memory. From his own journals and from the writing of others, Sturt emerges as a courageous, conscientious, intelligent and humane man, caring for his subordinates and capable of inspiring lasting affection and respect.

I believe that the Charles Sturt Cottage, known as The Grange, should be one of the most visited and most respected landmarks in South Australia. It is probably even more important than the Constitutional Museum next door to us. Because the cottage was neglected for so many years and because of its, in a sense, being away from the main route of tourism travels, in the past it has been allowed to lapse and decay. In 1966, a committee, which actually formed the Charles Sturt Memorial Trust, including relatives of Captain Sturt himself, put together money collected from people in South Australia, and eventually supported by people in the U.K., to restore what was then a very decayed property.

Now it is time for the South Australian Parliament to support this project. Charles Sturt is remembered not only in South Australia but also in New South Wales because of his journeys of exploration there, particularly down the Murray. I believe that this memorial to him in South Australia, in the house in which he was domiciled, can be a very popular tourist destination. There is a combination of two things: one is the preservation of South Australian history and the other is the need to encourage the tourism potential, which is the reason why I am putting to the South Australian Parliament. That, when the time comes, support should be freely given to the Henley and Grange council and the Charles Sturt Memorial Trust in their endeavour to revitalise this part of South Australian history.

It is my contention that, as time goes by, this piece of history will become more and more valuable and the introduction of an interpretive centre for one of South Australia's great pioneers is something of which most members will continue to see the value. The work done in 1960 by a committee with the assistance of Kenneth Lance Milne, architect and foundation member of the trust, to raise money to restore the House, is work that should never be forgotten.

REMUNERATION BILL

Returned from the Legislative Council with amendments.

STATUTES REPEAL AND AMENDMENT (REMUNERATION) BILL

Returned from the Legislative Council without amendment.

SUMMARY OFFENCES ACT AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments Nos 1, 3, 4, 6 to 8 and 10 to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos 1, 3, 4, 6 to 8 and 10.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Crafter and Holloway, Mrs Hutchison, Mr Ingerson and Mrs Kotz.

ADJOURNMENT

Debate on motion resumed.

(Continued from page 1399.)

The Hon. TED CHAPMAN (Alexandra): This afternoon I raised a question in this House about an alleged breach of certain maritime Acts by officers operating the *Island Seaway* on the night of 29 March and in the early hours of 30 March. The allegations drawn to the attention of the Minister were sourced from persons closely associated with the wharf area at Kingscote. It is always a bit of a risk for members to raise matters of such importance on hearsay, particularly where they involve an alleged breach of the law. Seldom are we as members in a position to personally witness such incidents and, therefore, we rely upon the sorts of reports that I received on this occasion.

In raising this matter I convey to the House that I have absolutely no doubts about the reliability of the source and the detailed information passed to me and, accordingly, to the Minister this afternoon. I want to say in this grievance debate that, notwithstanding the Minister's demonstration of contempt for certain members on this side of the House and certain other situations since he became a Minister, on this particular occasion there was no question about the promptness and frankness with which he answered the question. It is very easy to be critical of one another in this place, particularly where we cross over the barriers of political persuasions, and often those criticisms flow pretty freely.

I respect the Standing Orders that prevent personal attack on one another and, therefore, it is fair that when credit is due, credit is served. So, I make no apologies nor further explanation for recognising the Minister's prompt attention to the subject drawn to his attention this afternoon. However, I was just a little surprised that he so readily indicated to the House his intention to prosecute should investigation reveal that the allegations are correct. Be that as it may, on this occasion I respect the Minister's application to his job and the responsible and prompt way in which he delivered his message.

In regard to the operation of the *Island Seaway*, as members will recall for the first couple of years after it was commissioned on a number of occasions various breakdowns, delays and failure to deliver services were drawn to the attention of this House. In turn, a significant amount of publicity surrounded the operation of this vessel. It is true to say that in the early months of this calendar year there has been little or no mention of that ship. One or two of the reasons for the absence of continued criticism of the operation of this vessel are that in the last three calendar months we have had a surprisingly calm spate of weather conditions and a calm sea. The ship has not had to encounter the sorts of difficulties that it encountered in the first couple of years of operation to which I have referred.

Some of the anomalies and problems associated with the ship after her commissioning have now been identified and cleaned up. Hence, one would expect operations of the vessel to run more smoothly than in those early couple of years. I suppose that officers and personnel operating the ship have become more experienced in handling the vessel and her sophisticated computerised equipment, which is distinctly different from that which applied to the operation of her predecessor, the *MV Troubridge*.

So, generally it is true to say that she has had a fairly trouble-free period of operation in those few months mentioned. However, it has not taken away the economic impact on the island community which is reliant on using that vessel. The cost recovery policy of the current Government and its insistence on increasing the space rates on that vessel by 10 per cent per annum plus CPI adjusted each six months is enormous in its effect on the community that I represent. The impact on the primary producers is really telling now. The impact on other industralists reliant on that vessel to provide goods and services to their respective businesses is spreading across the island.

The view that I express on this occasion has, over the period, progressively become the view of those constituents. The two councils on Kangaroo Island and, even to some extent in recent times, the Kangaroo Island Transport Committee have murmured their support for the stand that I have taken consistently against the cost recovery policy applicable to that ship's service. My complaints about irregularity of the service and the vessel's failure to either depart and/or arrive at her destination on time have now been echoed by many others in the community.

It is a very costly ship, indeed, so costly that it is pricing people out of the community. Only this morning I spoke with a local carrier from Kangaroo Island who has his business on the market. He is in a catch 22 situation wherein he has such a big business in volume of machinery that it is difficult to find a buyer for it. That, linked with the problems associated with the ship and the costs of operating a general carrying business and relying on the vehicular ferry aspects of that vessel, has added to the difficulties of disposal of his business. His situation is similar to that of others reliant on providing services and on using the only freight shipping link between mainland South Australia and the island port of Kingscote.

That same carrier gave me details of a situation in which he found himself on Monday of this week. Prior to the weekend he was engaged by three primary producers on Kangaroo Island to transport via the ship, in total, 350 sucker lambs to the mainland. Anyone who has had anything to do with the rural industry would know that at this time of the year—late in the autumn—it is very difficult to get sucker lambs to a market in attractive market condition. Anyone would know that on doing so those lambs would attract a premium price in the marketplace. In fact, lamb is probably dearer in the market now than it has been for a good number of years and, accordingly, the price of lamb meat is reflected in the butcher shops.

However, those growers who engaged the carrier were advised yesterday that the ship had left Port Adelaide at or about its due time for departure, had got to Outer Harbor, had engine trouble and had to return to port for maintenance work again, and that sometime later—much later in the afternoon—it finally departed for Kingscote. As a result of that late departure, hence its very late arrival and the added turn-round time at Kingscote, there was no point in

putting the lambs on board because they would miss today's—that is Tuesday's—market here on the mainland.

Therefore, the premium price for lambs that would apply ordinarily at this time of year, plus the additional price expected for those lambs in the lead-up to a long weekend—a priority market for primary producers who have such lambs—was not enjoyed by the growers because they missed the market altogether and were not in fact shipped from the island. They have been held over until after Easter and then those growers will have to take a lesser price per head for their stock.

That is just an example of the sort of flow-on impact that occurs when the only freight ferry shipping service to a community is burdened with the sort of irregular services encountered with the *Island Seaway*. Added to the problems associated with that particular carrier, he had, as well as the transport of the 350 lambs, undertaken to take a handful of cattle to Adelaide on the same semi-trailer. His commitment to cart those cattle had to be upheld, so he found himself having to pay the linear foot rate on the whole length of his trailer to the mainland and back again in order to uphold his undertaking to the owner of those few cattle. Of course, the carrier was then very much out of pocket. That is but one of the many examples that can be cited in relation to the irregularity of services of the *Island Seaway*.

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

SUMMARY OFFENCES ACT AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council committee room at 9.30 a.m. on Wednesday 11 April.

ADJOURNMENT

Debate on motion resumed.

Mr QUIRKE (Playford): I rise tonight to speak about an issue that will affect a great many of my constituents. Recently the Salisbury council, which covers some 80 per cent of the dwellings in my electorate, proposed to change its policy on the way in which properties are rated.

Mr S.J. Baker: Poll tax.

Mr QUIRKE: The change that has been mooted is to be in place for some three years. The member for Mitcham a moment ago said 'poll tax', in fact, that is very close to what the council has in mind. An article in the *News* of 12 March, which will make the case quite clear to all members, states:

> Salisbury Mayor, Alderman Pat St Clair Dixon, has condemned a council decision to adopt a land value-based rating system.
>
> The decision was made at the last council meeting, and means rates in Salisbury would be based on the undeveloped site value, instead of a developed value, which includes buildings and capital improvements.
>
> The new system would mean a site with a two-storey building would receive the same rates bill as an adjoining site with a 10-storey building.
>
> Land-based rates would mean a rate increase for about one third of the ratepayers, and a reduction for ratepayers with large houses or commercial office sites.

It is unusual for a Mayor of a council to speak out about a decision made by the council. For the Mayor to stand up for what is to many Salisbury residents an extremely important issue showed a great deal of political courage. I place on the record my support for her and for the other councillors who have made it quite clear that moving to this system of rating will seriously disadvantage many of the people at the bottom end of the socio-economic strata. It was pointed out that a great many of the people who are struggling to pay mortgages and meet all sorts of other costs, who are first home buyers in quite modest circumstances where housing of $60 000 and $70 000 still needs a two-income family to service and keep the home going, would be slugged with an increased rate so that commercial sites and those sites where people have the capacity to pay a greater contribution to the community can benefit by a reduced level of rates.

I take this matter seriously because in my electorate there are a number of commercial sites that may get some advantage from this, but they will be doing so at the expense of a great many of my electors who live in quite modest dwellings. In fact, the average rates bill from the constituents who came to my office to complain about this was about $400. What they are fearful of is that, with the CPI increases this year and other additional costs that may be encumbent upon council (which will no doubt be reflected in its budget processes as this year goes on), this decision will mean a further increase well and truly on the top of those increases that would have come along anyway.

I think that it is important for us not to be flippant about what happened in England in terms of the poll tax because the principle that the Thatcher Government in England pursued was that everyone, regardless of people's capacity to pay and regardless of the capital value of the establishments in which they lived, is now expected to make an equal contribution to council rates. Of course, that has brought much media speculation on what that would mean for Mrs Thatcher herself. Quite clearly in the Salisbury example we have an instance where undeveloped land prices and properties which have capital developments on them of $500 000 or more (which is certainly the case in many instances in that area) will now be rated on the same basis. They will bring about the situation where someone who could be living in a $500 000 house could be paying the same amount of rates as someone who is living in something worth only 25 per cent of that value. I think that is a disturbing trend.

I have long thought that one of the problems that we have with local government is that when the rates bill comes in it is hard for low income earners to meet those sort of expenses. I am sure that many members here will know that is a serious problem for many of our constituents. Unfortunately, council rates quite often arrive on top of gas, electricity and telephone charges, and at certain times of the year they impose considerable hardship on people. I think that this development in Salisbury, should it continue, will sadly impose an even greater burden on those people who are least able to pay. Both State and Federal Governments as well as local government should consider the current mix of grants, rates and tax shares that go to local government. I can thoroughly understand the Federal Government's reluctance to pay for local government straight out of Treasury, but equally it has to be understood that rate bills are reaching the point where they are a major burden on many people in the community.

I believe that this particular development here, should it go ahead and not be rescinded by the council, will bring about the situation that many people will, in fact, opt out of buying their own home because rates are a significant cost factor in the purchase of a person's own home. Renting may well become a much more satisfactory financial option. The problems that I see coming from that are: Housing Trust waiting lists will grow; the availability of rental prop-

erties will diminish; and the cost of renting will increase as a result.

I think this is an unfair system that has been adopted in Salisbury. In fact, it has come about with very little or no community consultation, and constituents have come in who are amazed that a major change of this type has been brought in without the usual community discussion that should have preceded a change of this type.

The argument of some councillors—that there is no incentive at all in developing properties because they then get assessed at a higher rate—is one of those old chestnuts that is quite often used by someone who has considerable financial means to make a greater contribution, instead of sponging on those people in the community who can least afford it. It is my hope that Mayor St Clair-Dixon will be successful in her efforts to have this proposal rescinded. I understand that at the next council meeting, however, the council members who were responsible for this proposal have decided to gag her instead. As a consequence, I would like the public record to reflect that I support her stand in this instance, and it is my hope and expectation that when we start to apply some pressure things will change.

Motion carried.

At 10.37 p.m. the House adjourned until Wednesday 11 April at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 10 April 1990

QUESTIONS ON NOTICE

MARINELAND

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

1. What is the reason for Government insistence upon the removal from South Australia of the Marineland animals?

2. Will the Government consider the Marineland development proposal put by Friends of the Dolphins and, if not, why not?

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

1. After evaluating a number of options including facilities at Port Pirie and Port Adelaide the Government has decided that the best solution for this particular group of animals is to transfer them to new homes in a similar type of environment elsewhere.

2. *(a)* No.

(b) The document to which the member refers is: 'An outlined submission for a South Australian Marine Animal Sanctuary Hospital and Research Centre'. The Government believes that the needs of rescue and research can be adequately met in other ways. A grant of up to $100 000 has recently been allocated to the RSPCA to build a rescue and rehabilitation centre for future sick, injured and stranded marine animals and birds. This centre will replace the service formerly provided by Marineland. It will also offer the opportunity for some limited research.

The Government believes that research efforts and funds should be directed primarily towards maintenance of animals in their natural habitats. The National Parks and Wildlife Service have been working towards long term protection measures. An Australian-wide survey of Australian sealions and New Zealand fur seals is currently being undertaken.

Over 90 per cent of Australian sealions and New Zealand fur seals are now conserved in the national parks conservation system including the vast majority of breeding colonies. Seal Bay, Kangaroo Island is an excellent example of an environment which allows a controlled public access to view sealions in their natural habitat. Through limiting public access to 10 per cent of this area and providing staff to monitor visitors, the declining trend in the sealion population has been reversed and the population has now doubled.

South Australia is fortunate in that dolphins, seals, sealions and fairy penguins can all be seen in their natural habitat at a variety of places in addition to the exhibits of sealions and fairy penguins at the Adelaide Zoo.

59. **Mr BECKER (Hanson)**, on notice, asked the Minister of State Development: Did the former chairperson of the Industries Development Committee recommend a Government guarantee to Tribond Developments Pty Ltd for $9 million to redevelop Marineland and, if so, on what grounds?

The Hon. J. C. BANNON: My colleague the Minister for Environment and Planning was the Industries Development Committee's Chairperson at the time Tribond Developments Pty Ltd lodged its application for consideration of a Government guarantee.

The Industries Development Committee, which is a bipartisan parliamentary committee, considered the application in terms of the Industries Development Act of 1941. The committee scrutinises applications from companies for assistance under the South Australian Development Fund and the matters discussed by the committee are 'commercial-in-confidence'.

FOUNDATION SA

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

1. What prompted the circular letter from Foundation SA, reference 1546/KS, to all members concerning questions in Parliament and how much time was spent preparing it?

2. When will the foundation's annual report be tabled in Parliament and what is the reason for the delay since the end of the financial year in view of the Auditor-General's Report being tabled containing the foundation's financial statement and balance sheet?

3. How many full-time and part-time staff are employed by Foundation SA—South Australian Sports Promotion, Cultural and Health Advancement Trust—and what are their position, classifications and annual salaries?

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

1. The Chairman of Foundation SA has advised the Minister of Health that the foundation has been at pains in its first year to establish good relations with all parliamentary parties and has offered to provide briefings on any matter as and when requested. He has also held regular meetings with appropriate Ministers and with the Leader of the Opposition which have emphasised the apolitical nature of the foundation.

The Chairman believed that there was an understanding that matters would be raised first with the foundation before raising in Parliament if thought necessary. The Chairman has assured the Minister that his letter was written solely to facilitate communications and to invite parliamentarians to contact him or the foundation as the quickest and best means of obtaining full information about any matters of concern. The letter was a personal letter from the Chairman. Very little office time was required.

2. There has been no delay. The foundation's annual report is required by the legislation to be submitted to the Minister of Health by 31 October and tabled in Parliament within 14 sitting days of that date. It was submitted on time and was tabled on 8 February 1990, the first available sitting day.

3. Foundation SA currently employs nine full-time and two part-time staff. Foundation SA's staff are not employed under the Government Management and Employment Act and its classification system.

The nine full-time positions and salaries are:

	$
General Manager	72 500
Public Relations Coordinator	56 000
Sponsorships Officer	34 500
Sponsorships Officer	28 500
Executive Assistant	33 000
Office Administrator	30 000
2 Clerical Officers	24 500
1 Clerical Officer	24 000

The two part-time staff are project officers engaged in developing the foundation's health campaigns and are paid an hourly rate. All salaries contain a recognition of the extensive out of hours, weekend and public holiday work necessary because of the foundation's role as sponsor of major events and competitions and, in some cases (for example, the General Manager), recognition of the contract nature of the appointment. Staff salaries are kept under close scrutiny by the foundation's trustees. They are set in

accordance with the recommendations of an independent management consulting firm and the current level follows a recent review.

ELECTRO-MAGNETIC FIELDS

86. **The Hon. B.C. EASTICK (Light)**, on notice, asked the Minister of Mines and Energy:

1. Has the Government initiated any inquiry into a possible link between electro-magnetic fields and cancer and, if so, what are the details?

2. What funds have been made available for additional research into this issue?

3. As a result of overseas, interstate or local research have there been any technical changes to line construction in South Australia and, if so, what are the details?

4. Have any homes or their occupants in South Australia been declared 'at risk' as a result of electro-magnetic field activity and, if so, what are the details?

The Hon. J.H.C. KLUNDER: The replies are as follows:

1. My colleague the Minister of Health has advised me that for many years the Public and Environmental Health Division of the Health Commission has been monitoring reported effects of electro-magnetic radiation on people. In view of the increasing importance of this topic, the Government in 1988 approved the establishment of a Committee on Health Aspects of Electro-magnetic Radiation to report to the Minister of Health. This committee is chaired by the Health Commission and has membership from ETSA, local government, Telecom, the Department of Environment and Planning and others knowledgeable in this field. It keeps abreast of national and international developments in the field.

The literature on electric and magnetic fields is vast, but there is no widespread agreement among researchers that fields present a health risk. A small number of epidemiological studies suggest an association between exposure to 50 Hz electro-magnetic fields and cancer, but other studies have found no such association.

I am also advised that in November 1989 the National Health and Medical Research Council of Australia approved the publication 'Interim Guidelines on Limits of Exposure to 50/60 Hz Electric and Magnetic Fields (1989)' developed by the International Non-Ionizing Radiation Committee of the International Radiation Protection Association (IRPA), and approved by the IRPA Executive Council in May 1989. IRPA intends periodically to revise and amend the guidelines with advances in knowledge. Measurements of fields indicate that the existing South Australian power system complies with the present exposure limits.

The existing literature does not provide evidence that exposure to power frequency fields at present levels has a public health impact requiring corrective action. However, scientists are of the opinion that gaps exist in our knowledge and more data need to be collected to answer unresolved questions concerning biological effects of exposure to these fields. Sources of exposure include building wiring, household appliances, power tools, lighting and machines as well as power lines. It is interesting to note that for most people exposure from power lines is less than that from other sources at work and home.

2. Research on fields issues has been carried out for many years but in general has been inconclusive. Research currently under way or planned will be better coordinated and should take into account some of the shortcomings of the earlier research.

Epidemiological studies to explore possible links between magnetic fields and cancer are being carried out in overseas countries where the population numbers and exposure levels are higher than in South Australia. Large populations and appropriate public health records are preferred for these studies. There is no need for a primary research program here at this time.

ETSA has the necessary equipment to measure the strengths of fields, and where members of the public have made a reasonable request, measurements have been taken. In all cases the levels measured have been well below the present interim guideline levels. If health problems are found to be caused by any power frequency source I am confident that the information gathering arrangements currently in place will result in timely advice to the Government.

3. Because of the reasons outlined, there is no present need to vary the design of the ETSA system (that is, it already complies with intenational guidelines).

4. There are no known cases of homes which could be considered 'at risk' in terms of their proximity to high voltage power lines given the present understanding of the phenomenon. However, the exposure of individuals to other sources of electric and magnetic fields at work, home and at leisure will vary for each individual, and is unknown.

DRINK DRIVING

98. **Mr BECKER (Hanson)**, on notice, asked the Minister of Transport: How many persons male and female and in various age categories were apprehended for driving a motor vehicle with .08 blood alcohol content for the year ended 30 June 1989, how do these statistics compare with the previous year and what are the reasons for any increases in any categories?

The Hon. FRANK BLEVINS: During the year ended 30 June 1989, a total of 6 767 persons (5 768 adult males, 748 adult females, 226 juvenile males and 26 juvenile females) were apprehended (arrested or reported) for driving with prescribed concentration of alcohol. In the previous year ending 30 June 1988, a total of 6 725 persons (5 754 adult males, 742 adult females, 209 juvenile males and 20 juvenile females) were arrested or reported. The South Australian Police Department does not keep statistics regarding specific age categories. The increases in the figures to 30 June 1989 were too small to justify any conclusion as to reasons.

ETSA

101. **Mr BECKER (Hanson)**, on notice, asked the Minister of Mines and Energy:

1. Why is it necessary for ETSA to insist on small businesses paying a deposit equal to two months light and power usage?

2. Are small business proprietors advised of this requirement upon commencment of or taking over a business and, if not, why not?

3. How much does ETSA hold on deposit on behalf of small business proprietors and how many are involved?

The Hon. J.H.C. KLUNDER: The replies are as follows:

1. Until 1988 all new small businesses with proprietors who were unable to show that they had maintained a satisfactory electricity account record in that line of business were required to lodge a deposit with ETSA. During 1988, as a measure to assist new businesses, the policy was changed so that new businesses were not charged a deposit unless the account fell into disrepair. All new business customers

are advised of the policy. All customers who are consistently late paying their accounts without having made suitable arrangements before the due date for late payment are now required to lodge a deposit. Customers who do make arrangments for late payment are not required to pay a deposit.

For business customers who are rendered accounts monthly the amount of the deposit required is based on the last two months consumption because if the business fails or the debtor absconds without notifying ETSA, there could be another month's consumption on the meter by the time follow-up action reaches the stage of disconnecting supply for non-payment. Security deposits for quaterly billed customers (businesses whose accounts are less than $650 per month and residential customers) are assessed on the basis of one and half times their current quarterly account. This is on the assumption that on average another six weeks consumption will be on the meter by the time follow-up action reaches the stage of disconnecting supply for non-payment. This policy is adopted by most electricity authorities in Australia. Deposits are refunded following satisfactory payment of accounts over a continuous period of two years.

2. All new business customers are advised of the requirement for a security deposit if they do not pay their accounts or alternatively make satisfactory arrangements for the payment of their account by the due date on the orginal account.

3. At present ETSA is holding:

- 290 security deposits from 8 800 monthly business customers (3.3 per cent) with a value of $355 457, an average of $1 225 for each deposit.
- 2 455 security deposits from 82 900 quarterly business customers (3.0 per cent) with a value of $878 931, an average of $358 for each deposit.

Overall the average deposit held is $450 for each business customer. Interest is paid on security deposits held.

POWER FAILURES

111. **Mr BECKER (Hanson)**, no notice, asked the Minister of Mines and Energy:

1. How many power failures have there been in the metropolitan area in the past 12 months and in each case *(a)* which suburbs were affected; *(b)* between what times; and *(c)* what was the reason?

2. How do the number of failures compare with the previous 12 months and, if there is an increase, why?

The Hon. J.H.C. KLUNDER: The replies are as follows:

1. The attached schedule (Appendix A) indicates the significant power failures in the metropolitan area through 1989.

2. The data contained in the following table provides the comparison of 1988 and 1989 power failures of significance and the reasons why.

	1988	1989
Equipment failure or overload (generally following storms)	61	86
Tree related	26	28
Vehicle damage	18	17
Not found	17	17
Lightning	7	15
Birds and animals	13	6
Cable damage by excavation	7	6
Miscellaneous (for example, vandals, wind-blown debris)	7	5
Load shed to protect equipment	7	3
Total reports	163	183

APPENDIX A

This document summarises information on nearly 400 A4 forms raised by System Control Centre to advise area region managers of significant interruptions affecting the parts of the distribution system for which they are responsible. Reasons given are categories only. These forms are raised and faxed before full details are known; many show 'not found' because of this. Each incident can be followed up but requires reference to a much greater volume of documentation.

There are a number of reasons why supply must be disconnected when a fault occurs. For example:

Bird, etc.	The supply was shorted out and equipment damaged by a bird or other creature.
Equipment	A direct failure of ETSA equipment interrupted supply (generally following a storm).
Vehicles	Cars or trucks damaged ETSA equipment (generally following a storm).
Operation	Overload or malfunction while work was being done.
Tree	Tree damaged ETSA equipment or shorted supply out.
Lightning	Equipment did not recover from lightning strike.
Dig-in	Underground cables damaged by excavators.
Shock	Supply disconnected to reduce risk of electric shock.
Load-shed	Supply disconnected to prevent damage after other failures—loss of generators, transformers.
Debris	Wind-borne materials shorted supply, for example, roofing iron.
Vandals	Damage to equipment by human agency.
Customer	Customer protection failed to clear a fault and ETSA protection operated.

A list, comprising the date on which the failure occurred, the suburb involved, job starting and finishing times and the reason for the failure, is supplied but is too detailed for inclusion in *Hansard.*

GOVERNMENT MOTOR VEHICLES

114. **Mr BECKER (Hanson)**, on notice, asked the Minister of Transport: What Government business was the driver of the vehicle registered UQN 617 engaged in on Saturday 10 February at approximately 3.5 p.m. travelling along Torrens and South Roads and was the driver carrying another person and a child and, if so, why?

The Hon. FRANK BLEVINS: The vehicle registered No. UQN 617 had been hired from State Fleet by an officer of the Multicultural Education Coordinating Committee so that he and his spouse could attend a meeting with the Principal and parents of the Indo-Chinese communities at Mansfield Park Junior Primary School. The officer was travelling along Torrens and South Roads to reach his destination and was carrying other people—his wife and their young child. The child was being taken to the grandmother's home which is *en route* for child minding so that the officer and his wife could both attend the meeting. The officer concerned has been interviewed and reminded of his obligations when driving a Government vehicle.

FOUNDATION SA

116. **Mr BECKER (Hanson)**, on notice, asked the Minister of Health: Who are the 13 members of the Foundation SA Injury Prevention Forum, what organisations do they represent and what expertise do they have relevant to their appointment?

The Hon. D.J. HOPGOOD: The SA Injury Prevention Forum is not a Foundation SA committee. It is a professional forum for the consideration of matters relating to injury prevention. The forum's members possess a wide variety of qualifications and expertise relating to injury prevention. There are currently 15 members:

Dr Kerry Kirke
Executive Director
Public and Environmental Health Division
South Australian Health Commission
Dr Ron Somers
Epidemiologist
Injury Surveillance Control Unit
c/o South Australian Health Commission
Ms Liz Hender
Pharmacist
Poisons Information Unit
Adelaide Children's Hospital
Mr Roy Thompson
State Manager
Standards Association of Australia
Ms Sandy Whitelaw
Consultant
World Health Organisation on Injury Control
Dr Anthony Sparnon
Chairman
South Australian State Council
Child Accident Prevention Foundation of Australia
Ms Jocelyn Auer
Senior Consultant
Prevention Programs
WorkCover
Dr Tony Ryan
Director
NH & MRC Road Accident Research Unit
Adelaide University
Ms Colleen Clothier
Coordinator
Consumers Association of South Australia
Mrs Heather Macdonald
Head of the Health Program Unit
Epidemiology Branch
South Australian Health Commission
Ms Klee Badcock
Research Officer
Department for Community Medicine
Flinders Medical Centre
Mr Bill Embling
Past President
Safety Institute of Australia
Dr Graham Vimpani
National Project Director
National Injury Surveillance and Prevention Program (since left IPF—yet to be replaced)
Mr Morris Crosby
Manager
Community Safety Department
National Safety Council
Mr Jerry Moller
Senior Lecturer
Department of Community Medicine
University of Adelaide

117. **Mr BECKER (Hanson)**, on notice, asked the Minister of Health: Who are the 11 members of Foundation SA Nutrition Advisory Group, what qualifications do they possess relevant to their appointment and what annual remuneration and/or out of pocket expenses do they receive?

The Hon. D.J. HOPGOOD: The Nutrition Advisory Group is an *ad hoc* group established to advise Foundation SA's Health Advisory Committee in regard to public awareness programs relating to nutrition. All possess qualifications in the nutritional or dietary fields. They receive no remuneration or expenses. There are currently 14 members:

Dr J. Vernon-Roberts
Director
Health Promotion Unit
Royal Adelaide Hospital
Dr Katrine Baghurst
Principal Research Scientist
CSIRO Division of Human Nutrition
Ms Margaret Jackson
Project Officer
Cancer Prevention and Education Unit
Anti-Cancer Foundation of SA
Ms Cheryl Wright
Education Program Director
National Heart Foundation
Ms Barbara Smith
Nutrition Education Coordinator
Health Development Foundation
Ms A Byron
Dietitian
Adelaide Children's Hospital
Ms Joyce Yeomans
Senior Lecturer
Community Services
Croydon College of TAFE
Ms Kathy Alexander
Director
Parks Community Health Service
Ms F. Topping
Diabetes Community Educator
The Diabetic Association
Ms J. Rakowski
Nutritionist
South Australian Health Commission
Ms J. Treadwell
Chief Projects Officer
Health Promotion Projects Team
South Australian Health Commission
Ms Cynthia Spurr
Nutritionist
The Parks Community Health Service
Ms Sheila Neve
Senior Lecturer
Health and Community
Elizabeth College of TAFE
Mr Ross Collins
Food Technologist
Balfour Wauchope Pty Ltd

118. **Mr BECKER (Hanson)**, on notice, asked the Minister of Health: Who are the six members of Foundation SA health campaign committees, what qualifications do they possess relevant to their appointment and what annual remuneration and/or out-of-pocket expenses do they receive?

The Hon. D.J. HOPGOOD: It is presumed that the question refers to the South Australian Smoking and Health Project Management Committee as details of the other three campaign committees have been sought in other questions. The committtee is made up of nominees from the Anti-Cancer Foundation, the National Heart Foundation and Foundation SA. Members receive no remuneration or expenses. The members of the committee are:

1. Professor B. Vernon-Roberts, Professor of Tissue Pathology, University of Adelaide.
2. Dr K. Kirke, Executive Director, Public and Environmental Health, South Australian Health Commission.
3. Ms K. Alexander, Director, The Parks Community Health Service.
4. Mr J. Jarvis, Principal, J.B. Jarvis & Associates.
5. Mr R. Edwards, Executive Director, Anti-Cancer Foundation.
6. Mr P. Wallace, State Director, National Heart Foundation.
7. Ms L. Roberts, Coordinator, South Australian Smoking and Health Project.

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

1. How many organisations or groups, which had previously received tobacco sponsorship, have not been allocated any funds by Foundation SA since its inception and why have they been refused?

2. Of the 231 applications for sponsorship for sport and recreation, why were 86 applications rejected?

3. Why was the funding of the 61 applications that were approved spread over a three-year period and why was the funding not announced on an annual basis?

4. Were the announcements of the funding of the 61 approved organisations made prior to the State election and, if so, why?

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

1. None.

2. Because they did not fall within sponsorship areas supported by the foundation or did not represent value for money.

3. Foundation SA's policy is to provide three-year sponsorships where appropriate. Three-year sponsorships provide stability for sponsored organisations and reduce the volume of administrative work involved. The sponsorships were announced in the normal manner.

4. No. Announcements of sponsorship arrangements are made individually in conjunction with sponsored organisations at mutually agreed times. They are normally related to sponsored events or the beginning of seasons.

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

1. Who are the members of the Foundation SA Blood Pressure Advisory Group, what expertise do they have and what organisations do they represent?

2. When was the group formed?

3. What will be the specific aims and objectives of the group?

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

1.—

Dr Kerry Kirke
Executive Director
Public and Environmental Health Division
South Australian Health Commission

Ms Merelyn Boyce
Project Officer
Social Health Branch
South Australian Health Commission

Ms K. Alexander
Director
Parks Community Health Service

Mrs Barbara Parker
Senior Occupational Health Adviser
Occupational Health and Radiation Control Branch
South Australian Health Commission

Ms Mary Morgan
Clinical Nurse
Lyell McEwin Community Health Service

Ms Jane Treadwell
Chief Program Officer
Health Promotion Projects Team
South Australian Health Commission

Dr D. Clarkson
General Practitioner
Royal Australian College of General Practitioners

Dr D. Furniss
Coordinator of General Practice Training in Teaching Hospitals
The Queen Elizabeth Hospital

Dr R. Zacest
Senior Director
Department of Clinical Pharmacology
The Queen Elizabeth Hospital

Ms Pat Pearson
Community Health Nurse
Parks Community Health Centre

Dr Judy McDonald
Senior Medical Officer
Port Adelaide Community Health Service

Ms Carmel Murphy
Project Officer
Blood Pressure Awareness Group
South Australian Health Commission

Dr Wayne Coonan
Director
Health Development Foundation

Ms Melanie Wakefield
Senior Projects Officer
Epidemiology
South Australian Health Commission

Mr Andy Gilbert
Pharmacist
Pharmacy Guild

Ms Leanne Lienert
Health Education Officer
Health Promotion Unit
Flinders Medical Centre

Professor J. Chalmers
Head of Department of Medicine
Flinders Medical Centre

Dr D. Frewin
Associate Professor
Senior Visiting Clinical Pharmacologist and Physician in Charge
Hypertension Clinic
Royal Adelaide Hospital

Dr A. Ramsay
General Practitioner
Crafter Medical Centre

Ms Angela Burford
Project Coordinator
Health Promotions Group
South Australian Health Commission

Dr Chris Hughes
Physician
Modbury Hospital

Dr D. Pugsley
Deputy Director
Renal Unit
The Queen Elizabeth Hospital

Dr L. Wilson
Senior Visiting Medical Specialist
The Queen Elizabeth Hospital

Dr J. Litt
Lecturer
Department of Primary Health Care
Flinders Medical Centre

Mr P. Wallace
State Director
National Heart Foundation

Mrs Ella Tyler
Director
Health and Safety Services
Australian Red Cross Society

Dr S. Griffiths
General Practitioner
Family Medicine Program
Royal Australian College of General Practitioners

Dr R.D. Pearce
General Practitioner
GP Committee
Australian Medical Association

Dr Peter Howe
Principal Research Scientist
CSIRO Hypertension Research Unit

Mr Stephen Thomas
Community Health Nurse
Occupational Health
Clovelly Park Community Health Centre

Professor R.J. Burns
Chairman
Australian Brain Foundation

Dr L. Wing
Associate Professor
Director of Clinical Pharmacology
Flinders Medical Centre

Dr I. Steven
Chairman
Hypertension Guidelines Committee
Royal Australian College of General Practitioners

Dr G. Barrow
Psychiatrist
Department of Psychiatry
The Queen Elizabeth Hospital

Dr A. Darzins
Hon. Secretary
Royal Australian College of General Practitioners

Dr Chris Wagner
Head of Health Promotion Unit
The Queen Elizabeth Hospital

Ms Janet Haydon
Manager
Health Information and Promotion Service
Noarlunga Health Services

Dr R.M. Smith
Research Scientist
CSIRO Hypertension Research Unit

Ms Karen Blake
Blood Pressure Awareness Program
South Australian Health Commission

2. 2 March 1989.

3. To provide coordination for the Blood Pressure Promotion Program and to advise Foundation SA in the development and delivery of public awareness programs relating to blood pressure.

121. **Mr BECKER (Hanson)**, on notice, asked the Minister of Health: How many copies of the Foundation SA annual report were produced and at what cost?

The Hon. D.J. HOPGOOD: It was 2 000, at a cost of $9 168.

ELECTRICITY DEMAND FORECAST

123. **Mr BECKER (Hanson)**, on notice, asked the Minister of Mines and Energy:

1. When will the new South Australian electricity demand forecast be released and what is the reason for the delay?

2. Does ETSA expect a continuing increase in electricity sales in the vicinity of 10 per cent for this financial year and, if so, why?

3. What plans and timetable does the Government have to convert power stations to oil and gas?

The Hon. J.H.C. KLUNDER: The replies are as follows:

1. Each year a Standing Committee of the Energy Planning Executive prepares a forecast of annual delivered energy demand in South Australia for the coming 10 year period. The forecast is subdivided by energy types (that is, residential, commercial, industrial and transport), and is prepared in conjunction with ETSA, Sagasco Ltd, PASA and the Office of Energy Planning. The electricity forecast contained in the overall forecast is that provided by ETSA. The demand forecast is reviewed by the Energy Planning Executive before being released as a public document.

The most recent forecasts were developed in the last quarter of 1989. A preliminary report was reviewed by the Energy Planning Executive at its December meeting and reviewed again at its February meeting. There has been a particular need to examine whether recent high increases in electricity demand imply that there should be a change to the longer-term forecast. A final draft report, for public release, will be submitted to the April meeting of the Energy Planning Executive. It is expected that this document will be available in late April.

2. ETSA's sales increased by 8.2 per cent in the first half of the 1989-90 financial year compared to the corresponding period in 1988-89. Among the factors contributing to this growth were:

- a significantly colder 1989 winter compared to the winter of 1988. This boosted residential sales substantially while commercial sales are also estimated to have been affected to some extent;
- buoyant industrial activity, with sales to major industrial customers in particular, significantly higher during 1989 than the previous year;
- a substantial increase in sales to the Olympic Dam project.

Given the nature of the factors outlined above, ETSA does not at this stage expect a continuing growth in sales of this magnitude for the remainder of the current financial year. It will be appreciated however, that such a short-term outcome will always be heavily dependent on the weather conditions prevailing during the forecast period.

3. ETSA has no plans to convert the Port Augusta Power Station to oil or gas firing. Torrens Island Power Station, Mintaro and Dry Creek are gas fired.

OPERATION LANDCARE

139. **Mr BECKER (Hanson)**, on notice, asked the Minister of Agriculture:

1. When did the Department of Agriculture commence publication of the newsletter *Operation Landcare*?

2. How many copies have been produced for each issue?

3. What is the total cost of production and distribution of each issue?

4. For how long is production proposed to continue?

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

1. The first issue of *Operation Landcare* was published in December 1989.

2. December Issue No. 1—3 000 copies printed.
February Issue No. 2—5 000 copies printed.
The State Bank undertook to circulate 2 000 copies to staff and bank branches for the general public.
March Issue No. 3—6 000 copies. The extra 1 000 copies were printed for distribution through AG-XPO.
April Issue No. 4—5 000 copies to be printed.

3. Cost of production and distribution:
December Issue $3 149.25 4-page issue.
February Issue $3 409 4-page issue—extra 2 000 copies.
March Issue $4 205.96 6-page issue including a 2-page supplement from the Education Department.
The April Issue is planned as 5 000 copies of a 6-page issue including a 2-page supplement from conservation groups.
Of each print run, approximately 1 150 are posted to individual recipients—the balance is distributed through organisations by negotiation.

4. The current budget provides for monthly issues up to and including July 1990. It is hoped to secure sponsorship for ongoing production of the newsletter.

The aim of the newsletter is to inform recipients of Statewide activities related to landcare. It would appear to be fulfilling this aim as there has been a steady increase in the number of people requesting to be placed on the mailing list.

ROXBY DOWNS

146. **Mr BECKER (Hanson)**, on notice, asked the Minister of Mines and Energy: Does the Government support moves by the Federal Minister for Environment (Senator Richardson) for the Federal Government to independently monitor the environmental impact of the Roxby Downs mine?

The Hon. J.H.C. KLUNDER: The South Australian Government has rejected the need for a Commonwealth role in environmental monitoring of the Olympic Dam mine since it would mean unnecessary duplication of effort and costs. The Olympic Dam mine operates under the same Commonwealth codes as apply to the Ranger and Nabarlek mines in the Northern Territory; it is required also to operate under the terms of the Roxby Downs (Indenture Ratification) Act and licences issued under the State's Radiation Protection and Control Act.

The fact that the Commonwealth has a role in environmental monitoring of uranium mines in the Northern Territory was a result of former administrative responsibilities. Elsewhere in Australia, mining matters are a State responsibility. The Olympic Dam mine is subject to comprehensive monitoring at three levels:

the joint venturers have a group of 22 people involved in meeting radiation and environmental requirements;

the Department of Mines and Energy has a scientist and laboratory at Roxby Downs which undertakes independent monitoring of radiation, ventilation, heat and noise;

the health physics section of the South Australian Health Commission makes independent surveys of health-related matters at the mine and undertakes periodic audits of monitoring carried out by the joint venturers and the Department of Mines and Energy.

DEPARTMENT OF MARINE AND HARBORS

148. **Mr BECKER (Hanson)**, on notice, asked the Minister of Marine: What savings will be made following strategies identified by the Government Management Board to improve the management of plant in the Department of Marine and Harbors?

The Hon. R.J. GREGORY: On 1 March 1989 the department engaged Ms Kaye Chase from the Government Management Board as a consultant to assist with a review of plant management in the Department of Marine and Harbors. The terms of reference of the review were:

1. Investigate and recommend an appropriate and operationally effective definition of plant for the Department of Marine and Harbors.

2. Recommend appropriate organisation responsibilities for the management of plant, including communication links between the branches involved.

3. Examine existing processes associated with the management of plant and recommend improved processes where appropriate relating to acquisition, maintenance, utilisation, costing and location of plant to ensure cost effective plant management.

Recommendations in the report on the management of plant cover the following areas:

The supply of plant including acquisition, receipt, ownership and warehousing.

The management of plant including rationalisation of plant stocks, maintenance, spares, inspection, location, stocktaking and charging methods.

The resources required and organisation for managing plant.

The recommendations when implemented will achieve savings, indicated to be greater than $100 000 per year mainly related to greater decentralisation of plant management. In order to firm up and achieve these savings approximately $100 000 has to be invested in developing new policies, procedures and information systems. The recommendations are being progressively implemented from 26 February 1990 with the commencement of the new organisation with most recommendations being further developed for implementation in 1990-91.

REMOTE AREAS WATER SUPPLY

167. **Mr BECKER (Hanson)**, on notice, asked the Minister of Mines and Energy: What progress has been reported on the spending of $69 000 on exploration for improved water supplies in remote areas as outlined in the document 'The Budget and Social Justice Strategy' (page 26) and where has it occurred?

The Hon. J.H.C. KLUNDER: Funds totalling $69 000 were approved under the Social Justice Program in 1989-90 for the following projects:

Charra—for drilling for stock water to alleviate drought conditions—successfully completed with a production well at a cost of $14 500.

Penong—to assess the potential of artificial groundwater recharge, trial recharge wells were proposed. However, aquifer recharge is contingent on construction by the E&WS Department of a sealed surface catchment. Since they will not be available this financial year the investigations will be deferred to 1990-91.

Innamincka township water supply investigation and drilling of a well.

Following more detailed assessment it is now considered unlikely that drilling would be successful. As a 'stand-alone' diesel-powered filtration plant to treat turbid water from Cooper Creek could be purchased at about the same cost, this option is now favoured.

RESCUE HELICOPTER

175. **Mr BECKER (Hanson)**, on notice, asked the Minister of Emergency Services:

1. What research was undertaken and by whom into the requirements of a new rescue helicopter?

2. Was consideration given to assessments by the Victorian and New South Wales Governments that a Bell 412 helicopter now sought by South Australia is unsuitable and, if these assessments were not considered, why not?

3. Was consideration given to the environmental acceptability of the Bell 412, particularly its high noise level and whether it would be permitted to land on city buildings and operate during curfew hours at Adelaide Airport and, if so, what were the results?

4. Was an Aerospatiale Dauphin SA365 considered and, if so, why was it not regarded as more suitable as a rescue helicopter?

The Hon. J.H.C. KLUNDER: The replies are as follows:

1. The Westpac Rescue Helicopter Steering Committee established a helicopter selection subcommittee to establish what would be needed in any new helicopter and to assess the aircraft submitted in the registrations of interest. This subcommittee comprised representatives of the four user services, namely, the South Australian Police Department, South Australian Health Commission/St John Ambulance, the Country Fire Service and the South Australian Surf Lifesaving Association.

The subcommittee came up with a list of minimum and maximum requirements for a new helicopter. These requirements were then compared with the aircraft that were submitted in the registrations of interest. The aircraft that were assessed were:

B222UT	(Bell)
B212	(Bell)
B412	(Bell)
AS355	(Twin Squirrel)
SA365	(Aerospatiale Dauphin)
BO105	(Bolkow)
AL109	(Augusta)
S76	(Sikorsky)

After extensive comparisons, and with advice from a rotary wing expert from the Department of Aviation, the subcommittee considered the Bell B412 to be the most suitable aircraft.

2. The subcommittee assess that the requirements for a rescue helicopter for other State Governments were different from the requirements of South Australia and therefore did not consider those assessments valid.

3. The subcommittee sought advice on this matter and was informed that the Bell 412 is not substantially louder than any other twin engine rotary wing aircraft.

4. Yes, an Aerospatiale Dauphin SA365 was considered but it did not meet various minimum criteria set down by the four user services.